Election Policies and Reform in Southern States 2001

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This Report was prepared for the membership of the SLC under Senate President Thomas V. Mike Miller, Jr., Maryland, Chairman of the SLC. Research and development of this report was conducted by Todd Edwards for the SLC Intergovernmental Affairs Committee under Representative Warner McBride, Mississippi, Chairman.
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Introduction and Methodology

Until the unprecedented events of the 2000 presidential election and subsequent legal contest in Florida, our nation’s voting equipment and election process traditionally have received little attention among policymakers, the media and the public. Although many involved in elections have long argued for more uniformity and modernization of election systems; clarification of election laws and procedures; increased (elections) staff training and voter education; and various other improvements, attention to these areas rarely has been widespread among policymakers determining election law.

The degree of public and political interest changed in 2001 due, in large part, to the events in Florida, and a nationwide movement to reform election systems and laws commenced at both the state and federal levels. At the core of this debate are concerns over whether our elections are fair and accurate; the antiquity of various voting equipment; what constitutes a vote; whether more election uniformity is needed; and a host of other concerns. Fueled by scores of task forces, reports, academic studies and media investigations of perceived flaws in our election systems, as well as recommendations for improvement, legislatures nationwide considered approximately 1,800 election reform proposals in 2001, with Congress considering no fewer than 20. In SLC states alone, some 500 reform bills were introduced in 2001, covering myriad election issues. These proposals met with mixed results, with a few states dramatically overhauling their election systems, others making minor adjustments, and some taking no action at all.

This SLC Special Series Report has two interrelated areas of focus. First, and foremost, it provides a snapshot of Southern states’ general election policies in several key areas which were highlighted as a result of Florida’s experience during the 2000 presidential election. And second, it provides a detailed review of election reform legislation both considered and passed by SLC states during their 2001 sessions. In particular, policies and legislation related to the following election areas are reviewed: poll workers; polling place requirements; Internet
services; voter identification; voter education; early and absentee voting; voting equipment; punch-card ballots; vote recounts; presidential electors; felons’ voting rights; voter fraud; and the purging of deceased voters from voting lists. Section I highlights subjects by topic, with state comparisons included. Section II provides a more detailed examination of individual SLC state 2001 election reform legislation, its status, and current election policies.

Within this framework, background information on election processes, expert commentary or recommendations relating to elections and reform, and other issues is highlighted. While this report is not intended to evaluate the effectiveness or efficiency of proposed reforms, or make any recommendations in this regard, an attempt has been made to incorporate the research of those who have examined some of these issues and their implications. In this endeavor, information was compiled through existing publications, news articles, and a host of election reform reports issued by numerous groups subsequent to the 2000 election.

The majority of information contained in this report was extracted from Southern states’ election statutes; a review of states’ 2001 election reform legislation, both considered and passed; and surveys completed by elections officials and administrators in the 16 SLC member states.

An effort has been made to focus only on those election topics that received the most widespread attention over the past year. While such topics as qualifications for elected office, campaign finance reform, primary and runoff elections, election filing and fees, political advertising and other election issues are important and have been addressed by SLC states in recent years, they are not included in this report. As states likely will reexamine election reform topics in their 2002 sessions and interim, this report, coupled with other recent research, provides policymakers with a comparative and detailed examination of Southern states’ election statutes and attendant reform measures, thus serving as a useful reference.
**Background:**

**The Intergovernmental Context**

Key to understanding election reform and the accompanying challenges entails recognizing the significant intergovernmental implications involved in an overhaul of the nation’s, or a state’s, election system. National elections are perhaps one of the most decentralized governmental responsibilities in America.

Outside broad constitutional outlines, the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act of 1984, the Uniformed and Overseas Citizens Absentee Voting Act of 1986 and the National Voter Registration Act of 1993, states remain the predominate players in setting and amending the election administration process. Though the Federal Election Commission publishes election standards for states to follow, these standards are more than a decade old, and the program is unfunded, voluntary and loosely knit. Thus, states exercise authority in areas ranging from voter registration procedures and absentee ballot requirements, to establishing voting times and poll procedures, to counting and certifying the vote. Further fragmenting this system, the states delegate most elections authority to local officials in 3,155 counties and several thousand cities nationwide which, in turn, are further subdivided into about 200,000 precincts. Although the federal and state governments set minimum requirements, local election officials often carry out many of their responsibilities within broad parameters.

The amount of control Southern states exert over the election process, and in what areas this authority is exercised, varies widely. With so much debate currently focused on greater state and federal control over elections, intergovernmental issues will continue to manifest themselves, and likely will remain at the center of discussion. While states have traditionally limited their authority to broadly outlining the election process, the recent trend has been to establish greater uniformity at the state level. Events surrounding the 2000 election have exacerbated the arguments influencing this trend, none the least of which was the United States Supreme Court decision effectively ending Florida’s election contest, ruling that Florida’s recount process was unconstitutional due to the utilization of different vote counting standards in various counties. Kathleen Sullivan, Dean of Stanford University’s Law School, argues: “the Court has just handed an invitation to lawyers across the country to bring an avalanche of lawsuits claiming that the existing system that counts people’s votes differently and with different rates of error in different counties violates the equal protection clause of the U.S. Constitution.”

Intergovernmental relations are at the core of election reform initiatives and debate as federal and state governments continue to examine the extent to which each will control the election process, and to what extent local jurisdictions will retain their authority. According to Donald F. Kettl, author of the Potomac Chronicle in *Governing Magazine*, election reform initiatives “represent the cutting edge of an emerging debate about how intergovernmental politics will respond to the technological reforms of the new millennium... nobody disputes that voting procedures need some serious reform. But whose job is it to fix them?”
Section I
Election Policies and Reform in Southern States: A Comparison

Poll Workers:
Staffing, Training and Compensation

While much attention in the aftermath of the 2000 presidential election focused on the perceived fallibility of voting machines and voter intent, many maintain that one of the most critical elements of the contested election process was the staff in charge of overseeing elections. Subsequently, poll workers, their recruitment, training, and ability to respond to the questions and challenges presented to them on election day all have received much attention. Perhaps this is best illustrated by Gary McIntosh, Washington state elections director, who stresses that fixing problems extends beyond the acquisition of new voting technology. “This [conflict] is not a problem that is going to be solved by election officials going out and buying a bunch of new stuff,” he said, adding “we need to make sure the systems are managed well and that the people who are operating them have the training and experience to manage an election.”

According to the United States General Accounting Office, the single biggest challenge experienced by voting jurisdictions during the 2000 election was obtaining a sufficient number of qualified and able poll workers to oversee the election. Indeed, this presents a most formidable challenge considering the sheer number of workers required to carry out a presidential election. During the 2000 election alone, approximately one million poll workers were employed to set up and open polling places, determine voter eligibility, conduct the voting process and close election places.

Research indicates that poll workers generally are older individuals, and the vast majority are part-time elections officials. Most have not received
extensive training in elections procedures and only engage in the elections process for approximately two weeks out of the year. Poll workers often are required to work 15-hour days; are faced with many first-time voters who may need assistance with on a host of issues; are expected to know such matters as procedures for replacement ballots; and the amount of assistance which they are allowed to offer voters. Many districts also require poll workers to be bilingual. Adding to this challenge, election laws, policies and technology sometimes change, and workers may have to frequently familiarize themselves with an evolving process. Accordingly, due to low pay, long work hours, legal requirements, an aged work force and other factors, turnover often is high, and many election jurisdictions often are hard-pressed to fill these positions.

In order to recruit and retain qualified staff and equip workers to adequately address the problems and concerns encountered by voters on election day, recommendations have been made that state and local governments set and adhere to requirements on staffing levels, training and compensation.

### Staffing Levels

Poll workers have different titles and responsibilities and, depending upon their positions, elections jurisdictions require different staffing levels, with states most often setting minimum standards. In most cases, local jurisdictions are required to have one worker who is in charge at a polling place, most often referred to as a poll manager or election chief, judge or inspector. While many decisions may be referred to elections headquarters, the poll manager often is the “on-site” authority entrusted with such tasks as determining voter eligibility, responding to voters’ questions or concerns, and interpreting voting rules and procedures. In many Southern states, the manager will have an assistant and, in all cases, supplemental staff are assigned to work voting sites. The latter serve routine election tasks under the supervision of the manager, and are most often referred to as clerks.

Most SLC states require a minimum of three workers per polling location, i.e., a manager and two clerks; however, some require more, and some states set varying requirements dependent upon the type of voting system in use by the county. While all Southern states require a minimum number of workers staff each polling place, county election officials in most states are allowed to employ more than the minimum amount prescribed by the state. For example, while Virginia requires polling locations have no fewer than three workers per precinct in a general election, officials noted that “the actual number is determined by the local electoral board, based on such factors as the anticipated number of voters, the number of divisions of the registered voter list to be used in that precinct, and other workload factors.” In addition, several states (Alabama, Louisiana, Maryland, Mississippi, South Carolina and West Virginia) base their minimal staffing requirements per polling location on the number of registered voters in that precinct.

### Training for Poll Workers

Recent reports on election reform have recommended that states, in order to ensure that elections are professionally conducted, set minimum training and certification requirements of election staff. While all SLC states require that poll workers have at least some training prior to staffing the polls, the comprehensiveness of such training, whether or not training is uniform statewide, certification requirements, and the renewal of such certification differs substantially among them.
In most Southern states, the intensity and exact curriculum of training is at the discretion of county officials; however, the state divisions of election usually provide counties with guidebooks, videos or other informational materials to assist them in the training process. In addition, most of these states mandate that workers be provided a stipend for attending such training. Of the more comprehensive, uniform statewide training programs across the South, whether implemented or in the planning stage:

- Florida’s recently enacted election reform legislation requires minimum standards and hourly requirements to be set for the training of poll workers and election employees to complete this training prior to working the polls;
- Georgia’s 2001 reforms require training of all poll officers on the use of voting equipment and procedures, applicable aspects of state and federal election law, and of various duties required of them. Workers are required to have certification of the completion of such training before they may staff polling locations;
- Louisiana requires poll managers to annually complete, and be certified on, uniform, statewide instruction covering the operation of voting machines, relevant laws and regulations and other topics. Other poll workers are required to attend training classes and pass a written test certifying their duties, election forms and the proper operation of voting machinery every four years; and
- Oklahoma counties conduct training sessions for poll workers prior to regularly-scheduled statewide elections in even-numbered years. This training, using required educational materials from the State Election Board, is uniform statewide and required of all election workers.

While Alabama, Arkansas, Maryland, Missouri, North Carolina, and West Virginia require that poll workers have some instruction, other Southern states require that certification of completion be obtained by workers prior to working elections. Of those states requiring certification, South Carolina, Tennessee, and Texas require certification only be acquired once (initially); and Florida, Georgia, Kentucky, Louisiana, Maryland, Oklahoma, and Virginia require recurring completion of election training either on an annual or biennial basis. Elections officials in Louisiana and Virginia noted that their states employ separate training requirements for poll managers and poll workers.

**Compensation for Poll Workers**

Those who tend local voting places usually are poorly paid for their services, thus adding to the difficulties in recruiting and retaining qualified elections staff. While some argue that states should increase and set compensation rates, the amount poll workers are paid remains predominately a county function, with states often setting a minimum amount. In the SLC jurisdiction:

- Florida, Georgia, Maryland and Missouri set no minimum or maximum compensation limits for poll workers;
- North Carolina requires that workers be paid the state minimum wage;
- Arkansas and Texas require compensation at the federal minimum hourly wage;
Alabama ($70 per election), Kentucky ($60 per election), Louisiana ($150 and $100, dependent on the position) Oklahoma ($77 and $67, dependent) South Carolina ($50 per election day), Tennessee ($15 per election) and Virginia ($32 per election day) set various minimum rates poll workers may be paid, either by the hour, election, or election day;

Mississippi sets both a minimum and maximum rate ($50 and $75, respectively); and

West Virginia sets no minimum pay, but does set a maximum compensation rate ($175 per election day).

Thus, while 12 of 16 Southern states stipulate the minimum compensation which poll workers must be paid, the wages workers receive are at the discretion of county election officials. Encouragingly, most states responded that counties do pay their poll workers more than the minimum compensation required.

**2001 Legislative Activity in Southern States**

Several Southern states either considered or passed legislation during their 2001 sessions addressing the recruitment and retaining of poll workers, their training and compensation, and related matters. Among bills signed into law:

- Arkansas now allows the secretary of state to transfer funds for the training of poll workers, and will require counties to designate poll workers to attend this state-coordinated training courses;
- Maryland authorized 17-year-olds to be appointed as poll workers;
- North Carolina passed a law granting the State Board of Election broader authority over county directors of elections’ training certification, their removal from office, and passed legislation requiring the training and certification of election officials. Another law forbids employers from disciplining employees who serve as poll workers, provided workers give their employers advance notice;
- South Carolina now allows 16- and 17-year-olds, under certain requirements, to serve as poll workers;
- Tennessee removed the restriction that a county legislative body may increase compensation to election workers only by resolution; and
- Texas will allow the compensation of election workers to be set at a rate determined by a county’s governing authority.

Legislation that failed in Southern states in 2001 included: Alabama’s consideration of enhancing the training and certification requirements of poll workers; Kentucky’s review of proposals to enhance their pay and training; and legislation in Missouri that would have increased poll worker pay and allowed workers to take time off from their regular employment on election day without fear of disciplinary action from their employers.
<table>
<thead>
<tr>
<th>State</th>
<th>Minimum Staff Required to Work Each Polling Place</th>
<th>Minimum Compensation Required by State for Working an Election</th>
<th>Training Curriculum</th>
<th>Training Certification Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>3 inspectors, 2 clerks</td>
<td>$70 per election day</td>
<td>Within general guidelines set by state</td>
<td>None</td>
</tr>
<tr>
<td>Arkansas</td>
<td>1 judge, 2 clerks, 1 sheriff</td>
<td>Federal minimum wage per hour</td>
<td>Within general state guidelines; uniform curriculum under development</td>
<td>None, but under consideration</td>
</tr>
<tr>
<td>Florida</td>
<td>2 inspectors, 1 clerk</td>
<td>Rate at county discretion</td>
<td>Uniform statewide</td>
<td>Annually for all workers</td>
</tr>
<tr>
<td>Georgia</td>
<td>1 manager, 2 assistants</td>
<td>Rate at county discretion</td>
<td>Uniform statewide</td>
<td>Annually for all workers</td>
</tr>
<tr>
<td>Kentucky</td>
<td>2 judges, 1 clerk, 1 sheriff</td>
<td>$60 per election</td>
<td>Uniform statewide</td>
<td>Before each primary and general election</td>
</tr>
<tr>
<td>Louisiana</td>
<td>1 commissioner in charge (CIG), 4 commissioners</td>
<td>$150 for CIGs; $100 for commissioners attending all training per election</td>
<td>Uniform statewide</td>
<td>Annually for managers; every 4 years for commissioners</td>
</tr>
<tr>
<td>Maryland</td>
<td>4 judges</td>
<td>Rate at county discretion</td>
<td>Within general guidelines set by state</td>
<td>Biennially for all workers</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Between 3 and 21 workers, depending on precinct size</td>
<td>$50 per election; a maximum of $75 per election</td>
<td>Within general guidelines set by state</td>
<td>None</td>
</tr>
<tr>
<td>Missouri</td>
<td>2 supervisors, 2 judges</td>
<td>Rate at county discretion</td>
<td>Within general guidelines set by state</td>
<td>None</td>
</tr>
<tr>
<td>North Carolina</td>
<td>1 chief judge, 2 judges</td>
<td>State minimum wage per hour</td>
<td>Within state guidelines; uniform curriculum under development</td>
<td>None, but under consideration</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>1 inspector, 1 judge, 1 clerk</td>
<td>$77 for inspectors; $67 for judges and clerks per election</td>
<td>Uniform statewide</td>
<td>Every 2 years for all workers</td>
</tr>
<tr>
<td>South Carolina</td>
<td>3 managers for each 500 voters</td>
<td>$50 per election day</td>
<td>Uniform statewide</td>
<td>Only initial certification required</td>
</tr>
<tr>
<td>Tennessee</td>
<td>1 officer of election, 3 judges</td>
<td>$15 per election</td>
<td>Within general guidelines set by state</td>
<td>Only initial certification required</td>
</tr>
<tr>
<td>Texas</td>
<td>1 election judge, 1 alternate judge, 1 clerk</td>
<td>Federal minimum wage per hour</td>
<td>Within general guidelines set by state</td>
<td>Only initial certification required</td>
</tr>
<tr>
<td>Virginia</td>
<td>1 chief officer, 1 chief’s assistant, 1 clerk</td>
<td>$30 per election day</td>
<td>Within general guidelines set by state</td>
<td>Annually for chief officers; biennially for assistants</td>
</tr>
<tr>
<td>West Virginia</td>
<td>5 workers, with 7 workers for precincts with 700 or more registered voters</td>
<td>No minimum amount, but a maximum of $175 per election day</td>
<td>Within general guidelines set by state</td>
<td>None</td>
</tr>
</tbody>
</table>

Notes:  
A Rate excludes compensation for election staff training and any reimbursement for picking up or delivering election supplies.  
B Precincts using electronic voting machines employ one voting inspector and three clerks.  
C Staffing amount is for precincts with more than 300 registered voters; precincts with 300 or fewer voters must have one manager and three commissioners present.  
D Staff required in precincts with 200 or more registered voters.  
E Counties conducting elections for the governor or on their own are required to provide at least one training session for their election judges and clerks.
Poll Requirements

Poll Hours

Whereas SLC states, and counties therein, differ significantly in the training required of, and compensation provided to, poll workers, all but two (Alabama and Tennessee) employ uniform poll opening and closing times during general elections. Twelve of the SLC’s 16 member states have only one time zone, with 11 of those requiring their polls to close at the same time. Alabama polls must be open 10 consecutive hours, opening no later than 8:00 a.m. and closing no later than 6:00 p.m. Four SLC states, Florida, Kentucky, Tennessee and Texas have two time zones, with three of those states requiring polls open and close at the same (prevailing) time – Tennessee polls must be open for at least 10, but no more than 13, consecutive hours.

Regardless of time zones and of operating hours mandated by states, Louisiana polls remain open the longest: 14 hours, or from 6:00 a.m. to 8:00 p.m. Polls in Maryland, Missouri, North Carolina, and Virginia are required to remain open for 13 hours on election day, and all other SLC states require polls to operate for 12 hours.

Sharing Two Time Zones

As highlighted during Florida’s 2000 presidential election, having a uniform poll closing time may create challenges in states with two time zones. Some asserted that when polls in Florida’s Eastern Standard Time zone closed, and the media began projecting state results from exit polls and preliminary returns, this dissuaded voters in Florida’s Central Standard Time zone from voting because they believed the state’s presidential vote already had been decided. To address this, Florida’s 2001 election reform law requires a study to be conducted on the benefits and drawbacks of having uniform poll opening and closing times throughout the state. This study must include a discussion of the circumstances surrounding the 2000 presidential election; changing the state to one time zone; changing polling times to coincide in both time zones; and having the central time zone not recognize daylight saving time.
Florida election officials might look to Tennessee for some background in compiling this study. Tennessee requires polling places in counties under Eastern Standard Time close at 8:00 p.m., and polling places under Central Standard Time to close at 7:00 p.m., thus at the same time. Of the two other SLC states with two time zones, Kentucky requires all of its state polls to close at 6:00 p.m., and Texas requires all polls to close at 7:00 p.m., prevailing time. Thus, in both cases, portions of each state close their polls one hour earlier than polls in the state’s other time zone.

At the national level, to prevent voters in Western states from being negatively affected by preliminary election results or predictions, some have suggested requiring the counting of votes simultaneously in all time zones, or simultaneous poll closing times, for presidential elections. Others have suggested prohibiting the projection of winners on television or in other media outlets before polls close across the country.

Poll Locations and Voting Systems per Registered Voter

Similar to formulas setting the number of elections employees per polling place, some Southern states limit the number of registered voters who may reside in a precinct or be assigned to a particular polling place, and most have formulas dictating how many voting machines or booths must be at each polling place based on the number of registered voters in that precinct.

All voters are assigned to a precinct, with precincts varying greatly in size both nationally and across the South. Whereas some precincts contain only a few hundred registered voters, others have several thousand. In general, each precinct has one polling location where voters go to cast their vote on election day, and it is not uncommon for states to assign smaller precincts to one polling location. Anecdotally, two Southern states limit the number of voters per precinct. West Virginia officials note that precincts may have only up to 1,500 voters and, in Georgia, if it is found that a precinct has more than 2,000 voters, and the last person in line for a general election has not completed voting by 8:00 p.m., the precinct must be reduced to fewer than 2,000 voters at least 60 days prior to the next general election.

Although Southern states differ with regard to laws dictating the minimum or maximum number of voters required per voting precinct, all (excluding Kentucky, Missouri, Texas and West Virginia) have laws prescribing the minimum number of voting machines or booths required of polling places per the number of registered voters in that precinct. For purposes of uniformity, voting “machine” refers to a voting device by which a voter registers his or her vote on a machine directly without using a paper ballot: mechanical lever and direct electronic (DRE) systems. Voting “booths,” on the other hand, are utilized in precincts using paper ballots, punch-card and optical-scan voting systems. In counties using these systems, voters generally enter a private booth and mark their ballots. After voting, the ballots are either placed in a ballot box or fed into a counting device.

Because Southern states’ formulas for requiring a designated number of voting machines/booths per registered voter and the types of voting systems used differ significantly both among and within states, it is difficult to compare or contrast them succinctly.
Polling Place Signage and Instruction

All Southern states, to varying degrees, set requirements for the informational materials or signs which must be conspicuously displayed or posted in polling locations during general elections. While all states require that voting instructions be displayed, and most responded that sample ballots and/or models of voting equipment be made available to voters, many require additional information and signage. Among other state-mandated signage:

- Arkansas, Florida and Oklahoma require signs displaying voting rights and responsibilities;
- Florida, Louisiana and South Carolina require a list of proposed constitutional amendments in addition to sample ballots;
- Georgia, Kentucky and Oklahoma post signs listing voter fraud crimes, other prohibitions, and penalties for both;
- Maryland posts signs stating “no cell phone use,” “no electioneering,” listing assistance for disabled voters, and providing information on write-in candidates; and
- Texas posts the phone number to call to register voting complaints and abuses.

2001 Legislative Activity in Southern States

During 2001, the following Southern states passed laws, in addition to those already listed, relating to polling-place topics highlighted:

- Kentucky passed legislation requiring that all polling places conspicuously post signs displaying the contact information of those to whom voters should report any staff administrative or clerical errors; and
- Arkansas now requires that polling places post signs outside indicating their presence.

In addition, many SLC states considered, but did not adopt, related measures in 2001. Among them: Georgia legislators looked at requiring the closing of schools serving as polling places on election day; Georgia, Oklahoma, Louisiana, and North Carolina debated further restricting campaign and exit-polling activities around voting locations; Kentucky and Virginia considered extending voting times by one hour; Louisiana debated both extending and reducing poll hours; Maryland considered posting a voter’s bill of rights at polls; and Mississippi debated legislation prohibiting state courts from extending regular voting hours.
<table>
<thead>
<tr>
<th>State</th>
<th>Mandatory, Uniform Statewide Poll Hours</th>
<th>Minimum Number of Voting Machines or Booths Required per Registered Voters in a Precinct</th>
<th>Required Signage or Instruction Posted at Polling Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>10 consecutive hours, opening no later than 8:00 a.m. and closing no later than 6:00 p.m.</td>
<td>1 mechanical voting machine per 600 voters; 1 precinct counter per 2,400 voters using electronic systems</td>
<td>Voting instructions</td>
</tr>
<tr>
<td>Arkansas</td>
<td>7:30 a.m. to 7:30 p.m.</td>
<td>1 booth per 50 voters having voted by paper ballot in the last election; no set allocation for other voting systems</td>
<td>Voting instructions, rights and responsibilities; poll location signs</td>
</tr>
<tr>
<td>Florida</td>
<td>7:00 a.m. to 7:00 p.m., prevailing time</td>
<td>1 machine per 400 voters; 1 machine per 350 voters in counties having 25% or more voters age 60 and over</td>
<td>Voting instructions, rights and responsibilities, proposed amendments; poll location signs</td>
</tr>
<tr>
<td>Georgia</td>
<td>7:00 a.m. to 7:00 p.m.</td>
<td>1 booth per 200 voters for punch-card and optical-scan systems; 1 booth per 500 voters using lever machines</td>
<td>Voting instructions; sample ballots; ID requirements; penalties for voter fraud</td>
</tr>
<tr>
<td>Kentucky</td>
<td>6:00 a.m. to 6:00 p.m., prevailing time</td>
<td>No statewide formula</td>
<td>“Vote buying and selling is illegal;” voter rights</td>
</tr>
<tr>
<td>Louisiana</td>
<td>6:00 a.m. to 8:00 p.m.</td>
<td>1 machine for precincts with 600 or fewer voters; 2 for 601-1,000 voters; 3 for 1,001-1,400; and 4 for precincts with 1,400 or more voters</td>
<td>Voting instructions; proposed amendments; sample ballots</td>
</tr>
<tr>
<td>Maryland</td>
<td>7:00 a.m. to 8:00 p.m.</td>
<td>1 machine per 400 voters; and 1 booth per 175 voters using optical-scan systems</td>
<td>Voting instructions; “no cell phone use;” “no electioneering;” assistance for disabled voters; write-in candidates</td>
</tr>
<tr>
<td>Mississippi</td>
<td>7:00 a.m. to 7:00 p.m.</td>
<td>1 machine per 500 voters</td>
<td>Voting instructions</td>
</tr>
<tr>
<td>Missouri</td>
<td>6:00 a.m. to 7:00 p.m.</td>
<td>No statewide formula</td>
<td>Voting instructions; sample ballots</td>
</tr>
<tr>
<td>North Carolina</td>
<td>6:30 a.m. to 7:30 p.m.</td>
<td>1 booth per 100 voters</td>
<td>Voting instructions; sample ballots</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>7:00 a.m. to 7:00 p.m.</td>
<td>2 booths and 1 scanning device per precinct (all precincts use optical-scan voting equipment)</td>
<td>Voting instructions/rules, rights and prohibitions; sample ballots; poll location signs</td>
</tr>
<tr>
<td>South Carolina</td>
<td>7:00 a.m. to 7:00 p.m.</td>
<td>1 booth per 250 voters</td>
<td>Voting instructions; proposed amendments; sample ballots</td>
</tr>
<tr>
<td>Tennessee</td>
<td>10 consecutive hours, but no more than 13 consecutive hours; polls on EST must close at 8:00 p.m.; polls in CST must close at 7:00 p.m.</td>
<td>1 machine per 650 voters</td>
<td>Voting instructions; voter assistance; and how to vote by punch-card ballot</td>
</tr>
<tr>
<td>Texas</td>
<td>7:00 a.m. to 7:00 p.m., prevailing time</td>
<td>No statewide formula</td>
<td>Voting instructions; phone number to register complaints/abuses</td>
</tr>
<tr>
<td>Virginia</td>
<td>6:00 a.m. to 7:00 p.m.</td>
<td>1 machine for up to 750 voters; 2 for between 750 and 1,500; 3 for 1,500-2,250; 4 for 2,250-3,000; 5 for 3,000-3,750; 6 for 3,750-4,500; and 7 machines for between 4,500 and 5,000 voters -- 1 booth per 425 voters</td>
<td>Voting instructions; voting rights and responsibilities currently under consideration</td>
</tr>
<tr>
<td>West Virginia</td>
<td>6:30 a.m. to 7:30 p.m.</td>
<td>No statewide formula</td>
<td>Voting instructions; sample ballots</td>
</tr>
</tbody>
</table>

Notes: A For a detailed listing of voting systems see the Voting Equipment section of this report.
B Column refers to signs required to be posted in or around polling locations, not on voting machines or in voting booths.
C Counties using voting machines may extend closing time to 8:30 p.m. in dire circumstances.
In all Southern states, voters must first apply to be registered to vote in order to be eligible to cast their ballot. Traditionally, citizens have had a few methods by which to register to vote, such as applying at a local election office or obtaining the application form from a few select locations and mailing it. In recent years, however, registration opportunities have expanded.

Perhaps the most noted expansion of voter registration opportunities occurred in 1994 when Congress passed the National Voter Registration Act (NVRA). The NVRA requires states to allow citizens to register to vote when applying for or renewing a driver’s license at their department of motor vehicles; at various state agencies, such as public assistance centers; or by mailing a national voter registration application to a designated election official. Of interest, only six years after NVRA’s enactment, the General Accounting Office estimated that in 2000, 38 percent of the total number of voter registration applications received in the United States were through motor vehicle authorities.

In addition to the NVRA requirements, state and local election officials have implemented their own initiatives aimed at expanding registration opportunities, with many citizens now allowed to register at various locations such as public libraries, schools and other community centers or events. While some argue that expanding opportunities for voter registration creates challenges by increasing the risks for administrative error and the possibility of fraud, the trend in recent years is to increase these opportunities.

Internet and Fax Voter Registration Applications
As the acceptance and use of Internet and other technologies spread, Southern states’ election offices increasingly are utilizing the World Wide
Web and facsimile transmission to both encourage voter registration and to disseminate election information materials. Based on responses from elections officials, all Southern states except Oklahoma allow citizens to obtain voter registration applications via their elections divisions’ Web site. While voter registration applications mostly are available online, only two states (Arkansas and Florida) allow all citizens to complete and submit applications online, and two others allow completed applications to be faxed by select applicants: Louisiana allows all overseas voters to fax their forms, and North Carolina allows faxed forms from military personnel and their dependents. Unique among Southern states, and effective January 1, 2002, North Carolina will allow all of its citizens to fax in their voter registration applications.

All other Southern states require that completed registration applications, no matter their origin, either be mailed or hand delivered, as an applicant’s original signature is required. To illustrate, in states where applications are available on the Internet, applicant voters may either complete their registration form online, then print it out and either mail or hand deliver it; or they simply print it from the Internet, complete it, then mail it.

Internet and Fax Absentee Ballot Applications

Eight Southern states (Georgia, Maryland, Missouri, North Carolina, Oklahoma, Texas, Virginia and West Virginia) allow registered voters to apply for an absentee ballot via the Internet. Unique among their peers, the Missouri and West Virginia secretaries of state Web sites allow absentee ballot applications to be both completed and submitted online, and both states allow applications to be submitted by facsimile transmission.

While online completion and submission of an absentee application is not yet an option in Arkansas, Georgia, Louisiana, Oklahoma, South Carolina, Tennessee and Virginia, voters are allowed to return absentee ballot applications by fax. Somewhat more restrictive, Texas accepts absentee ballot applications to be faxed from any voters outside their county of residence; Kentucky and Mississippi accept faxed applications from all military and overseas voters, as well as their dependents; and Florida allows overseas voters to fax their applications.

Online Poll Location

In addition to allowing voters to register and request absentee ballots online, several SLC states’ election divisions are expanding their Web sites to include a myriad of election materials. Among online information available, states increasingly are offering voters the ability to locate the precinct in which they reside and the location of their polling place. As of August 2001, the Georgia and South Carolina secretary of state and Virginia State Board of Elections allow voters to locate in which precinct they reside via their Web sites, and the North Carolina State Board of Elections soon will provide this opportunity. Many states’ local elections jurisdictions provide online poll information, as this service remains primarily a local responsibility.

2001 Legislative Activity in Southern States

In addition to online and fax services, the following Southern states passed legislation relating to voter registration, absentee ballot applications and related matters during their 2001 sessions:

- Mississippi passed legislation providing that persons unable to read or write shall not be required to personally complete voter registration forms, allowing registrars to assist them;
North Carolina now allows later acceptance of voter registration applications; requires that registered voters be given permanent voter registration numbers; and authorizes citizens to register to vote by fax and registered voters to re-register to vote by fax when they change their address within a precinct;

Texas implemented a study to determine the feasibility of allowing voters to digitally transmit revisions of voter registration information; and

Virginia expanded the hours during which a voter registrar’s office may be open on the final day of voter registration, and now allows voters to notify registrars of an address change by fax.

<table>
<thead>
<tr>
<th>State</th>
<th>Voter Registration Applications Available Online</th>
<th>Registration Applications Submitted Online/by Fax</th>
<th>Absentee Ballot Applications Available Online</th>
<th>Absentee Ballot Applications Returned Online/by Fax</th>
<th>Voter Precinct Location Information Online</th>
<th>Polling Place Location Information Online</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Yes</td>
<td>Online</td>
<td>No</td>
<td>Fax</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Florida</td>
<td>Yes</td>
<td>Online</td>
<td>No</td>
<td>Fax, from voters overseas</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Georgia</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Fax</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Fax, from military and overseas voters and dependents</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Yes</td>
<td>Fax, from overseas voters</td>
<td>No</td>
<td>Fax</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Maryland</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Fax, from military and overseas voters and dependents</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Missouri</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes(^\text{A})</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Yes</td>
<td>Fax, from military personnel(^\text{B})</td>
<td>Yes</td>
<td>Fax, from military voters and families</td>
<td>No, but under development</td>
<td>No, but under development</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Fax</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Fax</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Fax</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Texas</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Fax, from voters outside their county of residence</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Virginia</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Fax</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Notes: ^A Applications may be either submitted online or by fax “at local election authority discretion and within the limits of its telecommunications capacity.”  ^B Effective January 1, 2002, all persons will be able to fax their voter registration applications.
Voter Identification

Central to preserving the integrity of the voting process and preventing voter fraud is ensuring that those voting are who they actually claim to be, and that they are properly registered to vote in that precinct. However, verifying the identification of voters has, at times, become controversial as voters who claim to be registered have, rightly or wrongly, been challenged or disqualified because their registration cannot be verified at the polls. According to the General Accounting Office, 30 percent of jurisdictions nationwide considered dealing with unregistered voters at the polls to be a major problem in 2000, and 20 percent considered other voter eligibility issues to be major problems.

Southern states set various legal requirements to verify voter identification. Some require that voters present their voter registration card or other photo identification (ID) prior to voting; others allow some sort of verification documentation as a substitution; some require that voters provide their signature; and yet others require the verification of that signature in comparison to that supplied by the voter’s registration application.

Presenting Identification

Eight Southern states (Arkansas, Florida, Georgia, Louisiana, South Carolina, Tennessee, Texas and Virginia) require voters to present ID prior to voting at the polls. Missouri requires voters to show ID if they are not recognized by two election judges of different parties, and West Virginia requires ID from only first-time voters who have registered by mail. In states where it is required, the most common acceptable forms of identification are a voter registration card, driver’s license, Social Security card, state or federal government photo ID, birth certificate and student or military ID. Of the more interesting forms of accepted ID, where it is required:

- Louisiana allows “any generally recognized photo identification;”
- Arkansas allows a hunting license;
Georgia allows a court record showing adoption or name or sex change, or a gun permit;

Tennessee allows a credit card bearing the voter’s signature; and

Texas allows a personalized check or official mail addressed to the voter from a governmental agency to be presented by voters prior to voting.

The SLC states of Alabama, Kentucky, Maryland, Mississippi, North Carolina, and Oklahoma do not require voters to present identification. However, in Kentucky, poll workers may request identification.

**Voter Signature and Verification**

In addition to, or in lieu of, requiring voters to present identification at the polls, all but two Southern states, North Carolina and Virginia, require voters to present their signatures prior to voting. Of the 14 SLC states requiring voter signatures, seven states (Arkansas, Florida, Kentucky, Louisiana, Missouri, South Carolina, and Tennessee) require poll workers to examine a voter’s signature to verify that it matches the one on his or her registration application. Poll workers in Texas verify voters’ signatures only if voters are unable to produce their voter registration certificate as their required form of identification. Provided other requirements are met, Georgia, Maryland, Mississippi, North Carolina, Oklahoma, Virginia, and West Virginia do not require poll workers to verify voters’ signatures. Neither North Carolina nor Virginia requires a signature or its verification, though North Carolina requires voters to state their name and address. North Carolina is the only SLC state not requiring an ID, voter’s signature, or signature verification.

**Provisional and Affidavit Ballots**

Provisional ballots are those supplied to voters whose eligibility to vote has been questioned or contested at a polling place. Factors leading to such questioning include voters who have appeared at the wrong polling place; have not properly changed their address on their registration; registered too late to vote; requested an absentee ballot without evidence that the voter has returned the absentee ballot; have encountered administrative errors during the registration process; or have been improperly purged from the voter roll.

The provisional ballot then is supplied to voters in question. After voting, the ballot is placed in an envelope or other specified holding location. In most cases the voter is required to sign the envelope or ballot (under penalty of perjury stating his or her eligibility to vote) and the voter’s eligibility is later researched. If a voter is later ruled eligible to vote, the ballot will be counted. If the voter is ruled ineligible, then his or her ballot is not cast. In some Southern states, provisional ballots are referred to as conditional or challenged ballots. Affidavit ballots generally function in this same manner; however, they often are counted without verification of the voter’s identification.

During the 2000 general election a number of Florida voters complained that, although they were legally registered to vote, they were turned away from the polls due to their registration being challenged. Thus, they argued, their civil rights were violated. Statutorily, Florida voters had the right to vote by signing an affidavit if their identification and registration could not be verified; however, many were unaware of this right. To reduce incidents of legally-registered voters being purged from the rolls, the state adopted provisional ballots in 2001. Notification to voters of their right to use them through incorporating a notice in the voters’ “rights
According to The [Florida] Governor’s Select Task Force on Election Procedures, Standards and Technology, the advantages of provisional ballots are that they: ensure that the right to vote is not denied because of an administrative or poll worker error; relieve poll workers of having to deal with potentially angry citizens whose vote is challenged; and may aid in updating voter registration rolls as revised voter information may be provided at the polling place. In that same report, the Task Force included among provisional ballots’ disadvantages that they may create added cost in staffing, research and material production; cause further delays in certifying election results due to extensive voter eligibility inquiries; and require poll workers to undergo more training in order to properly administer them at the polling places.

In addition to Florida, 11 of 15 SLC states allow those whose registration is questioned to vote either by provisional or affidavit ballot. Georgia, Louisiana, Missouri and Oklahoma employ other means of addressing voter eligibility.

### Florida’s Provisional Ballot

**STATE OF FLORIDA**  
COUNTY OF _____

I do solemnly swear (or affirm) that my name is _____; that my date of birth is _____; that I am registered to vote and at the time I registered I resided at _____, in the municipality of _____, in _____ County, Florida; that I am a qualified voter of the county and have not voted in this election.  

(Signature of Voter)  

(Current Address)

Sworn to and subscribed before me this _____ day of __________, (year).

(Clerk or Inspector of Election)

Additional information may be provided to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

### 2001 Legislative Activity in Southern States

Relating to voter identification, during their 2001 sessions, five Southern states (Alabama, Mississippi, North Carolina, Oklahoma and Texas) considered, but did not adopt, legislation requiring voters to present some sort of photo ID prior to voting. North Carolina debated a bill which would have enhanced measures to protect registered voters’ identification.
<table>
<thead>
<tr>
<th>State</th>
<th>Voter Identification Required</th>
<th>Voter Signature Required to Vote</th>
<th>Voter Signature Verified</th>
<th>Provisional or Affidavit Ballots Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Affidavit</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Yes: driver’s license; voter card; Social Security card; birth certificate; U.S. passport; government, employee, student or military ID; or state hunting license</td>
<td>Yes</td>
<td>Yes</td>
<td>Provisional</td>
</tr>
<tr>
<td>Florida</td>
<td>Yes: driver’s license; state ID card; or other form of photo ID approved by the Department of State</td>
<td>Yes</td>
<td>Yes</td>
<td>Provisional as of 01/01/02</td>
</tr>
<tr>
<td>Georgia</td>
<td>Yes: driver’s license; passport; government or business employee photo ID; state issued ID; student photo ID; gun permit; pilot’s license; military ID; birth certificate; Social Security card; naturalization document; or copy of court records showing adoption or name or sex change</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Kentucky</td>
<td>No, but voters must give their name and address. Election officers may request an ID to verify identity</td>
<td>Yes</td>
<td>Yes</td>
<td>Affidavit</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Yes: driver’s license; state ID; or “other generally recognized photo identification”</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Maryland</td>
<td>No, but election officers may request an ID to verify identity</td>
<td>Yes</td>
<td>Yes</td>
<td>Provisional</td>
</tr>
<tr>
<td>Mississippi</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Provisional</td>
</tr>
<tr>
<td>Missouri</td>
<td>Yes, if the voter is not recognized by two election judges of different party affiliation: voter ID or other form approved by the election authority</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>North Carolina</td>
<td>No, but voters must state their name and address</td>
<td>No</td>
<td>No</td>
<td>Provisional</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>No, but election officers may request a voter ID card if registration is challenged</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Yes: driver’s license; other form of photo ID issued by the Department of Public Safety; or the written notification of registration</td>
<td>Yes</td>
<td>Yes</td>
<td>Provisional</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Yes: driver’s license, voter’s registration certificate, Social Security card, or a credit card bearing the voter’s signature</td>
<td>Yes</td>
<td>Yes</td>
<td>Affidavit</td>
</tr>
<tr>
<td>Texas</td>
<td>Yes: a voter registration certificate; otherwise, voters must present one of the following: driver’s license or ID card from the Department of Public Safety; photo ID; birth certificate; U.S. citizenship papers or passport; personalized check; official mail addressed to the voter from a governmental agency; two other forms of ID establishing a voter’s identity; or any other ID prescribed by the secretary of state</td>
<td>Yes</td>
<td>In some circumstances</td>
<td>Affidavit</td>
</tr>
<tr>
<td>Virginia</td>
<td>Yes: voter registration card; driver’s license; Social Security card; state or U.S. government ID; or employee ID</td>
<td>No</td>
<td>No</td>
<td>Provisional</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Only first-time voters who have registered by mail are required to present photo identification prior to voting; all other voters are required to state their name and those registering to vote must present identification</td>
<td>Yes</td>
<td>No</td>
<td>Provisional</td>
</tr>
</tbody>
</table>
Voter Education

Voter Error

According to Paul Craft, an analyst for the Florida Division of Elections, “human error is the biggest threat to the integrity of any voting system. If the human does everything they’re supposed to, the system will work.” As newspaper accounts of mis-punched ballots and other research indicates, however, following voting instructions and procedures may, at times, prove somewhat of a challenge. As research also has suggested, in some jurisdictions and under certain voting systems, voter error manifests itself more often than in others.

The most frequent voter errors encountered are: neglecting to vote in a particular race (undervote), accidentally voting more than once for a particular race (overvote), or incorrectly marking the ballot. During Florida’s 2000 general election, approximately 180,000 ballots were not properly marked, with the state experiencing an undervote rate of 2.9 percent. By comparison, nationally, 1.9 percent of ballots were rejected due to undervotes during the 2000 election. As another example, according to Tennessee’s attorney general, the undervote rate for punch-card systems used in that state during the 2000 general election was 3.63 percent, or 9,272 of the 255,140 punch-card ballots cast. This compares to an undervote rate of 2.41 percent of votes counted by optical-scan machines in the state that election; 1.45 percent by touch-screen machines; .97 percent by electronic button machines; and .94 percent by mechanical lever machines.

Some attribute voter error to a lack of voter responsibility, such as voters who are uninformed, careless, apathetic or otherwise do not act responsibly during the voting process. Others attribute voter error to confusing voting equipment or ballots, faulty voting technology, or a voter’s lack of familiarity with a new or revised voting system. No matter the fault, some suggest that states should provide recurring voter education programs, setting statewide minimum standards for this curriculum, and conducting programs at both the state and local level. While suggestions
have been made, however, few Southern states currently require, or plan to implement, uniform, recurring voter education programs.

**Voter Education**

Elections officials in Southern states were asked to describe any uniform, state-required voter education programs and, if voter education efforts are a county responsibility, if their state prescribed minimum curriculum standards. In this context, education does not include voter instructions or sample ballots displayed at polls. Only officials in one state responded that they had a uniform state-required voter education program:

- **Kentucky’s State Board of Education** is required to provide voter education programs for all high school juniors and seniors, regarding elections, voting procedures and election fraud.

Several Southern states do, however, provide either voluntary voter education programs or voter information materials on their respective Web sites and in brochures which are available to the public, and local election jurisdictions often undertake their own voter education initiatives. In addition, most states, or local elections officials, require that election jurisdictions post candidate lists, sample ballots, proposed constitutional amendments, other ballot questions and polling locations and times in “newspapers of general circulation” during a set period or on a specific date prior to elections. Other jurisdictions coordinate voter education efforts with outside organizations such as the League of Women Voters or other groups.

**2001 Legislative Activity in Southern States**

While 15 of 16 SLC states currently do not require recurring, statewide voter education programs, several either plan to implement them in the near future, recently have passed legislation requiring their implementation, or referenced scholastic activities in this area:

- **Florida’s Department of State**, by March 1, 2002, must adopt rules prescribing minimum standards for voter education. These standards must address voter registration, balloting procedures, absentee voting, polling locations, voter rights and responsibilities and public service announcements. Upon adoption of these rules, all counties will be required to implement the voter education program;
- **Georgia’s secretary of state** (required by 2001 legislation) must develop, implement and provide a continuing program to educate voters, election officials and poll workers in the proper usage of voting equipment;
- **Mississippi passed legislation in 2001** requiring public high schools to permit access to county registrars in order that they may provide students voter education; and
- **while West Virginia currently has no statewide program**, election officials noted that they are planning to implement one in the near future.

Several other SLC states considered legislation to enhance voter education efforts in 2001, requiring civic voter education programs in high schools and increasing funding for other youth voter education projects.
Absentee and Early Voting

According to estimates by the General Accounting Office, 14 percent of votes nationwide in the 2000 general election were cast by absentee ballot. Of these, 73 percent were by mail and 27 percent were in person. Of interest, Oregon conducted the entire 2000 general election by mail voting.14

In general, any vote not cast at a polling place on election day is referred to as an “absentee” ballot, as registered voters who are absent from their precinct on election day are allowed to vote if they make the necessary arrangements, and are deemed eligible, for doing so. In several states, all eligible voters are allowed to vote absentee simply as a matter of convenience.

Proponents assert that the advantages of absentee and early voting are increased voter participation and convenience, allowing those otherwise unable to make it to the polls on election day an opportunity to cast their ballot. A primary reason for expanding absentee voting opportunities is that restrictions limiting them are unenforceable, widely disregarded, and no longer serve a useful purpose. On the other hand, critics maintain that relaxing state restrictions for obtaining and casting absentee ballots increases the potential for election misconduct, as absentee ballots are more prone to fraud than those at polling places. In addition, it is impossible for election workers to address absentee voters’ errors or concerns.

Whatever the disadvantages, the overall trend has been to expand absentee voting opportunities in recent years. All Southern states currently allow some form of absentee or early voting either as an added convenience to voters who either cannot or do not wish to vote at the polls on election day. States vary, however, in their requirements determining who is eligible to cast an absentee ballot, when and where those ballots may be cast, and in other related administrative areas.

Qualifications for Voting Absentee

While Southern states set many of the same qualifications enabling voters to cast their votes by absentee ballot, some are more inclusive.
All states are required by the Federal Uniformed and Overseas Citizens Absentee Voting Act of 1986 to permit members of the uniformed services and all other citizens living overseas, as well as uniformed services voters and their dependents living in the United States (but outside their registered precinct), to vote by absentee ballot in federal elections. Prior to this, the federal Voting Accessibility for the Elderly and Handicapped Act of 1984 required local election jurisdictions to provide people with disabilities alternate means of casting a ballot when polling places are inaccessible. Accordingly, all Southern states allow those who are physically disabled to vote by absentee ballot, with six states providing for caregivers and immediate family members to also vote in this manner.

Among more inclusive absentee policies, six SLC states allow “no-excuse” or “convenience” absentee or early voting, whereby any registered voter is able to vote by absentee ballot without justifying his or her physical absence from their precinct on election day:

- Florida, North Carolina (both as a result of 2001 legislation), and Oklahoma allow any voter to vote by absentee ballot, either in person or by mail; and
- Tennessee, Texas and West Virginia (with the latter as a result of 2001 legislation) allow no-excuse, in-person early or absentee voting for any registered voter.

In addition to federal requirements (and outside the six states allowing no-excuse absentee voting), all Southern states allow those expected to be “unavoidably absent” from their voting jurisdiction to vote absentee either in person or by mail, and most of these allow several other excuses to qualify an absentee voter. Other commonly listed excuses allowing persons to vote absentee are if voters are present in their jurisdiction, but are unable to make it to the polls on election day because they are: poll workers or elections officials (nine Southern states); are in jail awaiting trial or have not been convicted of a felony offense (six states); working for extended periods of time during poll hours (five); over a certain age (five); observing religious holidays (four); or are jurors (three). Among some of the states’ more unique circumstances accepted are:

- Kentucky allows women in their last trimester of pregnancy to vote absentee;
- Maryland allows those with a death or serious illness in the family to do so;
- Mississippi allows it for members of their Congressional delegation; and
- Tennessee allows political candidates to do so.

In-person Absentee Voting and Early Voting

Those eligible to vote absentee may either receive their ballot in person or through the mail. “In-person” absentee voting occurs when voters go to a designated location prior to election day to cast their vote. If there are no requirements (i.e., that the voter is unable to make it to the polls on election day) for a voter to vote in-person or by mail prior to election day, this process is commonly referred to as “early voting.” Most often, states have no clear distinction between in-person absentee and early voting, though the latter is usually open to more voters.

While not specifically requested in the survey, 12 of 16 Southern states indicated that they allow for in-person absentee voting opportunities. These states stipulate a time period (from and to a certain number of days
preceding an election) during which voters may go to a specified location, usually a county clerk of elections’ or registrar’s office, and cast their ballot. States were asked if they provided early voting periods, with Arkansas, North Carolina, Oklahoma, Tennessee, Texas and West Virginia responding that they provided no-excuse, in-person absentee or early voting.

**Mail-in Absentee Voting and Postmark Date**

“Mail-in” absentee ballots are mailed in by eligible absentee voters once they have been completed. These ballots are mailed to voters up to a certain date prior to an election and must be received by elections officials by a specified date, usually election day, in order to be counted. During Florida’s 2000 election, some controversy centered around whether absentee ballots received after election day and lacking a postmark date (as was required under then-current standards) should be counted. Though postmark requirements subsequently have been removed by Florida, three states maintain them:

- Arkansas requires that mail-in absentee ballots (except for those from military personnel and their families) be postmarked by election day, but all ballots may be received up to 10 days following an election;
- Maryland requires that mail-in ballots be postmarked by the day before an election, but may be received up until the Friday following an election; and
- West Virginia requires that ballots be postmarked by election day, but may be received up until the beginning of the vote canvass (the fifth day, excluding Sundays, following the election).

It is important to note that the same states with postmark requirements are the only SLC states accepting mailed ballots after election day – a policy many consider beneficial. In 10 SLC states, mailed absentee ballots must be received by the close of the polls on election day, regardless of postmark. Of the other two:

- North Carolina requires that mailed absentee ballots be received by 5:00 p.m. on election day, though their polls officially close at 7:30 p.m.; and
- Mississippi requires that ballots be received by 5:00 p.m. on the Monday prior to an election. However, during presidential elections in Mississippi, ballots may be received up until 7:00 p.m. on election day, but ballots received after the Monday deadline are counted for presidential candidates only.

**Tallying Absentee Ballots**

Other concerns recently have centered around the timing of the counting of early and absentee ballots. Primarily, arguments have been raised that tallying and releasing the results of early ballots before election day could negatively influence other voters from going to the polls if they feel theirs is a lost cause due to media predictions based on those early ballots. Such concerns largely can be put to rest across the South, as 11 of 16 SLC states (Alabama, Arkansas, Florida, Georgia, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Virginia and West Virginia) prohibit the absentee ballot counting process from beginning until after the close of the polls on election day. Four SLC states (Kentucky, Louisiana, Missouri and North Carolina) allow the counting process to begin at various times on election day, but no sooner, and only one Southern state allows for the counting of some absentee ballots prior to election day:
Texas counties with a population of 100,000 or more may begin counting absentee ballots after the last day for in-person early voting (four days prior to an election), although results may not be announced until after the polls have closed on election day.

Regardless of when absentee votes may be counted, no Southern state allows for the release of absentee ballot results before the end of voting on election day. To dissuade election workers from doing so, eight of 16 states classify the act of prematurely releasing election results from any form of balloting as criminal activity. Election officials releasing early results in Florida, Georgia and Kentucky are guilty of a felony offense, and officials in Arkansas, Louisiana, Missouri, Tennessee, and Texas are committing misdemeanors. Of course, election officials in states not counting absentee or early ballots before the close of the polls on election day do not have an opportunity to release results prematurely.

**2001 Legislative Activity in Southern States**

Issues relating to absentee voting and ballots were among the most commonly debated election reform topics during Southern states’ 2001 legislative sessions. In addition to those already discussed, of the more significant measures adopted that year:

- Florida no longer requires mail-in absentee ballots be postmarked, so long as they are returned by election day;
- Georgia specified under what circumstances election superintendents may open and process absentee ballots;
- Louisiana expanded its list of those qualified to vote by absentee ballot;
- North Carolina expanded opportunities for one-stop absentee voting in person;
- South Carolina enabled counties to use methods other than paper ballots for voting absentee;
- Virginia passed laws providing for the filing of one absentee ballot application by an ill or disabled voter for all elections in one year, eliminating the requirement for the signature of a witness on an absentee ballot application, and directing elections officials not to reject absentee ballot applications because of errors immaterial in determining voter eligibility; and
- West Virginia removed postmark requirements for absentee ballots received by mail and now allows voters who are hospitalized on election day to vote by “emergency” absentee ballot.

While legislation failed in 2001, Alabama, Arkansas, Georgia, Kentucky, Louisiana, North Carolina and Oklahoma all considered measures which would have either further extended the absentee voting period or expanded the list of those eligible to vote absentee; Mississippi would have allowed mail-in voting applications to be available at polling places and authorized all qualified absentee voters to vote by mail; Missouri debated allowing caretakers of ill or disabled individuals and all persons living in remote locations to vote absentee; and Virginia considered implementing a “no-excuse” absentee voting policy.
### Absentee Voting Requirements

<table>
<thead>
<tr>
<th>State</th>
<th>Eligible to Vote by Mail-in Absentee Ballot</th>
<th>In-person Absentee Voting or No-excuse Early Voting Available</th>
<th>Deadline for Receipt of Overseas Ballots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Those expected to be absent from their precinct on election day and unable to vote absentee in-person; who are physically disabled; working for 10 consecutive hours on election day; overseas students; or poll workers working outside their precinct on election day</td>
<td>In-person absentee on the Saturday 10 days before election day</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Those “unavoidably absent” on election day or who are disabled</td>
<td>Early voting available to all voters up to 15 days before election day</td>
<td>Postmarked by election day; received by 10 days after election</td>
</tr>
<tr>
<td>Florida</td>
<td>Any registered voter may vote by mail-in absentee ballot</td>
<td>No-excuse in-person voting for all voters</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>Georgia</td>
<td>Those expected to be absent on election day; who are election officials; who are physically disabled; are caregivers; celebrating a religious holiday; public safety employees; or aged 75 and over</td>
<td>In person absentee through the Monday prior to an election</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Any registered voter who, on account of age, disability or illness, is not able to appear at the polls on election day; students residing outside the state or country; those who are in jail, but not convicted of a crime; absent due to employment; election employees; women in their last trimester of pregnancy; and those with emergency medical conditions</td>
<td>In person absentee voting available</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Those expected to be absent or hospitalized on election day; who are disabled; elections employees; and those aged 65 years and over</td>
<td>In-person absentee voting from 12 days to 6 days prior to an election</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>Maryland</td>
<td>Those expected to be absent on election day; who are unable to go to their polling place due to accident, illness or physical disability; because of confinement or restriction in an institution; death or serious illness in the family; or who are students or elections employees</td>
<td>In-person absentee voting from the Wednesday before an election to close of polls on election day</td>
<td>Postmarked by the day before an election; received by Friday after election</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Those expected to be absent on election day; who are hospitalized, disabled war veterans, or members of the Congressional delegation; students, teachers or administrators whose duties make them absent from their precinct, their spouses and dependents; working during polling hours; or disabled, their family and caregivers</td>
<td>In-person absentee voting no later than noon on the Saturday immediately preceding the Tuesday election</td>
<td>Postmark and receipt requirements (see state section)</td>
</tr>
<tr>
<td>Missouri</td>
<td>Those expected to be absent on election day or who cannot make it due to health or religious reasons; who are elections employees; or are incarcerated</td>
<td>In-person absentee up until the day before an election</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Any registered voter may vote by mail-in absentee ballot</td>
<td>No-excuse in-person voting for all voters up until the Friday before an election</td>
<td>5:00 p.m. on election day</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Any registered voter may vote by mail-in absentee ballot</td>
<td>No-excuse in-person voting for all voters on the Thursday, Friday and Monday preceding an election</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Those expected to be absent on election day because they are students or serving with the Red Cross; employed during election hours; physically disabled or are their caregivers; government or elections employees; on vacation; hospitalized; jurors; 65 years of age and over; or in jail, but remain eligible</td>
<td>In-person absentee voting up until the day preceding an election</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Those expected to be absent on election day and during early voting period; who are students and their families residing elsewhere; sick or disabled and their caregivers; in nursing homes or assisted living facilities; jurors; persons over 65 years of age; political candidates; elections employees; and observing religious holidays</td>
<td>No-excuse in-person absentee voting for all voters from 20 to 5 days prior to an election</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>Texas</td>
<td>Those expected to be absent on election day and during early-voting hours; who are 65 years of age and over; disabled; or confined in jail pending felony sentencing</td>
<td>No-excuse in-person early voting from 17 to 4 days prior to an election</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>Virginia</td>
<td>Extensive list; see state section</td>
<td>Up to 3 days prior to an election</td>
<td>Close of polls on election day</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Those expected to be absent on election day and during early voting hours</td>
<td>In-person absentee voting from 42 days to 15 days prior to an election; no-excuse in-person voting from 15 days prior to election day</td>
<td>Postmarked by election day; received by the beginning of the election canvass</td>
</tr>
</tbody>
</table>
Voting Equipment

Arguably, the single biggest issue addressed during recent election-reform debate at both the state and federal level has been updating voting technology. Central to this discussion is the perception that certain voting systems currently in use are subject to inaccuracy and unreliability. These perceptions were magnified during Florida’s 2000 presidential election and, in particular, the subsequent scrutiny of punch-card systems. While much attention has focused on shortcomings of the punch-card, however, some have questioned the reliability of other voting systems as well, and all systems have both advantages and disadvantages.

While advances in voting technology have improved election equipment and the election process, a large number of elections jurisdictions continue to rely on what has been referred to as antiquated machinery, with varying degrees of performance and accuracy. On the other hand, several jurisdictions utilize more modern voting equipment, and many have either recently modernized their voting systems or plan to do so in the near future.16

Voting Systems and SLC State Usage

Currently, all SLC states but Oklahoma have different voting systems operating within their borders. And, in many cases, counties themselves use different systems depending on whether the voter cast his or her vote in person or by mail-in absentee ballot. This report focuses on election systems in use by voters who vote in-person, at the polls, on election day. The five different systems used by voters in Southern states are: punch-card ballots; lever machines; paper ballots; optical-scan ballots; and direct recording electronic (DRE) voting. Although Internet voting has yet to be implemented on a wide-scale or recurring basis, it has received much recent attention and a brief description is provided as well.

Punch Cards

The punch-card ballot was invented in 1890 and uses a card (or cards) and a small clipboard-sized device for recording votes. Voters use a supplied stylus punch holes in the cards opposite the candidate or ballot issue of
choice. After voting, the voter places the ballot in a ballot box to be tabulated later (jurisdictions using central-level counters), or the ballot is fed directly into a computer vote tabulating device at the precinct (precinct-level). In either case, the voting tabulator reads the holes punched in the ballot and stores votes on an electronic storage device. In polls using precinct-level tabulators, a voter’s ballot may be rejected if there are errors such as undervotes or overvotes.

There are two types of punch-card systems in use today in America. The Votomatic-style punch-card technology, invented in 1890 for use in the U.S. Census, and first utilized to count votes in 1964, and the Datavote-style punch-card system which uses a stapler-like machine to punch holes in ballots. For this report no distinction is made between these two systems.

There are several distinct advantages of punch-card equipment: it is relatively cheap to buy and maintain; works well when ballot designs are simple and the margin of victory is large; leaves a reliable paper trail in case of recounts or election controversies; is easy and inexpensive to store between elections; and is not complicated for election workers to set up on election day. Its disadvantages have been well documented: punch-card systems are more likely to produce problems in tabulating so-called undervotes and overvotes as, respectively, voters may fail to vote in all contested races or select more than one candidate in a single race. Additionally, voters may fail to fully dislodge a chad, and machine recounts have a tendency to produce different totals. As of August 2001, counties in all but four SLC states utilized punch-card ballot systems, with 11 percent of (or 176 of 1,534) counties region-wide using them. As a percentage of counties (not population) within respective Southern states, Missouri has the highest rate of punch-card systems (37 percent), followed by Florida (36 percent), South Carolina (26 percent) and Tennessee and West Virginia (both at 22 percent). At the opposite end of the spectrum, no counties in Alabama, Kentucky, Louisiana, nor Oklahoma use punch-card ballots. Nationwide, it is estimated that 18 percent of counties, or 32 percent of America’s registered voters, used punch-card voting systems in 1998. Among the more prominent punch-card related issues challenged in the aftermath of Florida’s 2000 presidential election were the removal of accumulated chads from punch-card equipment and the effects accumulated chads may have on whether the ballots were cast appropriately. As of August 2001, only two SLC states (Texas and West Virginia) using punch-card ballots had laws mandating the removal of accumulated chads. Election officials in Tennessee noted that rules currently are being promulgated regarding this, and officials in Florida, Georgia and Maryland noted that recently-passed legislation will forbid punch-card ballots all together.

Mechanical-lever Machines

The mechanical-lever voting machine was invented in 1892 and has not been manufactured since 1982. In this system, the name of each candidate or ballot issue is assigned a particular lever on the front of the machine. The voter pulls down selected levers to indicate their votes in each race and on each issue. When the voter exits the voting booth by opening the privacy curtain, the voted levers are automatically returned to their original position. As each lever returns, the voter’s choices are counted by the machine. Interlocks in the machine prevent the voter from voting for more choices than permitted.
While these machines are relatively easy to understand and prevent overvotes, problems cited include: sticking gears that may occasionally result in uncounted votes; the machines provide no paper trail for recounts or warning if they suffer mechanical failure during voting; and they have no capacity to restore lost votes.  

As of August 2001, counties in 12 of 16 SLC states used mechanical-lever voting systems, with 271 of 1,534 counties (or 18 percent) across the region employing them. Louisiana had the highest percentage of jurisdictions using lever machines (81 percent), followed by counties in Virginia (46 percent), Georgia (46 percent), and Tennessee (23 percent). No counties in Alabama, Missouri, Oklahoma or South Carolina use this equipment. Nationwide, 15 percent of counties used lever-machine systems in 1998, or about 18 percent of America’s registered voters.

**Paper Ballots**

The paper ballot, commonly referred to as the Australian ballot due to its origins, was first used in the United States in 1889, and remains in use in several, though comparatively few, Southern jurisdictions. These are uniform official ballots of various stock paper weight on which the names of all candidates and issues are printed. With this system, voters go into voting booths at polling locations, or other designated locations during early voting periods, and mark their choices corresponding to the names of candidates and issues. After casting their ballot, voters drop their marked ballots into sealed boxes. At a prescribed time, election officials manually count ballots.

Other than in Texas, paper ballots rarely are used in Southern states, as only 38 of 1,275 local election jurisdictions (or less than 3 percent) used this system as of August 2001. The majority of these counties were relatively small in population and rural. However, within Texas, paper ballots remain popular, with 88 of 259 jurisdictions (or 34 percent) utilizing this system. Next to Texas, Missouri and West Virginia had the most counties using paper ballots (each at 11 percent), followed by Arkansas (9 percent) and North Carolina (3 percent). Of the remaining SLC states, only Georgia (two counties), Florida (one) and Virginia (one) have counties using this system. Paper ballots are the least frequently used of the five voting systems used in Southern states and the country. Nationwide, 13 percent of America’s counties used paper ballots in 1998, or 1 percent of registered voters.

**Optical-Scan Ballots**

Optical-scan or “marksense” ballots have candidates’ names preprinted next to an empty oval or box, or an incomplete arrow, on the ballot, and voters are required to express their choice by filling in bubbles or connecting arrows as they would on standardized tests. Once completed, the ballot is optically-scanned into a tabulating device either by the voter at the polling site (precinct count) or into a ballot box, where votes are counted at a central location after the election (central count). In either case, the counting device reads the votes using “dark mark logic,” whereby the computer selects the darkest mark within a given set as the correct choice or vote.

Among the advantages of this relatively inexpensive technology are that optical-scan systems may allow voters to correct mistakes before they leave the polls in a precinct-count system if the machine is properly programmed; are cheaper to purchase than electronic voting devices; utilize booths for voters to cast their ballots, not requiring individual machines on which to directly cast one’s ballot; and create a paper “audit” trail in the case it is necessary to conduct a manual recount of votes.
Some drawbacks of this system include that it is paper-based and the long-term costs of printing ballots may prove to be costly, especially if other languages are required or ballot changes are necessary; improper and stray marking are frequent causes of overvotes and undervotes; and paper ballots may be flawed or otherwise negatively influenced by temperature and humidity.

Optical-scan ballots are the most commonly used voting system in SLC states, and their popularity is increasing as states wean themselves from punch-card, mechanical and paper systems. As of August 2001, Southern counties using optical-scan systems accounted for 47 percent (or 719 of 1,534) of the total across the region. Oklahoma is unique among Southern states in that it is the only one to have a uniform statewide voting system – using optical-scan technology. The state with the second largest percentage of counties using optical-scan systems is Alabama (94 percent), followed by Maryland (75 percent), Mississippi (71 percent), Arkansas (65 percent) and Florida (61 percent). More than 50 percent of election jurisdictions in 10 SLC states use this technology. Only Louisiana does not use optical-scan systems. The states with having the next lowest percentage of counties using optical-scan systems are Kentucky (1 percent), Tennessee (13 percent) and Virginia (25 percent). Nationwide, 39 percent of America’s counties used optical-scan systems in 1998, or 27 percent of registered voters.27

Electronic Voting

First introduced in the 1970s, direct recording electronic (DRE) voting systems are designed to allow a direct vote on the machine by the manual touch of a screen, monitor, push button or other device. An alphabetic keyboard often is provided with the entry mechanism to allow for write-in votes. Once voters have made their choices, they push the “vote” button, and their choices, as well as vote totals, are stored in the machine via a memory cartridge, diskette or smart-card.28 As with lever machines, no paper ballots are used.

Advantages of DRE equipment are that: electronic ballots may be created in two or more languages at little or no incremental costs; overvotes are impossible because the system rejects ballots which exceed the appropriate number of votes allowed in each race; it is easy to change a vote without the assistance of a poll worker if a mistake is made; they eliminate ballot printing costs; and they prevent recounts because the ballots are displayed and stored electronically.

Perhaps the greatest disadvantages of DRE systems are their average cost per unit ($3,000, or 60 times the cost of a $50 punch-card unit), and that more of them are required per polling place/precinct, as voters must cast their vote on the machine directly. Additionally, maintenance and storing costs are higher compared to other systems. Some counter that their long-term costs may be cheaper, however, considering the elimination of ballot printing costs. It is estimated that the cost of upgrading to electronic machines nationwide would be approximately $5 billion. Other than cost considerations, DRE systems require more technical staff for maintenance; poll workers may have difficulties troubleshooting the machines on election day; and their failure to produce paper ballots prohibit them from leaving a paper trail for use in recounts.

DRE systems, despite their high initial costs, are growing in popularity. As of August 2001, 16 percent of counties in SLC states used DRE equipment. Kentucky leads the region with the highest rate of counties using DRE systems (93 percent), followed by South Carolina (46 percent), Tennessee (42 percent), and Louisiana (19 percent). No other Southern state
currently has more than 10 percent of its counties utilizing DRE technology, with no counties in Florida, Georgia, Missouri, or Oklahoma employing it. Eight percent of America’s counties used DRE systems in 1998, or about 9 percent of registered voters throughout the country.

Internet Voting

Though still in its infancy, select voters in recent elections have been able to vote via computer devices connected to the Internet on an experimental basis. Voting via the Internet may take three basic forms: polling place Internet voting; kiosk voting, where voters cast their ballots through specified outside locations controlled by elections officials; and remote Internet voting, where voters cast their ballot anywhere access to the World Wide Web is available. Internet voting may allow persons to vote from their home or work computers; does not require the expense of printing paper ballots; encourages young, computer-savvy persons to vote; and could prove ideal for allowing some absentee voters to mark their ballots.

Citing its disadvantages, a March 2001 report issued by the Internet Policy Institute and the University of Maryland (sponsored by the National Science Foundation) concluded that remote Internet voting using available technology would pose a “significant risk” to electoral integrity and “should not be fielded for use in public elections until substantial technical and social science issues are addressed.” Among the problems listed with remote Internet voting were the potential for spoof sites that mimic official voting sites; computer viruses which could undermine an election’s integrity; and the long-term impact online voting could have. The report also cautioned using the Internet for voter registration, warning that it would be “too dangerous to allow initial online registration because third parties could fraudulently register large numbers of voters using publicly available databases.” The report did, however, suggest some utilization of the Internet would be beneficial, stating that polling place online voting and Internet voting kiosks in malls, grocery stores or other sites could be implemented in the near future as long as concerns over voter identification are met and it can be insured that voters are not interfered with as they cast ballots.  

It is the opinion of Mr. Doug Lewis, director, The Election Center, that while elections officials may be able to establish “controlled access” Internet voting safely and securely, “its widespread use from remote sites is quite some time in the future.” Lewis cautioned that “the same kinds of challenges from lawyers will result with even this technology… and may be even more effective because it will appeal to the fears of those who do not understand the technology.”

To date, only the Arizona Democratic Party has implemented official public online voting during the party’s 2000 presidential primary. Additionally, 84 overseas servicemen used the Internet to vote during the 2000 general election as part of a $6.2 million U.S. Department of Defense pilot project. The military’s pilot program was designed to examine alternatives to absentee voting by an estimated 6 million service personnel and other Americans living abroad. The project allowed volunteers, mostly military, to register online, request absentee ballots, then cast them. Of the 84 voters participating, 52 cast ballots in Florida.

Updating Voting Equipment

Despite the widespread media, political and public scrutiny of America’s voting system due to antiquated and malfunctioning equipment, research by the General Accounting Office indicates that 96 percent of jurisdictions nationwide were satisfied with the performance of their voting
equipment during the 2000 general election. Thus, even if it can be agreed that Americans feel there is a need to replace what many argue are antiquated voting machines in an effort to instill voter confidence and legitimacy in elections, others question the necessity of doing so, citing estimates to upgrade voting technology nationwide could cost upwards of $4 billion to $5 billion. Even if it can be agreed that this investment is worthwhile, questions arise at all levels of government as to which primarily is responsible for funding these upgrades. This debate likely will intensify as federal, state, and local governments increasingly experience revenue shortfalls and budget cuts due to myriad variables prior to and following the 2000 election.

According to Mr. Doug Lewis, in assuming that punch-card voting systems need to be replaced throughout America, the question becomes “with what?” Lewis cautions that every voting system has both its advantages and disadvantages, arguing that “a full electronic system is indeed a fine voting machine, but so are high-speed optical-scan units.” As states and local election jurisdictions further consider updating their voting equipment, costs, practicality and reliability of the proposed systems all will play key factors. For example, during their 2001 session, Texas lawmakers debated entirely banning punch-card ballots, but the $25 million estimated price tag dissuaded them from doing so immediately. Instead, Texas gradually will phase out such ballots, prohibiting counties from purchasing any new punch-card systems in the future. North Carolina has banned the use of punch-card ballots by January 1, 2006. On costs, while two SLC states (Georgia and Maryland) passed legislation in 2001 to ban punch-card ballots by specified dates, neither state appropriated money to aid localities in doing so. Both are waiting and relying on federal funds to upgrade their systems. As of November 2001, however, no federal funds had been appropriated. Whether or not Congress acts in this area remains to be seen.

**Statewide Uniform Voting Systems and 2001 Legislative Activity in Southern States**

Some have argued that the United States Supreme Court decision ending Florida’s 36-day election protest ordered the state to implement a statewide uniform voting and ballot system by the next election, or risk violating voters’ constitutional guarantees of equal protection. Others, such as Florida House Speaker Tom Feeney, disagreed. Feeney stated, “it’s the recounting of the ballots -- not the balloting -- that has to be standardized under the Supreme Court’s ruling.” In the end, Florida’s 2001 election reform law addressed both issues.

Many maintain that establishing uniform statewide voting systems would lead to more efficient and nondiscriminatory elections. However, outside Oklahoma (100 percent optical-scan units), Alabama (94 percent optical-scan and 4 percent DRE) and Kentucky (93 percent DRE and 7 percent lever machines), obtaining statewide uniformity remains far from the norm in most Southern states. Five SLC states currently have in use all five types of voting systems (punch-card, lever machine, paper ballot, optical scan and DRE); five states use four different systems; and three states employ three.

While state systems remain fragmented, there is a general trend toward uniformity in recent years, and 14 states across the nation introduced legislation to adopt statewide uniform voting systems in the aftermath of the 2000 election. Of the Southern states that have either adopted or considered
Arkansas established the State Electoral Improvement Study Commission to study the nature of the state’s election process, including addressing the statewide standardization of voting machinery and election technology;

Florida’s landmark election reform legislation requires a statewide, uniform voting system either using DRE or optical-scan technologies and uniform ballots for each system;

Georgia has called for the replacement of all punch-card, paper-ballot and mechanical-lever voting systems by November 2004, providing funds are made available;

Maryland has required the State Board of Election to select and certify a uniform, statewide electronic voting system by July 1, 2006; and

Texas’ secretary of state is required to reexamine voting systems, evaluate the potential for their implementation and study the effectiveness of adopting a uniform statewide voting system, with a report of recommendations due by December 1, 2002.

Other Related 2001 Legislative Activity in Southern States

In addition to examining legislation addressing system uniformity, Southern states both passed and considered a host of other measures in 2001 related to voting systems, ballots, and the vote certification process. Among legislation becoming law:

Arkansas now requires counties to report the number of disqualified and spoiled ballots as well as undervotes and overvotes cast in each election;

North Carolina now requires counties and cities with Hispanic populations of more than 6 percent to provide ballot instructions in Spanish and has banned the use of butterfly and punch-card ballots by 2006;

Tennessee’s 2000 Presidential Election Debacle Reform Bill of 2001 set many requirements and policies related to certifying voting equipment and punch-card voting machines, ballots, votes, recounts and related procedures;

Texas now prohibits the execution or renewal of contracts to use punch-card ballots, in order to gradually phase them out; prohibits butterfly ballots for any future elections; requires the removal of accumulated chads from punch-card machines before each election; mandates the reporting of undervotes and overvotes in precincts using punch-card and optical-scan systems; and stipulates that if any voting system is upgraded in a jurisdiction, then all voting systems in that jurisdiction must be upgraded accordingly;

Virginia now requires jurisdictions to set their counting devices to report, if possible, the number of undervotes and overvotes cast in each election; and

West Virginia now enables counties to share electronic tabulating equipment.
Among related legislation proposed during Southern states’ 2001 sessions: Kentucky considered requiring its eight counties using lever machines to replace them with DRE systems, and mandating that all future election ballots and ballot labels conform to uniform statewide standards; bills in Mississippi and North Carolina would have required the states to provide counties’ funds to upgrade their voting machinery, and the former considered prohibiting punch-card ballots by 2004; a Missouri measure would have set statewide uniform manual vote-counting standards; Tennessee elected not to prohibit punch-card ballots by July 2004; and North Carolina, Tennessee, Virginia and West Virginia chose not to commence studies to gauge the feasibility of Internet voting in future elections.

<table>
<thead>
<tr>
<th>State</th>
<th>Total Counties</th>
<th>Punch Card</th>
<th>Lever Machine</th>
<th>Paper Ballot</th>
<th>Optical Scan</th>
<th>DRE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Counts Using</td>
<td>%</td>
<td>Counties Using</td>
<td>%</td>
<td>Counties Using</td>
</tr>
<tr>
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<td>67</td>
<td>0</td>
<td>--</td>
<td>0</td>
<td>--</td>
<td>0</td>
</tr>
<tr>
<td>Arkansas</td>
<td>75</td>
<td>7</td>
<td>8%</td>
<td>8</td>
<td>11%</td>
<td>9</td>
</tr>
<tr>
<td>Florida</td>
<td>67</td>
<td>24</td>
<td>36%</td>
<td>1</td>
<td>1%</td>
<td>1</td>
</tr>
<tr>
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<td>159</td>
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<td>11%</td>
<td>73</td>
<td>46%</td>
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<tr>
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<td>0</td>
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<td>8</td>
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<tr>
<td>Louisiana*</td>
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<td>--</td>
<td>52</td>
<td>81%</td>
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<tr>
<td>Maryland</td>
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<td>4</td>
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<td>82</td>
<td>13</td>
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</tr>
<tr>
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<td>41</td>
<td>37%</td>
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<td>--</td>
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<tr>
<td>North Carolina</td>
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<td>8%</td>
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</tr>
<tr>
<td>Oklahoma</td>
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<td>--</td>
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<td>--</td>
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</tr>
<tr>
<td>South Carolina</td>
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<td>12</td>
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<td>--</td>
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<td>Tennessee</td>
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<td>23%</td>
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<tr>
<td>Texas</td>
<td>259*</td>
<td>13</td>
<td>5%</td>
<td>3</td>
<td>1%</td>
<td>88</td>
</tr>
<tr>
<td>Virginia</td>
<td>134*</td>
<td>7</td>
<td>5%</td>
<td>83</td>
<td>61%</td>
<td>1</td>
</tr>
<tr>
<td>West Virginia</td>
<td>55</td>
<td>12</td>
<td>22%</td>
<td>3</td>
<td>5%</td>
<td>11</td>
</tr>
<tr>
<td>SLC Total (average)</td>
<td>1,534</td>
<td>176</td>
<td>11%</td>
<td>271</td>
<td>18%</td>
<td>126</td>
</tr>
</tbody>
</table>

Notes: *Percentages may not add to 100 percent due to rounding to the nearest 1 percent. **Louisiana has parishes, not counties. ***This number includes 23 counties plus Baltimore City, an independent jurisdiction. **Data was valid as of April 1, 1999, cited from Election Data Services. State election officials did not verify this data. While Texas has 254 counties, five of them use more than one voting system. Thus, the number 259 accounts for total voting systems used, not the number of counties. **Virginia has 40 cities which are independent of its 95 counties – both are counted here.
Recounts, Manual Recounts and Discerning Voter Intent

Recounts, Automatic and Requested

The task force formed to review Florida’s voting laws noted that the absence of a clear, uniform standard for conducting an election recount led to a major point of contention in the aftermath of the 2000 presidential election. To address this and other concerns, the task force recommended that the state establish a clear threshold for invoking an automatic machine recount of votes. Under this proposal, a recount would be automatic if the margin of approval or rejection was not more than one-half of 1 percent and no less than one-fourth of 1 percent of the votes cast in a race, and a manual (hand) recount would be automatic only if a prior machine recount had a margin of approval or rejection of less than one-quarter of 1 percent of the vote. Of note, the 2000 presidential elections in four states nationwide (Florida, New Mexico, Wisconsin and Iowa) were decided by less than one-half of 1 percent of the popular vote.

The Florida Legislature heeded the task force’s recommendation and incorporated the aforementioned recount policies into its 2001 election reform legislation. Other than Florida, only two Southern states, South Carolina and Texas, require an automatic recount of votes under circumstances related to candidates’ vote outcome margin:

- in South Carolina, whenever the difference between the number of votes for the two leading candidates in a race is 1 percent or less of the total votes cast for that office, the local canvassing board shall order a recount unless the losing candidate waives the recount in writing; and

- in Texas, under legislation passed in 2001, tie votes will trigger an automatic recount. Prior to this, the election would be repeated.

Regardless of the closeness of candidates’ votes or percentages of total votes cast in a particular race, three SLC states (Arkansas, Missouri and Oklahoma) responded that automatic machine recounts are mandatory in
cases where there is evidence that tabulating equipment has malfunctioned, or if that equipment has been called into question. While only three states responded in this manner, automatic machine recounts likely are mandatory in most states’ races where there is believed to have been malfunctions in tabulating equipment, and/or may be called for under circumstances dictated by the courts.

While five other SLC states do not require an automatic recount, their laws stipulate the conditions under which losing candidates may request, and be granted, a recount, provided that such requests are made by a certain date in relation to the canvassing of votes:

- in Georgia, Missouri and Virginia, candidates who lose an election by no more than 1 percent of the total votes cast in a race will be granted a recount if they request one;
- in North Carolina, losing candidates in statewide elections may request a recount if the difference in their race is no greater than one-half of 1 percent of votes cast, or 10,000 votes, whichever is greater; and
- in Texas, other than in jurisdictions using electronic voting systems, losing candidates may request a recount if the difference between votes is less than 10 percent of votes cast, or is fewer than 1,000 votes.

In Alabama, Arkansas, Kentucky, Maryland, Oklahoma and West Virginia, any losing candidate may request and be granted a recount of votes. However, losing candidates in Arkansas, Kentucky, Oklahoma and West Virginia who request a recount must pay for it if the outcome of the election remains unchanged afterward. Needless to say, this may act as somewhat of a deterrent to candidates who may otherwise take advantage of state laws not requiring a close race to determine recount eligibility.

Unique among Southern states, Mississippi election officials noted that there are no circumstances under which a recount is automatic or can be requested, as state statute does not acknowledge the word “recount.” Candidates in Mississippi may, however, request the opportunity to “examine” ballot boxes. Officials did not elaborate on whether or not such an examination is similar to a recounting procedure.

**Manual Recounts and Discerning Voter Intent**

In most circumstances, voters are able to follow voting instructions and their ballots are counted accordingly. Unfortunately, in every election there are a number of voters who, for various reasons, are unable or unwilling to mark their ballots appropriately, and whose intent may not be apparent. Perhaps the most divisive issue of the 2000 presidential election in Florida, and thus the nation, was defining what actually constitutes a valid vote, or discerning voter intent, once a manual (hand) recount had been initialized in four select counties using punch-card voting systems.

Because manual recounts cannot occur in counties using lever-machine or DRE voting systems, cases of elections officials having to discern voter intent most often arise in jurisdictions using punch-card, optical-scan and paper ballot systems. However, optical-scan, precinct-count systems, when properly programmed, may reject mismarked ballots before voters ever leave their polling place; and paper ballots, exclusive of Texas, are used in fewer than 3 percent of counties in Southern states and by less than 2 percent of the registered voters nationally. Thus, punch-card systems, currently used by 11 percent of election jurisdictions in the South are examined in this
report, as will be dimpled, pregnant, hanging, and/or otherwise mispunched chads.

While the majority of statewide or federal elections are won or lost by such large margins that the number of overvotes and undervotes is somewhat irrelevant in that they would not determine the outcome of an election, some elections are close, and can be won or lost by punch-card ballots rejected by tabulating equipment. In these cases, and under a manual recount, it may be up to canvassing officials to determine voter intent. The National Task Force on Election Reform argues that—in order to limit the discretion of canvassing officials in the manual recount process and to ensure that votes are uniformly interpreted statewide—a degree of exactness needs to be injected into state election laws, establishing uniform standards for a valid vote and voter intent for each voting system in a state.  

However, in the South, state laws specifically clarifying how to interpret voter intent on rejected and manually counted punch-card ballots are few and far between, as this interpretation remains largely at the discretion of local election officials. As of August 2001, only four of 12 SLC states using punch-card ballots (Maryland, Tennessee, Texas and Virginia) had laws or statewide policies clearly defining what counts as a punch-card vote, and Missouri currently is promulgating rules in this area.

**2001 Legislative Activity in Southern States**

Several SLC states adopted legislation in 2001 addressing recounts, manual recounts, voter intent, election protests and similar issues. In addition to the aforementioned measures:

- Florida’s 2001 election reform legislation requires the same manner of recount be conducted in each affected jurisdiction in which a candidate is on the ballot; mandates that recounts for statewide office be conducted in every county of the state, not selectively; and provides specific guidelines for when to conduct recounts;
- North Carolina legislation clarifies manual recount standards and put into statute the rules governing election protests;
- Texas prohibits a candidate from qualifying for an office involved in a recount before the completion and certification of that recount; and
- Virginia legislation requires the State Board of Elections to promulgate standards to be followed in the counting of ballots during election recounts and, by December 1, 2001, recommend permanent recount standards that may be enacted into law; limits which electronically-counted ballots may be reexamined during recounts to those which were flawed due to undervotes or overvotes; and set in statute the standards to review punch-card ballots not accepted by tabulating machines.

Among related legislation failing to gain approval in 2001: Georgia would have further clarified recount conditions; Oklahoma considered modifying recount procedures, policies for the certification and contest of elections, and requiring recounts to take place non-selectively—or in all jurisdictions affected by a particular race; and South Carolina would have set exact procedures for manual recounts and determining voter intent, and would have required losing candidates who protest an election to pay all costs associated with the protest if the candidates’ request was determined frivolous.
The Electoral College

The outcome of the 2000 presidential election depended on which candidate received Florida’s 25 electoral votes. By way of background, while the 2000 election was the closest one in recent memory, it was not the only race in our history when the candidate having won the popular vote failed to win in the Electoral College, this also occurring in 1824, 1876, and 1888.

Each state is allocated a number of presidential electors equal to the number of its two U.S. Senators plus the number of U.S. Representatives it has been apportioned following each decennial census count. The total Electoral College vote is 528, with 270 of these votes needed to elect a president. The political parties (or independent candidates) in each state submit to the state’s chief election official a list of individuals pledged to their candidate for president and equal in number to the state’s electoral vote. Electors then meet in their respective state capital on the Monday following the second Wednesday of December to cast their votes – one for president and one for vice president.

Allocating Electors by Congressional District

Nothing in the United States Constitution requires states to conduct a direct popular vote for electors. However, all states since 1860 have utilized the direct popular vote. In all Southern states, whichever presidential ticket wins the popular vote in the state receives all of the state’s electoral votes. While this is the case, several SLC states have considered employing the system used by Maine and Nebraska, whereby two electors are selected based on the statewide popular vote, and the remainder are chosen by the popular vote within each of the state’s Congressional districts.

Requiring Electors to Vote for Their Party

While electors most likely are pledged to cast their vote for the presidential ticket corresponding to the political party or candidate for which they have been chosen, and party loyalists often are chosen to better ensure this, another issue highly scrutinized during the 2000 presidential election
was what would happen if electors do not vote in the prescribed manner. Although all Southern states’ election statutes stipulate that presidential electors “shall” vote for their respective party or candidate, some laws do not specifically require them to do so and, even if they do, most fail to provide guidelines for the punishment of electors who do not.

When asked to respond affirmatively or negatively if their state’s presidential electors were required by law to vote for the candidates for president and vice president that correspond to the political party or candidate for which the elector was chosen, only Georgia, Oklahoma, South Carolina, Tennessee and Virginia, responded in the affirmative. While election officials in Georgia and South Carolina did not provide information as to the punishment applicable for the violation of their laws; Oklahoma electors in violation may be fined up to $1,000; Virginia electors may receive a jail sentence of up to one year and/or a fine of not more than $2,500; and Tennessee officials confirmed that they have no statute regarding the penalty applicable.

Election officials in Alabama, Arkansas, Louisiana, Mississippi, Missouri, North Carolina, Texas, and West Virginia responded that presidential electors are not required to vote as prescribed above. Kentucky and Maryland did not respond either affirmatively or negatively to this particular question.

2001 Legislative Activity in Southern States

Only three Southern states passed significant legislation in 2001 related to presidential electors and the Electoral College:

- North Carolina provided for the selection of presidential electors by the General Assembly if election results have not been proclaimed by the sixth day before electors are to meet;
- Texas passed a constitutional amendment, subsequently approved by voters, that requires the governor to call a special legislative session to appoint electors if the governor thought that a final determination of the vote would not be made before the federal deadline for certifying electors; and
- Virginia required electors to vote for the candidates of the political party which selected them.

While efforts were unsuccessful, Alabama, Louisiana, Missouri, North Carolina, Oklahoma, Texas, Virginia and West Virginia all considered legislation in 2001 which would have allocated electors by the popular vote in each Congressional district within the state, with two electors selected at-large based on the state’s popular vote. Also in 2001, South Carolina and Texas debated measures which would have removed the requirement that electors must vote for the presidential and vice presidential ticket representing the party that selected them, and West Virginia considered a bill that would have required electors to vote for their party’s candidate.
Felons’ Voting Rights, Voter Fraud, and Purging Deceased Voters

Felons’ Voting Rights and Their Restoration

According to Mr. Doug Lewis, “we have over-focused on technology as the problem and the solution.” In testimony before the U.S. Senate Rules and Administration Committee, Lewis stated that the root problem in the 2000 election was not the technology, but the laws, policies and procedures in place. Among the policies Lewis cited were allowing ineligible people to vote or disqualifying eligible voters.  

States, within the framework of the United States Constitution, have fairly broad powers in determining voter eligibility requirements based on a citizen’s criminal status, and the disenfranchisement and restoration of felons’ voting rights has been a hot topic of debate in state legislatures in recent years, both before and after the 2000 election. Felons’ voting rights differ significantly across the region. According to the General Accounting Office, 38 states provide for the automatic restoration of voting rights upon the completion of a citizen’s felony sentence. Of these, 12 states restore felons’ eligibility to register following their incarceration; the other 26 stipulate that eligibility may only be regained following the completion of all of a felon’s sentence, including time spent incarcerated, under probation and parole supervision, and once all fines and restitution have been paid.

All Southern states except Mississippi explicitly prohibit persons from voting while they are serving a sentence of incarceration for a felony conviction. In Mississippi, certain felons who have not been convicted of “disenfranchising” crimes are legally allowed to vote even while they are incarcerated. However, doing so, officials note, may prove somewhat of a challenge as absentee ballots can only be mailed to a voter’s residence as listed in their voter registration application. Needless to say, the inmate would be residing elsewhere.

While Southern states are in general agreement that felons serving time in prison are ineligible to be registered to vote, they differ in the manners
by which felons’ voting rights may be restored following incarceration and the completion of their sentence. Felons automatically regain their right to register to vote after successfully completing their sentence, including any time served on probation or parole (or pardon by the governor) in nine SLC states: Arkansas, Georgia, Louisiana, Missouri (except for some voting crimes), North Carolina, Oklahoma, South Carolina, Texas, and West Virginia. In one state, Maryland, felons may automatically regain their right to register to vote after the completion of their first felony sentence; however, following any subsequent convictions or a first or subsequent conviction of certain voter fraud crimes, the felon must be pardoned in order to regain eligibility.

In six SLC states, the restoration of felons’ voting rights is not automatic upon the completion of their sentence. Instead, voting eligibility is regained through the following prescribed manners:

- Alabama: felons must first be pardoned by the State Board of Pardons and Paroles;
- Florida and Kentucky: felons’ civil rights must be restored following the completion of their sentence;
- Mississippi: those convicted of “disenfranchising” crimes\(^{39}\) may only have their voting rights restored through a “suffrage bill,” which must be approved by a two-thirds vote of the Legislature, or if the governor restores their civil rights;
- Tennessee: felons who have not been permanently disenfranchised may regain voting eligibility only through a circuit court judgment; and
- Virginia: only the governor can restore a felons’ civil rights.

In three Southern states, those convicted of certain crimes may never regain the right to vote:

- Maryland permanently disenfranchises those convicted of various voter-related crimes;
- Missouri permanently disenfranchises those convicted of a felony or misdemeanor connected with the right of suffrage; and
- Tennessee permanently disenfranchises those convicted of murder, rape, treason or voter fraud.

**Voting Fraud**

On the subject of voter fraud, Southern states again differ significantly on the crimes and punishments individuals are subject to in cases of voting-related crimes, such as voting twice or in two jurisdictions; illegally; for deceased persons; influencing votes and tampering with voting equipment or ballots, etc. How voting fraud is classified and penalized ranges anywhere from a misdemeanor in some states to a third-degree felony in others, and punishment – including incarceration and fine, for those either committing, or attempting to commit, fraud in connection with voting – differs substantially.

While voting crime classifications vary dependent upon the offense committed, two Southern states, Louisiana and Mississippi, responded that voter fraud was a misdemeanor offense; and South Carolina officials responded that classes ranged from misdemeanor to felony, depending on the act. In all other SLC states, voter fraud constitutes a felony offense. Persons convicted of voter fraud in Georgia, Texas and Virginia may spend
the most time (up to 10 years) in prison. Only Virginia requires that a jail sentence be given (between one and 10 years). In all other states, a fine may be substituted. All SLC states, with the exception of Alabama and Virginia, responded that fines also were applicable, either in addition to or in lieu of, jail time. Persons committing voter fraud in Arkansas, Georgia, and Texas may be fined the highest amount, up to $10,000.

Some maintain that even though those crimes and punishments are on the books, there often is a lack of action among either police or those in the criminal justice system to enforce voting fraud laws and/or prosecute those who violate them. The National Task Force on Election Reform argues that courts should have clearer guidelines and stricter penalties for voting law violations and that election and registration violations should be treated as major felonies.

2001 Legislative Activity in Southern States

Only three SLC states passed significant legislation related to ex-felons’ voting rights and election fraud in 2001:

- Maryland established the Task Force to Study Repealing the Disenfranchisement of Convicted Felons to examine allowing those convicted more than once of certain crimes to remain eligible to vote;
- Texas reduced from a monthly to a weekly basis the frequency by which the state must forward to counties reports on persons’ felony convictions; and
- Virginia strengthened various voting fraud crimes from a misdemeanor to a Class 6 felony.

While few Southern states passed legislation, many considered measures addressing felons’ voting rights and criminal election activity in 2001. Among them: Alabama debated significantly increasing crimes which would count as voting fraud; Georgia legislation would have provided rewards for those reporting voter fraud; Kentucky would have required more stringent investigations of suspected absentee voting fraud; Louisiana considered allowing first-time drug offenders to register and vote while serving probation sentences; Maryland debated restoring twice-convicted felons’ voting rights; measures in Mississippi would have either restored the voting rights for all convicted felons or prohibited all felons from ever having the right to vote; Missouri and Virginia considered granting their secretaries of state and attorneys general broader powers to investigate and prosecute election law violations; a South Carolina bill would have required notifying all ex-felons of their right to vote; and Tennessee lawmakers defeated legislation which would have dramatically increased the penalties for election officials committing election fraud.
<table>
<thead>
<tr>
<th>State</th>
<th>Voting Fraud Crime Class (when given)</th>
<th>Voting Fraud Punishment Applicable: Imprisonment and/or Fine</th>
<th>Crime Class and Punishment for Election Officials Releasing Election Results Early</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Crime class not given</td>
<td>Between 2 and 5 years in prison</td>
<td>Not a crime</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Class D felony</td>
<td>Up to 6 years in prison and/or up to a $10,000 fine</td>
<td>Class A misdemeanor; up to 1 year in prison and up to a $100 fine</td>
</tr>
<tr>
<td>Florida</td>
<td>3rd degree felony</td>
<td>Up to 5 years in prison and/or up to a $5,000 fine</td>
<td>3rd degree felony; same punishment applicable</td>
</tr>
<tr>
<td>Georgia</td>
<td>Felony</td>
<td>Between 1 and 10 years in prison or up to a $10,000 fine</td>
<td>Felony; same punishment applicable</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Class D felony</td>
<td>Between 1 and 5 years in prison, or between a $1,000 and $5,000 fine (or double the amount of gain from the commission of the crime, whichever is greater)</td>
<td>Class D felony; same punishment applicable</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Misdemeanor</td>
<td>First offense: up to 1 year in prison and/or up to $1,000 fine; second or succeeding offense: up to 5 years in prison and/or up to a $2,500 fine</td>
<td>Misdemeanor; same punishment applicable</td>
</tr>
<tr>
<td>Maryland</td>
<td>Crime class not given</td>
<td>Up to 5 years in prison and/or up to a $2,500 fine</td>
<td>Not a crime</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Misdemeanor</td>
<td>Up to 6 months in jail and/or up to a $200 fine</td>
<td>Not a crime</td>
</tr>
<tr>
<td>Missouri</td>
<td>Class 1 election offense</td>
<td>Up to 5 years in prison and/or up to a $2,500 fine</td>
<td>Class 4 election offense; up to 1 year in prison and/or a fine of between $2,500 and $10,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Class 1 felony</td>
<td>Up to 5 years in prison and/or up to a $5,000 fine</td>
<td>Not a crime</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Felony</td>
<td>Up to 2 years in prison and/or up to a $5,000 fine</td>
<td>Not a crime^</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Varies from misdemeanor to felony</td>
<td>Varies from misdemeanor to felony</td>
<td>Not a crime^</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Class E felony</td>
<td>Between 1 and 6 years in prison and/or up to a $3,000 fine</td>
<td>Class A misdemeanor; up to 11 months and 29 days in jail and or a fine of up to $2,500</td>
</tr>
<tr>
<td>Texas</td>
<td>3rd degree felony^</td>
<td>Between 2 and 10 years in jail and/or up to a $10,000 fine</td>
<td>Class C misdemeanor; up to a fine of $500</td>
</tr>
<tr>
<td>Virginia</td>
<td>Felony</td>
<td>Between 1 and 10 years in prison</td>
<td>Not a crime^</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Class 6 felony</td>
<td>Between 1 and 5 years in prison and/or up to a $2,500 fine</td>
<td>Not a crime^</td>
</tr>
</tbody>
</table>

**Notes:**

- ^A Oklahoma, South Carolina, Virginia and West Virginia officials commented that, since votes are not tallied until after polls are closed, precinct officials have no way of knowing the results of any election prior to the close of the polls.
- ^B Penalty applies to those convicted of illegal voting. Those attempting to illegally vote are not punished as severely.
Removing Deceased Voters from the Voting Rolls

State and local jurisdictions use different methods to compile and revise voter registration lists. While the majority of local election jurisdictions in Southern states use computerized systems to maintain their own voter registration list (batch systems), only some are linked to statewide and state-maintained (central) voter registration systems. Likewise, local election jurisdictions use slightly different methods in obtaining and verifying information on deceased individuals and removing them from registration lists.

Most Southern states use the batch system, whereby county election officials are responsible for deleting the names of deceased registered voters from their voter lists, based on reports from the state. Currently, Alabama, Arkansas, Florida, Georgia, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Texas and West Virginia rely primarily on this process. In these states, information on deaths is usually supplied to counties, on a monthly basis, by a state division of vital statistics or department of health. This information may or may not filter through a state’s division of elections prior to dissemination. Counties then review these lists, verify the information, and remove from their rolls registered voters who have died.

Election officials in some of these states commented that local officials verified deceased notifications through such means as obituaries published in newspapers and the notification of family members. Batch systems may create challenges as deaths outside the state are recorded where they occur, making them difficult to track; counties within a state may experience challenges sharing this information with each other; reports on deaths may not come in a timely manner from the state; and “real-time” checks of death records may prove impossible for poll workers on election day.

The National Task Force on Election Reform recommends that states form a statewide central voter file or registry as a critical tool in minimizing vote fraud to identify deceased and otherwise ineligible voters. As of
November 2001, only six Southern states responded that they currently, or were planning to, employ a centralized system. Even in these states, however, it should be noted that counties still remain responsible for deleting their own voter rolls of deceased voters, following their state’s lead.

- Florida passed legislation in 2001 calling for the formulation of a statewide Internet voter database, updated daily, to determine voter eligibility. The database is to contain voter registration information from each of the state’s 67 counties, and is to be operational by June 1, 2002;
- Georgia passed legislation authorizing the secretary of state to delete the records of deceased voters once that office has set up guidelines for doing so;
- Kentucky has had a centralized statewide voter registration database since 1973. Upon receipt of notification of a registered voters death by the state, the State Board of Elections removes the voter’s name from voter registration records;
- Louisiana’s Department of Elections and Registration cancels the deceased’s registration on the statewide voter registration computer system based on information received monthly from the Department of Health and Hospitals, then notifies parishes to do the same;
- Maryland hopes to have a statewide voter registration system completed by the end of 2001;
- South Carolina’s State Election Commission removes dead voters’ names from the statewide voter registration list based on monthly reports from the Bureau of Vital Statistics, then informs counties that it has done so; and
- Virginia’s State Board of Elections removes the names of deceased voters from its central record-keeping voter registration system based on monthly reports from the State Registrar of Vital Records, then notifies local election jurisdictions to do the same.

According to the General Accounting Office, 13 states nationwide utilize statewide voter registration systems. In addition to keeping better records of deceased voters, centralized online voter registration files have other distinct advantages. According to The [Florida] Governor’s Select Task Force, an online voter registration database is beneficial in that it could replace a decentralized system that is seldom accurate or current; decrease redundant registration functions around a state, thus reducing costs; reduce duplicate registrations across a state; enable poll workers to use computers at the polling place to verify information on voters instantaneously; and allow local election supervisors from around a state to update records immediately.
Section II
Election Policies and Reform: Southern State-by-state Review

Methodology

This report reviews various election policies and election reform legislation, both having passed and failed, in the 16 Southern Legislative Conference member states as of November 2001. These Southern states are Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

To gather the information contained throughout this report, surveys were sent to state directors of elections. The SLC survey consisted of 23 detailed, multi-part questions covering a host of issues related to states’ election policies and procedures. In particular, but not exclusively, questions related to issues highlighted during Florida’s 2000 presidential election and subsequent controversy. The focus was on 13 election topics: elections staff; poll requirements; Internet election services; voter identification; voter education; early and absentee voting; voting equipment, testing and certification; punch-card ballots; vote recounts; presidential electors; felons’ voting rights; voter fraud; and purging deceased voters from voting lists. Some of these topics are either subdivided or condensed throughout the report. Election statutes from all 16 states were thoroughly reviewed both to compliment and supplement states’ responses to the survey. (Please see Appendix I for the complete survey instrument.)

Once states completed surveys, a draft of each state’s pages was compiled, then returned to them for verification and comment. At that point, respondents also were asked follow-up questions in order to incorporate similar information under states’ respective topic categories. In most cases, survey responses were supplemented with material from a state’s election
Web site; existing publications, reports or newspaper articles; or phone interviews prior to the review process. (Please see Appendix II for report contributors.)

In addition, the SLC has tracked and reviewed all election reform legislation introduced in Southern states during their 2001 legislative sessions in order to provide information on related bills both considered and signed into law. Legislation information may be found throughout this report, either by subject area (prior to this point) or by state (subsequently). Due to the sheer number of election reform bills introduced (approximately 500, excluding their companions), the primary focus throughout is on legislation which has been signed into law. While hundreds of other election housekeeping bills were considered by Southern states in 2001, an attempt has been made to highlight election reform measures, though this attempt may be subjective at times. Attorneys or other staff assigned to each state’s legislative committee(s) in charge of election legislation have reviewed bill information contained to ensure this report’s inclusiveness. All introduced bills were reviewed by the SLC to ensure the report accurately referenced them.
Alabama

2001 Legislative Activity

Though more than 20 election reform bills were considered during the Alabama Legislature’s 2001 session, no significant legislation passed. The measures proposed included: expanding eligibility for absentee voting and clarifying existing eligibility requirements; requiring voter identification be shown at the polls; strengthening penalties for voting crimes; allocating presidential electoral votes by district, with two electors selected at large from the overall popular vote; and various polling place topics such as requiring elections officials to equally represent both political parties, clarifying and enhancing the responsibilities and requirements of poll workers, and expanding the distance separating non-voters from the polling location.

General Election Procedures

Elections Staff, Training and Compensation – During general elections, each polling place is required to employ three election inspectors and two clerks. Precincts using electronic voting machines must have one voting inspector and three clerks on staff. Before each election, instruction is given to poll workers on machine preparation and procedures, with the secretary of state’s Election Division providing a video presentation and guides to assist in the training process. Poll workers are paid $70 per day.

Poll Requirements, Signage and Voter Instruction – The state requires polling places to be open at least 10 consecutive hours on election day. Polls may open no later than 8:00 a.m. and close no earlier than 6:00 p.m. When the polls close, qualified voters waiting within the voting room are permitted to vote. Precincts using mechanical voting devices provide one machine for every 600 registered voters within that precinct. Precincts using electronic machines must provide one precinct counter for every 2,400 voters. Officials responded that only instructions for voting are required to be posted at each polling place.

Internet/Fax Registration and Online Poll Information – Voters are able to download voter registration forms from the Internet, but may not complete or submit them online. Absentee ballot applications are not available online. Currently, voters are unable to locate the precinct in which they reside or their polling location on the Internet.

Voter Identification and Provisional Ballots – Voters are not required to show identification prior to voting, but they must sign their name on the poll list.

Voter Education, Notification and Guides – There are no state-required, recurring voter education programs; however, the Election Division prints informational brochures and informational materials for voter education purposes. These materials are sent to civic and community groups, schools, etc.

Early Voting – Besides in-person absentee voting, early voting is not an option in Alabama.

Absentee Voting and Ballots – Voters may vote absentee by mail if they will be out of the county or the state on election day and on the Saturday 10 days prior to the date of the election; have a physical illness or infirmity which prevents their attendance at the polls; work on a shift during which at least 10 hours coincide with the hours that polls are open; are enrolled as a student at an educational institution located outside their county of residence; are a member of, or spouse or dependent of a member of, the armed forces; or are a poll worker at a polling place other than their regular polling place. Those expecting to be out of their county of registry on election day may vote absentee, in person, on the Saturday 10 days prior an election. Regardless of postmark date, marked absentee ballots from overseas voters must be received by the close of polls on election day.
Punch-Card Ballots – No counties use punch-card ballots.

Equipment Testing and Certification – Officials responded that voting machines are tested in each county prior to each election, though the policies and timing of such testing were not elaborated upon.

Recounts – There are no circumstances under which a vote recount is automatic; however, any elector may request a recount within 48 hours after the official canvass of county election results. Counties are responsible for conducting recounts.

Presidential Electors – Presidential electors are not required by law to vote for the presidential or vice presidential candidate for whom they were appointed.

Felons’ Voting Rights and Voter Fraud – According to state statute “any person who is disqualified by reason of conviction of [a felony]… and who has been pardoned, may be restored to his citizenship with right to vote by the State Board of Pardons and Paroles when specifically expressed in the pardon. If otherwise qualified, such person shall be permitted to register or re-register as an elector upon submission of a copy of the pardon document to the board of registrars or deputy registrars of the county of his residence.”

Persons voting more than once during an election; depositing more than one ballot for the same office; knowingly attempting to vote when they are not entitled to do so; or who are guilty of any kind of illegal or fraudulent voting, must, on conviction, be imprisoned in the penitentiary for not less than two nor more than five years, at the discretion of a jury.

Purging Deceased Voters – Registrars of vital statistics for each of the several registration districts of the state must furnish the board of registrars of the county in which such district is located, once each month, with a report of the death of all persons over 18 years of age who resided in such registration district. The county boards of registrars meet during August of each year and, after confirming information, purge their registration list of voters who have died.

You may visit the Alabama Secretary of State’s Web site at: http://www.sos.state.al.us, or review State Code at: http://alisdb.legislature.state.al.us/acas/ACASLogin.asp.
Arkansas

2001 Legislative Activity

During its 2001 session, the Arkansas General Assembly considered over 30 bills related to election and election reform, with 20 bills passing and signed into law. Among them:

- **HB 1121** establishes the Arkansas State Electoral Improvement Study Commission. This nine-member Commission shall study the nature of the state’s election process, addressing such issues as standardizing voting machinery, election technology, voter registration issues, election dates and federal laws or proposals regarding the conduct of federal elections. The Commission is to report its findings to the General Assembly no later than June 30, 2002;

- **HB 1175** requires elections officials to post signs, outside the facility, indicating the locations of polling places;

- **HB 1662** and **HB 1663** update materials and instructions for completing and returning absentee ballots;

- **HB 1685** adjusts the time period by which county election commissioners declare and certify election results (no sooner than 48 hours, or later than 10 days, after an election), and more clearly specifies conditions under which a candidate may request and be granted a vote recount;

- **HB 1689** requires counties to give public notice, in a newspaper of general circulation, of election times and polling sites 20 days before a general election;

- **HB 1701** amends laws relating to the terms and responsibilities of the State Board of Election Commissioners;

- **HB 2011** changes the time during which election officials must return ballots to county supervisors from within 24 hours to “immediately” following poll closings;

- **HB 2159** allows the secretary of state to transfer funds for the training of poll workers;

- **HB 2389** requires each county board of election commissioners to designate two election officials per polling site to attend election training (coordinated by State Board of Election Commissioners) prior to the 2002 primary election, and have at least one election official at each polling location who has attended such training for each subsequent election; and

- **HB 2648** requires county boards of election to, at the time the vote is certified to the secretary of state, report the number of ballots delivered to the polls, changed ballots that were disqualified, spoiled ballots, and unused ballots. In addition, county boards must also report, within 30 days after an election, the number of undervotes and overvotes cast in the election.

Among unsuccessful legislation in 2001 were measures to allow any county to have more than one early voting site; permit counties to establish their own early-voting hours; require the State Board of Election Commissioners to study the establishment of uniform statewide ballots; and to make it easier for voters to obtain absentee ballots.
General Election Procedures

Elections Staff, Training and Compensation - During general elections, each polling site shall have a minimum of two election clerks, one election judge and one election sheriff on duty. Some poll worker training was mandated during the 2001 legislative session, with the State Board of Election Commissioners currently promulgating rules, regulations, and staff compensation for this training. Currently, training is not required of each poll worker, but of a certain number of workers per each polling location. For state-funded elections, poll workers must be paid, at a minimum, the federal minimum wage per hour worked, with counties being able to supplement that wage. In all other elections, poll worker pay is at the counties’ discretion, though staff must be paid at least $7.50 per election.

Poll Requirements, Signage and Voter Instruction – Uniform statewide poll opening and closing hours are required, from 7:30 a.m. to 7:30 p.m., during general elections. Other than in counties using paper ballots, Arkansas does not have a formula for determining how many poll locations or voting booths are required during a general election, as this number is at the discretion of each county board of election commissioners. Counties using paper ballots must provide one voting booth per every 50 persons voting in the last comparable election. Forms displaying voters’ rights and responsibilities and voting instructions are required to be posted at each polling location.

Internet/Fax Registration and Online Poll Information – Voter registration applications may be obtained and returned online and, while absentee ballot applications are not available over the Internet, they may be returned by fax once completed. Currently, voters are not able to locate online the precinct in which they reside or obtain the location of their polling place.

Voter Identification and Provisional Ballots – Before a person is permitted to vote, they must state their name, and state or confirm their date of birth. The voter must then sign the precinct’s voter registration list and provide one of the following pieces of identification (ID): a valid driver’s license; photo or employee ID card issued by a governmental agency; voter card; social security card; birth certificate; U.S. passport; employee ID card; student ID card; state hunting license; or U.S. military ID.

Voter Education, Notification and Guides - There are no state-required voter education programs, though such programs are provided by the secretary of state’s office on a voluntary basis. The state does not require counties to provide such education. While comprehensive voter guides (containing candidate and ballot information) are not circulated in advance of general elections, county boards of election commissioners are required to give public notice, in a newspaper of general circulation, of the time and polling sites for holding elections and the candidates and offices to be elected. This notice must be given at least 20 days before a general election.

Early Voting – Early voting is allowed up to 15 days before a general election. Citizens casting early ballots must do so at their county clerk’s office other than in Pulaski County (Little Rock), where residents have numerous locations at which to vote early.

Absentee Voting and Ballots – Voters who will be “unavoidably absent” on election day, or those who are ill or disabled, may vote by absentee ballot. While citizens living overseas must postmark their ballot by the day of election (with the ballot received by the county clerk no later than 5:00 p.m. 10 calendar days after the date of the election), legislation passed during the 2001 session no longer requires a postmark on military absentee ballots, as long as those ballots are executed no later than the date of the election and received no later than 10 days following the election.
Punch-Card Ballots – While eight Arkansas counties utilize punch-card voting machines, no state laws or regulations govern the removal of accumulated chads from these devices nor clarify the guidelines for deciphering voter intent during the manual recount on mispunched cards.

Equipment Testing and Certification – State law mandates that lever machines must be tested to determine accuracy immediately after the certification of candidates for a general election. Electronic and punch-card systems must be tested prior to their delivery to polling sites. All such testing is conducted publicly.

Recounts – Under no circumstances are election recounts mandated by state law. However, any candidate who is not satisfied with the returns from any precinct may request a recount if he or she does so prior to the vote certification. The cost of the recount must be borne by the requesting candidate, unless the recount alters the election’s outcome, in which case those expenses are refunded to the candidate. While recounts are conducted in the same fashion as the initial vote count, county election commissioners could decide to have a manual recount if the equipment is believed to have malfunctioned.

Vote Canvass and Certification – County boards of election commissioners must ascertain, declare and certify to the secretary of state the results of an election no earlier than 48 hours, and no later than 10 days, following an election.

Presidential Electors – Presidential electors are not required by law to vote for the presidential and vice presidential candidates that correspond to the political party or candidate for which the elector was chosen.

Felons’ Voting Rights and Voter Fraud – Convicted felons are allowed to vote if they have successfully completed their sentence (including time under probation or parole, and the payment of all fines) or have been pardoned. Those found guilty for committing, or attempting to commit, fraud in connection with voting will be charged with a Class D felony, punishable by up to six years in prison and up to a $10,000 fine. It is illegal for election staff to release the results of general elections prior to the closing of the polls on election day. Those found guilty will be charged with a Class A misdemeanor, punishable by up to one year in prison and up to a $100 fine.

Purging Deceased Voters – While the state coordinated the process of purging dead voters from the voter registration list in 1997, counties have been responsible for doing so since.

You may visit the Arkansas Secretary of State’s Web site at: http://sos.state.ar.us, or review State Code at: http://www.arkleg.state.ar.us/newscode/lpext.dll?f=templates&fn=default.htm
Florida

2001 Legislative Activity

Considering well over 100 election reform bills during its 2001 session, the Florida Legislature passed the comprehensive Election Reform Act of 2001 (SB 1118), a $32 million package the *Washington Post* proclaimed to be “the most far-reaching collection of election improvements in the nation.”

- **SB 1118**, among other provisions:
  - prohibits the use of punch cards, paper ballots, mechanical lever machines and central-count voting systems as of the 2002 primary election, requiring precinct-count optical-scan ballot systems to be in place by this time. The Act provides counties with $24 million over a two-year period to replace outdated equipment;
  - requires the adoption of a uniform primary and general election ballot design for each certified voting system;
  - allows voters whose eligibility cannot be determined to vote by a provisional ballot;
  - requires the same manner of recount to be conducted in each affected jurisdiction and, for statewide elections, mandates that recounts be conducted in every county in the state, eliminating partial recounts;
  - provides specific guidelines for local canvassing boards as to when to order a recount, doing away with the boards’ discretion;
  - modifies deadlines for county canvassing boards to certify the results of an election;
  - significantly alters the absentee voting procedures for military and overseas voters;
  - allows all registered voters to cast an absentee ballot without restriction, and allows canvassing boards to process these ballots up to four days before elections;
  - requires minimum standards and hourly requirements for the training of poll workers;
  - establishes and requires the division of elections to adopt rules for minimum standards for voter education programs to be carried out by counties, appropriating approximately $6 million for this effort;
  - mandates that all polling places post a Voter’s Bill of Rights and Responsibilities;
  - modifies the composition of the state Elections Canvassing Commission;
  - modifies the grounds for an election contest;
  - authorizes $2 million to develop a statewide voter registration database containing voter registration information from all counties; and
  - requires a study to be conducted on the benefits and drawbacks of having uniform poll opening and closing times throughout the state.
**General Election Procedures**

**Elections Staff, Training and Compensation** – During general elections, the state requires that at least two inspectors and one clerk staff each polling location. County supervisors of elections are required to conduct training for inspectors, clerks and deputy sheriffs prior to each primary, general and special election, instructing them on their duties and responsibilities. Election employees are required to complete this training in order to work the polls. Clerks must have a minimum of six hours of training during a general election year, at least two hours of which must occur after June 1 of that year, and inspectors must have a minimum of three hours of training during the year, with at least one hour occurring after June 1. Supervisors of elections shall work with the business and local community to develop joint public/private programs to ensure the recruitment of skilled inspectors and clerks.  

State statute does not set a minimum or maximum amount which poll workers are to be compensated for their services during elections. This rate is set by county supervisors of elections.

**Poll Requirements, Signage and Voter Instruction** – Uniform, statewide polling hours are between 7:00 a.m. and 7:00 p.m. Those waiting in line at 7:00 p.m. are allowed to vote. As required by the 2001 reform legislation, election officials currently are studying the benefits and drawbacks of having uniform poll opening and closing times throughout the state, with a report to be submitted to legislative leaders by January 1, 2002. This report must include a discussion of the circumstances surrounding the 2000 presidential election; changing the state to one time zone; changing polling times to coincide in both time zones; and having the Central Time Zone not recognize daylight saving time.

There shall be in each precinct in each county one polling place. In any county in which voting machines are used, the state requires that at least one voting machine be in use for each 400 registered voters in that county. In counties where 25 percent or more of registered voters are 60 years of age or older, officials must provide at least one machine for each 350 registered voters.

Polling places must display cards containing information about how to vote and include a list of rights and responsibilities afforded voters. In addition, whenever a constitutional amendment is to be voted upon, the county election supervisor shall have a copy of the proposed amendment conspicuously posted at each precinct polling place and, for the instruction of voters, shall provide at each polling place an instructional model illustrating the manner of voting with used in that precinct. Polling locations must be conspicuously identified by a sign posted on or near their premises.

**Internet/Fax Registration, and Online Poll Information** – Voter registration applications are available on the Internet and can be completed online. Once the application is completed on the secretary of state’s Web site, it is mailed to the applicant for review and signature, and then can be forwarded to the county supervisor of election. While not available statewide, some county Web sites allow for online absentee ballot application requests and enable voters to locate the precinct in which they reside and their polling place. While completed registration applications cannot be faxed in as an original signature is required, requests for an absentee ballot and voted absentee ballots from overseas voters may be accepted by facsimile transmission.

**Voter Identification and Provisional Ballots** – Upon entering a polling place, voters are required to show a driver’s license, a Florida identification (ID) card or another form of photo ID approved by the Department of State. The voter must then sign in the space provided, with that signature compared to the one on the photo ID. A voter claiming to be properly registered and eligible to vote, but
whose eligibility cannot be determined, is entitled to vote by provisional ballot. If it is later determined that the person was registered and entitled to vote, the canvassing board shall count the ballot.

**Voter Education, Notification and Guides** – By March 1, 2002, the Department of State will, after reviewing current county voter education programs, adopt rules prescribing minimum standards for voter education. The standards of the new voter education program must address voter registration, balloting procedures, absentee voting, polling locations, voter rights and responsibilities, the distribution of sample ballots, and public service announcements. Once completed, each county supervisor shall implement the minimum voter education standards. By December 15 of each general election year, each county supervisor must report to the Department of State a detailed description of the program’s implementation, and provide information on its effectiveness. Comments regarding effectiveness will be incorporated in a report to legislators and the governor by January 31 of each year following a general election, and modifications to the curriculum will be considered. Each county will be able to receive funds (from a total $6 million appropriated) for voter education and poll worker training upon submitting a detailed description of their proposed program(s). This money is for the 2002 Fiscal Year only.

During the year of a general election, 30 days prior to the beginning of qualifying for office, the Department of State publishes (two times in a newspaper of general circulation in each county) a notice stating what offices and vacancies are to be filled. Prior to the day of the election, a sample ballot is published in a newspaper of general circulation in the county. If the county has an addressograph or equivalent system for mailing to registered voters, a sample ballot may be mailed to each voter or their household, in lieu of publication, at least seven days prior to any election.

**Early Voting** – Other than voting by absentee ballot, Florida does not allow for early voting.

**Absentee Voting and Ballots** – Any qualified and registered voter may vote an absentee ballot in person at the county supervisor of elections’ office, provided they show the required ID. All qualified, registered voters may also vote by mail-in absentee ballot. For mail-in absentee ballots received from overseas voters, there is a presumption that the envelope was mailed on the date stated and witnessed on the outside of the return envelope, regardless of the absence of a postmark. In order to be counted, absentee ballots must include the signature and address of a witness 18 years of age or older affixed to the voter’s certificate. All marked absentee ballots must be received by the county supervisor by 7:00 p.m. on the day of the election.

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**Voting Equipment Used by Florida’s 67 Counties August 2001**

<table>
<thead>
<tr>
<th>Voting Machine Type</th>
<th>Punch Card</th>
<th>Lever Machine</th>
<th>Paper Ballot</th>
<th>Optical Scan</th>
<th>Electronic</th>
<th>Mixed Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties Using</td>
<td>24</td>
<td>1</td>
<td>1</td>
<td>41</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Percent of Counties Using*</td>
<td>36%</td>
<td>1%</td>
<td>1%</td>
<td>61%</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

* Percentages do not add up to 100 percent due to rounding to the nearest 1 percent.

**Punch-Card Ballots** – Effective September 2, 2002, the use of punch-card voting systems will be prohibited in Florida.

**Equipment Testing and Certification** – On any day not more than 10 days prior to an election, the county supervisor of elections must have all automatic
tabulating equipment publicly tested to ascertain that it will correctly count votes. Public notice of the time and place of the test is to be given at least 48 hours prior to testing in a county newspaper of general circulation or in at least four conspicuous places in the county. In jurisdictions using voting machines, the county supervisor of elections must give written notice of the time and location of the pre-election test of the voting equipment to each candidate qualifying for that office. The supervisor of elections must, at least 15 days prior to an election, insert a legal notice in a newspaper of general circulation stating the time and place where the machines will be sealed and available for testing.

**Recounts** – If returns indicate that a candidate for any office was defeated by one-half of 1 percent or less of the votes cast for that office, the county canvassing board must order a machine recount of the votes cast. If the second set of returns indicates the candidate was defeated by one-quarter of 1 percent or less, the board shall order a manual recount of the overvotes and undervotes cast in the jurisdiction. If the second return indicates a margin of between one-quarter of 1 percent and one-half of 1 percent, the losing candidate may request a manual recount by 5:00 p.m. on the second day after the election.

Under a manual recount, which any candidate or political party may request, a vote for a candidate or ballot measure will be counted if there is a clear indication on the ballot that the voter has made a definite choice. Currently, the Department of State is working on rules which shall prescribe a “clear indication.” According to statute, such rules must not exclusively provide that the voter must properly designate his or her choice on the ballot or contain a catch-all provision that fails to identify specific standards, such as “any other mark or indication clearly indicating that the voter has made a definite choice.”

**Vote Canvass and Certification** – As a result of the 2001 reforms, county canvassing boards must file election returns with the Department of State by 5:00 p.m. on the 11th day following a general election, unless there is an emergency. The previous deadline for filing returns was seven days after the election.

**Presidential Electors** – Presidential electors must take an oath that they will vote for the candidates of the party that they were nominated to represent; however, state statute does not provide penalties for electors failing to vote in this prescribed manner.

**Felons’ Voting Rights and Voter Fraud** – A person who has been convicted of any felony by any court may not be registered to vote until his or her civil rights have been restored. Under rules adopted by the governor in 2001, the process of restoring those rights after an ex-convict has completed his or her prison sentence, including time on probation or parole, has been streamlined in the state. According to these new rules, violent and habitual offenders, as well as those who have not paid restitution to their victims, must undergo civil rights hearings (which some estimate take up to a year to schedule) to have their civil rights restored. All other ex-felons may forgo hearings, with restoration taking between six to eight months after their release from supervision.

Any person committing, or attempting to commit, fraud in connection with any vote cast, to be cast, or attempted to be cast, is guilty of a felony of the third degree, punishable by a term of imprisonment not to exceed five years and/or a fine of up to $5,000. Any election official or employee who releases the results of any election prior to the closing of the polls on election day also commits a felony of the third degree, with the same punishment(s) applicable.

**Purging Deceased Voters** – The Department of Health furnishes monthly to each county supervisor of elections a list containing the name, address, date of birth, race, and sex of each deceased person 17 years of age or older who was a resident
County supervisors then remove those deceased registered voters from their rolls.

The Department of State currently is developing a statewide voter registration database, to be updated on a daily basis once completed, to determine if a registered voter is ineligible to vote due to their death or other reasons. The database will contain voter registration information from each of the 67 county supervisors of elections in the state and will be accessible through an Internet Web site. Both the database and Web site are to be fully operational statewide by June 1, 2002.

You may visit the Florida Secretary of State’s Web site at: http://www.dos.state.fl.us/
or review State Election Statute at: http://www.leg.state.fl.us/Statutes/index.cfm.
Georgia

2001 Legislative Activity

While 16 bills relating to election reform were introduced during the General Assembly’s 2001 legislative session, only one significant measure was passed into law, revising numerous aspects of election statute and procedures.

- **SB 213**, among other provisions:
  - calls for replacing all of Georgia’s punch-card, paper and lever-style ballot machines with newer technologies by November 2004, providing funding is made available. In this transition, the law also established a pilot program to test electronic voting equipment in municipal elections (four or five, as indicated by and at the discretion of the secretary of state) across the state during the November 2001 municipal elections;
  - creates the 17-member, bi-partisan Twenty-first Century Voting Commission to establish standards, evaluate equipment performance in the pilot project and advise state officials on what equipment should be mandated for use in all counties. The Commission was required to present its findings by December 31, 2001;
  - reduces opportunities for voter fraud by consolidating the responsibility for removing deceased persons from the voter roll in the secretary of state's office;
  - streamlines the general election ballot by eliminating the non-partisan primary used to select judges and other non-partisan posts;
  - requires a short, easy-to-understand summary for all constitutional amendments;
  - specifies the circumstances under which election superintendents may open and process absentee ballots;
  - alters the form of nonpartisan election ballots;
  - revises requirements for poll watchers;
  - provides for voter and election worker education in the operation of election equipment;
  - sets times for the certification of election results; and
  - provides for the transmission to registrars, for the purpose of removing from the voting list, the names of persons who have been convicted of felonies.

Upon passage of this bill, Georgia became the first state in the nation to mandate a uniform system of voting in the aftermath of the 2000 presidential election. While the General Assembly, thus far, has provided $200,000 to test new voting machines, secretary of state Cathy Cox estimated that the cost of purchasing machines for use in all of Georgia’s 159 counties would be between $35 million and $150 million. Some state officials noted that they are waiting to see if any federal dollars will be appropriated to upgrade voting equipment before they appropriate state money toward this endeavor.

Among unsuccessful legislation considered by the 2001 General Assembly were measures to provide rewards for persons providing information on voter fraud; significantly expand absentee voting opportunities; clarify under what circumstances an election recount could be called; require the closing of schools...
serving as polling locations on election day; and further restrict campaign activities and exit polling at voting places.

**General Election Procedures**

**Elections Staff, Training and Compensation** – For all elections, the state requires at least one manager and two assistants be on duty at all polling locations. Senate Bill 213, effective June 2001, requires county superintendents to provide adequate training to all poll officers regarding the use of voting equipment, voting procedures, applicable aspects of state and federal election law, and other duties which are required of them. Upon successful completion of this course, workers are granted a certificate noting completion of the required training. Such certification is required of all poll workers, other than those serving as emergency replacements on election day. The county election superintendent must provide information to the secretary of state’s office as to training course dates and the number of persons attending each course. The state does not set a minimum or maximum pay rate, either hourly or per election, which poll workers must receive. This amount is determined by county election superintendents.

**Poll Requirements, Signage and Voter Instruction** – The statewide, uniform poll opening time on election day is 7:00 a.m., with polls closing at 7:00 p.m. Those standing in line at 7:00 p.m. will be allowed to vote. During elections, the state requires that counties provide at least one voting booth per 200 voters, per precinct, in jurisdictions using punch-card and optical-scan systems, and one voting booth per 500 voters in precincts using lever machine voting systems. If, however, it is found that a precinct has more than 2,000 voters, and the last person in line for a general election had not completed voting by 8:00 p.m., the election superintendent must reduce the precinct to fewer than 2,000 voters at least 60 days prior to the next general election.

Signs notifying voters of voting instructions, sample ballots, penalties for voter fraud, the proper identification required of them, and other information must be posted in all polling locations during general elections.

**Internet/Fax Registration and Online Poll Information** – Voter registration applications are available via the Internet. However, once completed, applications must be mailed or personally carried to the voter registration office, as the applicant must sign a self-affirming oath on both the printable online form and those available by hard copy. Absentee ballot applications also are available online, and may be faxed in, but cannot be completed over the Internet. A voter’s signature, verified from the registration card, is required on mailed-in absentee applications and ballots. Prior to each election, voters are able to locate the precinct in which they reside and obtain the location of their polling place via the secretary of state’s Web site.

**Voter Identification and Provisional Ballots** – Prior to voting, Georgians are required to present at least one of the following 13 pieces of identification (ID): a valid driver’s license; U.S. passport; government or business employee ID card with photograph; Georgia- or other state-issued ID card; student ID with photo; gun permit; pilot’s license; U.S. military ID; birth certificate; Social Security card; certified naturalization document; or a certified copy of court records showing adoption, name change, or sex change. Voters must sign a voter certificate prior to voting.

**Voter Education, Notification and Guides** – While no voter education programs are required by the state, SB 213 requires the secretary of state to develop, implement, and provide a continuing program to educate voters, election officials and poll workers in the proper usage of voting equipment. Counties will bear the cost of their election officials attending these courses. The secretary of
state’s Web site offers basic election and voter registration information; however, officials note, any information on candidates is distributed by persons, groups or candidates, not the secretary of state’s office.

**Early Voting** – Other than for those voting absentee, Georgia does not provide for early voting.

**Absentee Voting and Ballots** – Persons who will be out of their precinct from 7:00 a.m. to 7:00 p.m. on election day, or who are election officials; physically disabled or their caretakers; celebrating a religious holiday; public safety employees; or aged 75 and over are eligible to vote by absentee ballot. Those voting absentee in person must do so through the Monday prior to an election. All absentee ballots must be received in the registrar’s office by the closing of polls on election day, regardless of their postmark. Ballots are taken to the absentee ballot tabulating center after the polls close at 7:00 p.m. on election day.

<table>
<thead>
<tr>
<th>Voting Equipment Used by Georgia’s 159 Counties August 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voting Machine Type</td>
</tr>
<tr>
<td>Counties Using</td>
</tr>
<tr>
<td>Percent of Counties Using</td>
</tr>
</tbody>
</table>

**Punch-Card Ballots** – Voting instructions are required to be placed in all types of voting booths. Nothing in state code clarifies or instructs a poll officer to determine the intent of a voter who uses punch-card ballots. While there is no policy dictating the removal of machines’ accumulated chads, officials note that it is not unusual for tabulating personnel to “fan” the ballots prior to placing them in ballot counters.

**Recounts** – While automatic vote recounts are not mandated in any circumstances, a candidate who loses a nomination or election by not more than 1 percent of the total votes cast may request in writing, within a period of five days following the certification of election results, then be granted, a recount of the votes cast by the state superintendent of elections.

**Vote Canvass and Certification** – County election superintendents must certify election results to the secretary of state not later than 5:00 p.m. on the seventh day following the date on which an election is held. By no later than 5:00 p.m. on the 14th day following the election, the secretary of state shall certify vote returns. The governor shall ascertain the number of votes and shall certify the slates of presidential electors receiving the highest number of votes no later than 5:00 p.m. on the 15th day following the election date.

**Presidential Electors** – Presidential electors are required by law to vote for the candidates for president and vice president that correspond to the political party or candidate for which they were chosen.

**Felons’ Voting Rights and Voter Fraud** – Convicted felons must have completed their total felony sentence (including incarceration, probation and fines conditioned to probation) prior to registering to vote. Those committing, or attempting to commit, fraud in connection with voting are guilty of a felony, with a punishment not to exceed a $10,000 fine or imprisonment of not less than one year nor more than 10 years. Poll officers who release the results of general elections, by any form of voting, prior to the closing of polls also are guilty of a felony, with possible like punishments.
Purging Deceased Voters – The secretary of state receives from the State Vital Records Division a monthly printout, by county, of deceased persons. The list presently is sent to individual county registration offices so that they may delete said individuals from their voting rolls, but SB 213 authorizes the secretary of state’s office to delete these deceased individuals’ records. The guidelines for removal of the deceased will be determined by the secretary of state. One recommendation is for the secretary of state to have each county registration office remove the deceased’s records within 30 days of being given notice, and if they fail to meet this deadline, the secretary of state’s office will remove and notify counties of said deletions.

You may access the Georgia Secretary of State’s Web site at: www.sos.state.ga.us, or review State Election Code at: www.ganet.org/services/ocode/ocgsearch.htm.
Kentucky

2001 Legislative Activity

While nine bills relating to elections and election reform were introduced, only one of these measures was passed and signed into law during the General Assembly’s 2001 session:

- **SB 123** requires polling places to post conspicuous signs displaying the telephone number and mailing address of the county board of election and informing voters of their right to report any administrative or clerical errors they witness to the board of elections within 10 days after the election.

Of unsuccessful legislation, HB 327 was perhaps the most significant. Among other provisions, this bill would have required investigations of absentee voter fraud or of a high rate of absentee ballot requests; amended who may request and return an absentee ballot application and who may vote absentee; provided for programs of civic voter education; provided better pay and training for poll workers; defined how votes should be tallied and transmitted; provided that counties using lever voting machines replace those machines with electronic voting systems as adequate funding became available; and required that all ballots and ballot labels conform to uniform statewide standards. Other unsuccessful legislation would have extended voting by one hour; expanded opportunities for absentee voting; and removed the requirement that voters sign a voting affidavit when they are unable to provide identification and their vote is challenged.

It should be noted that, following the approval of a 2000 constitutional amendment, 2001 was the General Assembly’s first odd-year regular session, limited to 30 days. The passage of significant election reform legislation may have been affected by this short time frame, and by the fact that bills appropriating funds (which HB 327 would have) require a three-fifths majority vote in both the House and Senate. Legislators are expected to revisit election reform proposals during the 2002 regular session, as several such bills had been filed several months prior to its commencing.

General Election Procedures

Elections Staff, Training and Compensation – During general elections, the state requires that four precinct workers (one clerk, one sheriff and two judges) be physically present at polling places during election hours. A county board of elections may request that the state approve the use of up to two additional precinct officers, per precinct, on election day.

Before each primary and regular election, all election officers are required to attend training, provided by each county board of elections, regarding their duties and the penalties for failure to perform them. This training includes instruction on operating voting machines, voter assistance, the posting of signage, confirming voter identification, write-in voting procedures, election violations and penalties, electioneering and exit polling. Election officers receive a minimum of $10 for attending mandated election training sessions.

Precinct election officers are paid a minimum of $60 per election served, and are reimbursed for mileage, for delivery of information to the polls and for returning election results.

Poll Requirements, Signage and Voter Instruction – Unified, statewide poll opening and closing times are 6:00 a.m. and 6:00 p.m., respectively, prevailing time, on election day. Anyone in line by 6:00 p.m. will be allowed to vote regardless of the time it takes them to do so. The state does not have a formula determining how many poll locations or voting booths are required for each precinct. Signs must be posted in all precincts stating that vote buying and selling
is illegal and informing voters of their right to report administrative or clerical errors to the county board of elections.

**Internet/Fax Registration and Online Poll Information** – While a downloadable voter registration application is available on the secretary of state’s Web site, it must, upon completion, be mailed in, as the applicant’s original signature is required. Absentee ballot applications are not available online. The only persons who may fax in an absentee application are those in the military, their dependents, and overseas voters. Currently, voters are not able to locate the precinct in which they reside or obtain the location of their polling place prior to an election via the Internet. Officials note that Jefferson County (Louisville) does allow for the latter.

**Voter Identification and Provisional Ballots** – Persons desiring to vote must state their name to the clerk on election day, and are allowed to vote if their name is listed on the precinct list and is not challenged. However, if their name is not listed on the precinct list, he or she is allowed to vote by completing an affidavit. Election officers are allowed to confirm the identity of each voter by personal acquaintance or by a document such as a driver’s license, Social Security card or credit card. If the voter has no identification, he or she is required to complete an affidavit.

**Voter Education, Notification and Guides** - The State Board of Education is required to provide public education programs (updated as relevant statutory changes occur) regarding elections, voting procedures and election fraud. These programs shall include an audio-visual presentation for high school juniors and seniors. Voter information guides are available both on paper and on the Internet in advance of elections, and all ballots must be published at least three days prior to an election. The county board of elections must publish the full election ballot not less than three days before an election.

**Early Voting** – While Kentucky does not provide for early voting, limited absentee voting is available for those who qualify.

**Absentee Voting and Ballots** – Any qualified voter who, on account of age, disability or illness, is not able to appear at the polls on election day may vote by absentee ballot, as may military personnel serving on active duty and their families -- and other residents of Kentucky residing outside the United States; students temporarily residing outside the state or country; those in jail, but not convicted of a crime; those who are absent due to employment; election employees; women in their last trimester of pregnancy; and those with emergency medical conditions. Regardless of postmark date, all absentee mail-in ballots must be received by 6:00 p.m., prevailing time, on election day in order to be counted.

**Punch-Card Ballots** – No counties utilize punch-card ballots.

| Voting Equipment Used by Kentucky's 120 Counties August 2001 |
|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Voting Machine Type | Punch Card | Lever Machine | Paper Ballot | Optical Scan | Electronic | Mixed Equipment |
| Counties Using | 0 | 8 | 0 | 1 | 111 | 0 |
| Percent of Counties Using* | -- | 7% | -- | 1% | 93% | -- |

* Percentages do not add up to 100 percent due to rounding to the nearest 1 percent.
Equipment Testing and Certification – No later than the Thursday preceding the day of the election, county clerks must notify the county board of elections that voting machines are ready for use. No later than the Friday preceding the day of the election, the board must examine machines and ballot labels to determine their accuracy. The board must publish public notice at least 24 hours in advance of the time when the machines are to be examined.

Recounts – Under no circumstances is an automatic vote recount mandated by the state. However, candidates, in most circumstances, may request a recount by filing a petition with a circuit court judge within 10 days following the election. The party requesting the recount shall execute bond for the costs of that recount.

Vote Canvass and Certification – For general elections, state statute only dictates the latest date by which the State Board of Elections is to certify vote totals, not the date by which county boards must declare and certify election results to the secretary of state.

Presidential Electors – Presidential electors are not required by law to vote in accordance with the popular vote of their state, or for the candidates for president and vice president that correspond to the political party or candidate for which the elector was chosen.

Felons’ Voting Rights and Voter Fraud – Those convicted of a felony are not allowed to vote unless their civil rights have been restored after the completion of their sentence. Any person who falsely impersonates a registered voter and casts a ballot, as well as most others committing fraud in connection with voting, are guilty of a Class D felony, punishable by one to five years in prison, or a fine from $1,000 to $5,000 (or double the amount of gain from the commission of the crime, whichever is greater). It is illegal for election employees to release the results of general elections, by any form of voting, prior to the closing of the polls on Election Day. Those found guilty of doing so will be charged with a Class D felony.

Purging Deceased Voters – Kentucky has had a centralized statewide voter registration database since 1973. Upon receipt of notification from the Cabinet for Health Services of the death of a person, the State Board of Elections shall, within five days, remove that person’s name from the voter registration records. Following the purge of that name, the State Board shall notify the county clerk of the county in which the person was registered, and the clerk must update their paper files within 10 days to reflect the necessary change.

Louisiana

2001 Legislative Activity

During its 2001 Regular Session, the Louisiana Legislature considered some 25 bills relating to election reform issues. Three of these passed and were subsequently signed into law.

- **HB 18** provides for the appointment of the commissioner of elections by the secretary of state, rather than electing that office; merges and consolidates the office of the commissioner of elections with the secretary of state’s office; and merges the Department of Elections and Registration (DER) with the Department of State. Currently, the DER maintains a statewide voter registration system and oversees programming and operation of all voting equipment (absent election day). The merger becomes effective at the expiration of the current term of the incumbent commissioner of elections (January 2004), or earlier if a vacancy occurs. The Legislative Fiscal Office estimates the merger will save at least $1.7 million annually by eliminating 31 duplicate positions, with a possible $2 million saved each year through the merging of computer systems and cutting other operating costs;

- **HB 656** requires each parish’s registrar of voters to provide the clerk of court (at the clerk’s request and at no cost) a monthly (in addition to the previous yearly) update to the official list of registered voters in the parish for use in maintaining a general venire list; and

- **HB 1558**, among several provisions:
  - changes the time frame by which those qualified to vote in Louisiana, but who have moved to another state or another political subdivision of the state, may vote either at the precinct or by absentee ballot corresponding to their prior residence;
  - alters the verification of absentee voters’ address changes;
  - allows registrars to use obituary notices, provided they entail sufficient information and have been verified, to remove deceased voters from the polls;
  - alters requirements for the filing of leases for private properties used as polling places;
  - adds several requirements for the delivering of supplemental lists of absentee voters to polling places and action to be taken by commissioners upon receipt;
  - requires those registering to vote by absentee ballot by mail to give various additional identifying information; revises other absentee voting procedures;
  - requires that several otherwise required documents relating to voting be placed in an envelope marked “Registrar of Voters,” which is sealed and attached to the precinct register; and
  - revises provisions relating to voting in nursing homes, elections expenses incurred by registrar of voters, and offenses for which forfeiture of office is a penalty.

Among unsuccessful legislation in 2001 were measures to reduce the number of hours which polls must be open; allow any voter to vote by absentee ballot; expand the absentee voting time period; permit first-time drug offenders to register and vote while they are on probation; establish absentee voting for those in nursing homes; prohibit the release of exit polling data prior to the close of
the polls on election day; extend the poll closing time to 10:00 p.m.; and allocate presidential electors based on two at large from the popular vote, and the rest by whichever candidate won that Congressional district.

**General Election Procedures**

**Elections Staff, Training and Compensation** – During general elections, precincts with more than 300 registered voters must have one commissioner-in-charge (manager) and four commissioners (workers) on duty at each polling place. Precincts with 300 or fewer voters are required to have one manager and three workers present unless they are consolidated with one or more additional precinct(s).

Each year, poll managers are required to complete a uniform statewide course of instruction on the operation of voting machines, relevant laws and regulations concerning the conduct of elections and matters pertaining to the powers and duties of commissioners-in-charge. Managers successfully completing this course are granted certification, which is valid for one year. A general course (consisting of instruction on poll worker duties, election forms, and proper operation of voting machinery) is held at least semiannually for elections commissioners, with all commissioners required to attend and pass a written test. Commissioners satisfactorily completing the course are issued certification, which remains valid for the unexpired (4-year) term of office of the clerk who conducted the school.

Per election, poll managers are paid $150; workers attending all required training are paid $100; workers who have not attended required pre-election instruction receive $50; and uncertified commissioners (used in emergency situations) receive $35.

**Poll Requirements, Signage and Voter Instruction** – Uniform statewide poll opening and closing times, from 6:00 a.m. to 8:00 p.m., are mandated for all elections. Anyone in line to vote at 8:00 p.m. is allowed to vote. Voting machines are allocated per precinct according to registered voters as follows: one machine for 600 voters or fewer; two machines for between 601 and 1,000 voters; three machines for between 1,001 and 1,400; and four machines per precinct with over 1,400 voters. State law requires that a significant number of machines, not to exceed 5 percent of the total, be held in reserve for use in emergency situations. During each election, a card of voting instructions, statement of proposed constitutional amendments (if applicable) and a sample ballot must be placed in a conspicuous place at the principle entrance to all polling places.

**Internet/Fax Registration and Online Poll Information** – Voter registration forms are available on the Internet, but are not accepted online. Completed applications will be accepted by fax if they are from any member of the United States armed services or any person residing outside the country. For verification of faxed applications, a voter’s identification card is mailed to the registrant with a notice to “deliver only as addressed.” If the card is returned, the registrar challenges the registration. Voters are not able to locate the precinct in which they reside or obtain the location of their polling place via the Internet. While absentee ballot requests are not available, nor may they be submitted online, they may be submitted by fax. For verification, a comparison is made between the information provided in the request and on file in the registrar’s office.

**Voter Identification and Provisional Ballots** – Before voting, voters must present a Louisiana driver’s license, a state identification (ID) card or other generally recognized photo ID. The voter then must provide his or her signature which is compared to their signature on the photo identification card. If the applicant does not have a photo ID, he or she must sign an affidavit to that effect and provide further identification such as a current registration certificate, supply a date of birth or provide other information in the precinct register.
Voter Education, Notification and Guides – State law does not require uniform statewide voter education programs. Information on the names, addresses and party affiliation of candidates who have qualified for office and a sample ballot for each precinct are available on the Internet. By law, each proposed constitutional amendment is printed in the official journal of each parish of the state. In addition, an explanation of each constitutional amendment is sent to each registrar for use during in-person absentee voting. Local propositions are required to be published for four consecutive weeks in the journals of those parishes where they appear on the ballot. Sample ballots are posted at all precincts for review by the public prior to voting.

Early Voting – Other than absentee voting, Louisiana law does not allow voters to vote early.

Absentee Voting and Ballots – In general, persons expected to be absent from their parish or hospitalized on election day, as well as the disabled, elections employees, and those 65 years of age or older are allowed to vote absentee in person. Absentee voting in registrars’ offices extends from 12 days to six days prior to an election. In addition, Louisiana allows absentee voting at nursing homes, for approved voters, on any date(s) set by a registrar between at least one week prior to the beginning day for voting through the last day for voting in the registrars’ offices. Most of those who are allowed to vote absentee in person also may do so by mail. Military and overseas absentee ballots need not be postmarked by a certain date (or at all); however, they must be received in the office of the registrar of voters no later than the close of the polls on election day, the same day on which they are tallied.

### Voting Equipment Used by Louisiana’s 64 Parishes August 2001

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<td>Counties Using</td>
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<td>52</td>
<td>0</td>
<td>0</td>
<td>12</td>
<td>0</td>
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<tr>
<td>Percent of Counties Using</td>
<td>--</td>
<td>81%</td>
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<td>--</td>
<td>19%</td>
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Punch-Card Ballots – No parishes use punch-card ballots.

Equipment Testing and Certification – Immediately after the secretary of state furnishes the ballots to the commissioner of elections, the commissioner shall prepare the voting machines for the election by placing them in order, inserting the proper ballots, and testing and adjusting them for the election. The Department of Elections and Registration tests the programming of all absentee counting equipment, both by in-house and parish personnel, upon receipt of the absentee counting equipment. Prior to the actual counting of any absentee ballot, all absentee counting equipment shall be capable of proving, through the production of a zero tally, that its candidate and question counters contain no votes for either a candidate or proposition. Candidates may inspect and test vote machines at the time of sealing the machines, a process open to the public.

Recounts – If the number of absentee ballots cast for all candidates for an office could make a difference in the outcome of an election for that office, and upon the written request of a candidate for the office, the parish board of election supervisors shall recount absentee ballots. All such recounts shall be held at 10:00 a.m., or following the re-inspection of voting machines, on the fifth day after the election, and at any time ordered by a court of competent jurisdiction. The deadline for filing a request for a recount to the parish board of election supervisors is the last working day prior to the date of the recount. If an election
contest suit is filed, a trial judge may order a recount, determining the date and
time during which the recount will occur.

**Vote Canvass and Certification** – Official results shall be certified by the parish
board to the clerk of court no later than 4:00 p.m. on the fourth day following an
election. The clerk of court shall transmit these returns to the secretary of state
no later than noon on the fifth day after the election, with Saturday, Sunday and
other legal holidays excluded.

**Presidential Electors** – Presidential electors are not required by law to vote for
the candidates for president and vice president that correspond to the political
party or candidate for which they were chosen.

**Felons’ Voting Rights and Voter Fraud** – Louisiana law prohibits a person who
is under an order of imprisonment for conviction of a felony from registering
to vote, or from voting. “Under an order of imprisonment” includes a sentence
of confinement whether or not a person is on probation or parole. Upon
completion of a sentence, ex-offenders’ voting rights are reinstated when the
person appears in the office of the registrar and provides documentation, from
corrections officials, that they are no longer under imprisonment.

It is a misdemeanor for committing, or attempting to commit, fraud in
connection with voting. For a first offense, a fine of not more than $1,000 or
imprisonment for not more than one year, or both, may be assessed. For a second
or succeeding offense, a fine or not more than $2,500 or imprisonment for not
more than five years, or both, may be assessed. It also is a misdemeanor for
elections employees to release election results prior to the official closing of the
polls on election day.

**Purging Deceased Voters** – To cancel deceased registrants, parish registrars of
voters (ROV) receive monthly notices of deaths from the Department of Health
and Hospitals (DHH) and the parish health units. Additionally, the Department
of Elections and Registration receives a report of persons 17 years of age
or older who died within the preceding calendar month from DHH. The
department cancels the deceased’s registration on the statewide voter registration
computer system if established criteria exactly corresponds, notifying ROVs of
cancellations. Data from DHH which does not exactly correspond is sent to
ROVs for further review and possible actions.

*You may visit the Louisiana Secretary of State’s Web site at: [http://www.sec.state.la.us](http://www.sec.state.la.us),
the Department of Elections and Registration site at: [http://www.laelections.org](http://www.laelections.org),
or review State Code at: [http://www.legis.state.la.us](http://www.legis.state.la.us).*
Maryland

2001 Legislative Activity

Of the 25 election reform bills introduced during the Maryland General Assembly’s 2001 session, five passed and were signed into law. Perhaps most significant of those becoming law were HB 1457 and SB 740.

- **HB 1457** requires the State Board of Election, in consultation with local boards, to select and certify a uniform, statewide electronic voting system to be used for voting both in polling places and by absentee ballot in all counties. Election officials anticipate that the four counties now using punch card and lever voting machines will have implemented the electronic system by the September 2002 primary, with all other counties making the transition by July 1, 2006.

The law also requires the State Board to certify only machines which are capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, and which are accessible to all voters with disabilities recognized by the Americans with Disabilities Act. Each county will have to pay its share (based on its voting-age population) of one-half of the state’s cost of acquiring and operating the voting machines. Counties which have purchased polling place and absentee voting systems within the past 10 years are allowed extra time (until July 1, 2006) to implement the uniform system. Fifty percent of any federal funds received for voting system improvements shall be distributed to the state, and 50 percent shall be distributed – once again on the basis of a county’s voting-age population – to counties having implemented the uniform voting system.

- **SB 740**, among other provisions:
  - alters certain procedures used by local election boards for the registration of voters who move between and within counties in the state;
  - revises the procedures for applying to register to vote at the Motor Vehicle Administration (MVA);
  - requires the MVA and the State Board jointly to establish certain procedures for maintaining registration declination information and registration records;
  - alters procedures for completing a temporary certificate of registration;
  - establishes certain procedures for voting by, penalties for violating provisions of, and procedures for canvassing provisional ballots; and
  - requires the State Board to include funding to support any additional personnel costs associated with the implementation of the provisional ballot system under certain circumstances.

According to elections officials, who stress its importance and implications, this legislation accomplishes two major reforms: allowing for continuous registration, and for provisional voting for those who fail to register properly in a new county of residence. Though Maryland will maintain its county-based registration system, state elections officials will be able to revise local registration lists through changes of address documented by the MVA.
Other election reforms passed during the 2001 session include:

- **HB 196**, altering the circumstances under which a registered voter qualifies for voting by absentee ballot, to allow for the possibility of a voter being outside of the voter’s county of residence on election day instead of the previous qualification that a voter “will” be absent from the county on election day;

- **HB 495**, establishing the Task Force to Study Repealing the Disenfranchisement of Convicted Felons. This 11-member task force shall study the national consensus as it relates to the right to vote of felons convicted more than once for crimes other than voter fraud and, on or before December 31, 2001, report its findings for consideration by the General Assembly in the 2002 session; and

- **SB 312**, authorizing each local board of elections to appoint certain minors, of at least 17 years of age, to serve as election judges.

Among unsuccessful legislation considered in 2001 were measures to allocate presidential electors by district, with two chosen at large based on the state’s popular vote; restore twice-convicted felons’ voting rights; and require a voting bill of rights to be posted conspicuously at polling places on election day.

**General Election Procedures**

**Elections Staff, Training and Compensation** – During elections, state law requires local boards of election to provide at least four election judges to staff each polling place in precincts with 200 or more registered voters. While precincts with fewer than 200 voters are required to have only two elections judges present, officials note that they cannot recall only two judges staffing any polling location in recent years.

State regulations require that each local board shall use the state-prescribed manual to train election judges, with training classes required to be at least two hours in length. Judges must receive training, for which they are compensated $20, prior to each election. (Maryland conducts elections biennially.) While local boards traditionally have been responsible for training, with the implementation of a new statewide voting system (HB 1457), officials note that it is the state’s intention to provide a more uniform method of training election judges.

Maryland currently does not require a standard rate of pay for election judges, with compensation levels determined by each local board of elections. Currently, chief election judges receive between $100 per day and $200 per day, per election, and book and voting unit judges receive between $90 and $150 per day.

**Poll Requirements, Signage and Voter Instruction** – All polling places are required to open at 7:00 a.m. and close at 8:00 p.m. on election day. Those standing in line at 8:00 p.m. are allowed to vote. State law mandates that precincts operate one mechanical voting machine per 400 registered voters, and optical-scan voting system regulations mandate one voting booth for each 175 registered voters, per precinct. However, as Maryland is in the process of implementing its uniform polling system, these requirements soon will change. Preliminarily, under the statewide system, it is anticipated that the state will require one voting unit for every 200 registered voters, per precinct.

On election day, each polling place must have posted a state-prescribed set of voting system operation instructions, a “notice of assistance” for elderly and disabled voters, a “no cell phone use” notice and a specimen ballot. In a general election, the list of write-in candidates as well as the full text of any ballot questions must be posted. During each election, all polling places are required to post a “no electioneering” boundary sign 100 feet outside the location. Local
boards may produce other materials appropriate for display in polling places in their respective counties.

**Internet/Fax Registration and Online Poll Information** – Online voter registration applications are available on the State Board’s Web site. However, completed applications may not be submitted online or by fax, as an original signature is required. In addition, absentee ballot applications are available via the Internet. Online completion of an absentee ballot application is not yet available.

To verify registration, a voter notification card is mailed to the new voter. Currently, there is no central, Internet-based system for a voter to determine his or her registration status or polling location; however, some local level information is provided on a few local election board’s Web sites. The State Board Information Technology Division is researching methods to provide such information statewide via the Internet.

**Voter Identification and Provisional Ballots** – Voters are not required to present identification prior to voting unless their identity is challenged or their name (of which they are required to state, and which must be verified) is included on the inactive list. However, voters are given a voter authority card, asked to verify the information it contains (name, address and date of birth), and are required to sign the card.

**Voter Education, Notification and Guides** – The State Board mandates that a specimen ballot, serving as a voter educational tool, be mailed to every registered voter prior to each general election. Outside the mailing of these ballots, and during the implementation a new voting system, the state does not have a mandatory voter education program. However, officials note, at the state level, a *How to Vote in Maryland* brochure is produced in quantities sufficient to supply all local election offices and voter registration volunteers, and to serve as general handouts around the state. The State Board’s Web site carries complete candidate lists, a list of offices to be voted on, and the full text of all ballot questions prior to each election. Voters also may access general “How to Vote” instructions and a list of all local board telephone numbers on this site.

**Early Voting** – Maryland does not provide for early voting, but allows in-person absentee voting for qualified voters from the Wednesday before an election to the close of the polls on election day at local election board offices.

**Absentee Voting and Ballots** – Voters may vote by absentee ballot if they expect to be absent from their county of registration on election day; or are unable to go to the polling place because of accident, illness or physical disability; because of confinement in or restriction to an institution; due to a death or serious illness in their immediate family; are a full-time student at an institution of higher education with requirements preventing them from being present; are elections employees; or are so authorized under any applicable federal law.

The first tally of absentee ballots begins at 10:00 a.m. on the Thursday following the election. In every election except a gubernatorial primary, there is a second tally which would include any military and overseas ballots received. All absentee ballots must carry a postmark of at least the day before the election in order to be considered timely, and must be received by mail up until 4:00 p.m. on the Wednesday following the election – except those returned from military and overseas voters, whose ballots may be received up until 4:00 p.m. on the second Friday following the election. If overseas ballots lack a postmark, the date on the voter’s oath will suffice.
Punch-Card Ballots – State regulations provide for pre-election testing of punching devices. While there is no specific mandate for the removal of accumulated chads, officials note that they understand that clearing of the chads is a general maintenance procedure. Under a manual recount of punch-card ballots, votes will only be counted where the punch is within the area provided next to the candidate’s name; if there is a hanging chad, but it is clear for whom the voter intended to vote; and if the punch is incomplete, but it is clear for whom the voter intended to vote. If a punch is made halfway between the names of candidates or halfway between the contest title and the candidate’s name, or if there is a hanging chad and the voter also has punched additional slots equaling the total number of candidates to vote for, the vote does not count. Officials point out that only one jurisdiction in the state uses punch-card voting devices for polling place voting, and this method will change as HB 1457 is implemented.

Equipment Testing and Certification – Pre-election testing of all voting equipment is mandated by state regulations and must be done at least 10 days before an election. In addition, local boards must conduct a pre-election public demonstration of that test and allow the public to inspect the printouts of the demonstration test results, providing written notice of the demonstration.

Recounts – Under no circumstances is a mandatory election recount required by state law. However, a recount may be requested by any defeated candidate or persons representing a ballot question. A petition for a recount must be filed with the local board of elections within three days after the results of the election have been certified.

Vote Canvass and Certification – The local board of canvassers shall transmit one certified copy of the election results in its county on the second Friday after a primary or general election, or if the canvass is completed after that date, within 48 hours after the completion of the canvass.

Presidential Electors – After taking their oath, presidential electors “shall” cast their votes for the candidates for president and vice president who received a plurality of the votes cast in the state; however, no penalty is provided for electors who fail to do so.

Felons’ Voting Rights and Voter Fraud – Persons may not register to vote if they have been convicted of theft or “other infamous crimes,” unless the individual has been pardoned or, in connection with their first conviction, has completed the sentence imposed from the conviction, including probation. Please note, however, that HB 495 established the Task Force to Study Repealing the Disenfranchisement of Convicted Felons. A person who commits voting fraud is subject to a fine of not more than $2,500, or imprisonment in the penitentiary for not more than five years, or both. State law does not specifically address the release of election results prior to the closing of the polls on election day as a criminal act.
**Purging Deceased Voters** – Counties are responsible for the maintenance of their own voter registry. The Department of Vital Statistics provides the State Board with a monthly compilation of deaths. The report is separated and forwarded to the appropriate county. Counties must report, monthly, the number of dead voters removed from their registry to the State Board.

You may visit the Maryland State Board of Election’s Web site at:  
http://www.elections.state.md.us,

or review State Election Code at: http://mlis.state.md.us/cgi-win/web_statutes.exe.
Mississippi

2001 Legislative Activity

During its 2001 regular session, the Mississippi Legislature considered some 30 bills relating to elections and election reform issues. Of those, two were passed and signed into law, though both may be viewed more as routine housekeeping election legislation as opposed to significant election reform:

- **SB 2522** provides that persons unable to read or write shall not be required to personally complete the voter registration applications, authorizing a registrar to read the application to an illiterate individual and complete the application for them; and

- **HB 955** authorizes county registrars to visit high schools for the purpose of registering students to vote and provide voter education and, in the fall of each year, to furnish all public high schools with mail-in voter registration applications.

Among unsuccessful reform legislation considered by the 2001 Legislature were measures to require that voters show proper identification prior to voting; prevent the prediction of votes prior to the closing of the polls on election day; provide that no state court could extend regular voting hours; require that mail-in voting applications be available at all polling places; allow all authorized absentee voters to vote absentee by mail; provide state money to local governments to update voting machinery; rid the state of punch-card ballots by 2004; prohibit anyone convicted of a felony to be a registered voter in the state; restore voting rights for all convicted felons; and require election commissioners to be nonpartisan.

General Election Procedures

Elections Staff, Training and Compensation – Precincts with up to 500 registered voters must employ at least three and at most six managers of election (poll workers) to staff polling locations during general elections; precincts with between 501 and 1,500 voters must employ a minimum of three and a maximum of nine workers; and precincts with between 4,501 and 5,500 voters must employ a minimum of three and a maximum of 21 poll workers.

Commissioners of election in each county must conduct, not less than five days prior to each election, training sessions to instruct managers as to their duties in the proper administration of the election and the operation of the polling place. No poll worker may serve in any election unless he or she has received certification of such training during the 12 months immediately preceding that election.

Poll workers shall be paid no less than the federal minimum wage but no more than $10.00 per hour for their required training. During elections, poll workers must be compensated at least $50 per election and a maximum of $75 per election, with an additional $10 payable to both those who deliver and return election materials.

Poll Requirements, Signage and Voter Instruction – Uniform, statewide poll opening and closing times are 7:00 a.m. and 7:00 p.m., respectively, during general elections. Precincts shall contain, as nearly as possible, one machine (or voting device) for every 500 registered voters in that precinct. However, that statute reads that “nothing herein shall prevent any voting precinct from containing a greater or lesser number if necessary for the convenience of the voters.” Directions for operating voting devices are required to be posted in each precinct polling place during elections. In addition, polling places are required to display a mechanically operated model of a portion of the face of the machine on which voters are given an opportunity to operate the model prior to voting.
Internet/Fax Registration and Online Poll Information – Voter registration applications are available for download from the Internet, but must either be mailed in or hand delivered in person after their completion, as an original signature is required. Absentee ballot applications are not available over the Internet. Only absentee ballot applications from military personnel and overseas voters may be faxed. Currently, registered voters are unable to locate the precinct in which they reside or obtain their polling location via the Internet.

Voter Identification and Provisional Ballots – Prior to a person voting, a poll worker will ascertain whether his or her name is listed in the poll book. If the name appears, and no challenges are imposed, the voter shall be allowed to vote. No photo or other identification is required. Any person whose name does not appear will be permitted to vote using an affidavit ballot. In canvassing the returns of a general election, election commissioners shall examine the records and allow the ballot to be counted, or not counted, as it appears to be legal.

Voter Education, Notification and Guides – There are no recurring statewide or state-required voter education programs. However, the secretary of state’s office provides sample ballots, candidate lists, candidate information and voter information guides on its Web site, and legislation passed in 2001 requires public high schools to permit county registrars access to schools in order to provide voter education. In addition, initiative voter guides are available both in hard copy and via the Internet for active initiatives.

Early Voting – Early voting is not an option in Mississippi.

Absentee Voting and Ballots – The following individuals may vote by absentee ballot in Mississippi: members of the U.S. Armed Forces, Merchant Marines, and American Red Cross, their spouses, dependents, and civilians attached to them and serving outside the United States; hospitalized, disabled war veterans, their spouses and dependents; those temporarily residing outside the country; students, teachers or administrators whose studies or employment necessitate their absence outside their precinct, as well as their spouses or dependents; persons who will be outside their county of residence on election day; those who have to work during poll hours; the disabled, as well as their families and caregivers in certain circumstances; persons 65 years of age or older; and members of the state Congressional delegation, their spouses and dependents.

If an absentee application is approved, ballots will be provided and may be cast as many as 45 days prior to an election. Marked absentee ballots may be received in person as late as 12:00 noon on the Saturday before an election, and by mail as late as 5:00 p.m. on the Monday prior to the election. During presidential elections only, absentee ballots may be received up 7:00 p.m. on election day; however, any ballots received between the Monday and election day deadlines will only be counted for presidential candidates. Absentee ballots are tallied at the same time as other ballots.

<table>
<thead>
<tr>
<th>Voting Equipment Used by Mississippi’s 82 Counties August 2001</th>
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<tbody>
<tr>
<td>Voting Machine Type</td>
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<tr>
<td>Counties Using</td>
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<td>Percent of Counties Using</td>
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</table>
Punch-Card Ballots – Mississippi’s Elections Task Force currently is structuring
guidelines for deciphering what counts as a vote in case punch-card ballots have
to be manually canvassed. These guidelines will be voting-device specific, thus
likely addressing the counting of ballots from other voting systems as well. There
is no state policy regarding the timing of the removal of accumulated chads in
punch-card tabulating equipment.

Equipment Testing and Certification – All voting devices are prepared prior to
each election, after which time and at least three days prior thereto, the voting
devices shall be available for public inspection. Prior to the start of the count
of the ballots, the commissioners of elections shall have all automatic tabulating
equipment tested to ascertain they will accurately count votes. Public notice of
the time and place of the test shall be given at least 48 hours prior its occurrence.

Recounts – There are no circumstances or provisions under which a recount of
votes is automatic or mandated, as election laws do not acknowledge the word
“recount.” However, any candidate may request the opportunity to “examine”
the ballot boxes, but must do so within 12 calendar days of canvass of the vote,
and a notice must then be served to all opposing candidates prior to three days
of it taking place.

Vote Canvass and Certification – When polls are closed, the managers shall
then count and tally votes, then publicly proclaim the results of the election at
their precinct. The managers shall certify a statement in duplicate of the results
and shall enclose one of the certificates in the ballot box. The managers must
then return all used and unused ballots, boxes and other materials to the counting
center (usually the clerk’s office). The commissioners of election must, within
10 days after the general election, certify and then transmit the election results
to the secretary of state.

Presidential Electors – Presidential electors are not required by law to vote for
the candidates for president and vice president that correspond to the political
party for which they were chosen.

Felons’ Voting Rights and Voter Fraud – Those convicted of “disenfranchising”
crimes (arson, armed robbery, bigamy, bribery, embezzlement, extortion, felony
bad check, felony shop lifting, forgery, larceny, murder, perjury, rape, robbery,
thief, timber larceny, receiving money or goods under false pretense, receiving
stolen property, and unlawful taking of a motor vehicle) only can regain their
right to vote if they apply for a “suffrage bill,” which must be approved by a
two-thirds vote of the Legislature, or if the governor restores their civil rights.
All other convicted felons maintain their right to vote, even while they are
incarcerated, on probation or on parole.

Any person who votes, but is not legally qualified; votes in more than one
county, or at more than one place; votes out of the district of his legal domicile; or
who votes or attempts to vote in the primary election of one party when he or she
shall have voted on the same date in the primary election of another party, shall
be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding
$200, or be imprisoned in the county jail not more than six months, or both.

Purging Deceased Voters – Counties are responsible for maintaining their own
voter rolls and purging from them deceased voters, those who have moved from
the county, and those who have been convicted of disenfranchising crimes. The
Department of Health provides counties with a list of the deceased, and the
secretary of state’s office forwards counties any other such notifications from
other counties or other states.

You may visit the Mississippi Secretary of State’s Web site at: http://www.sos.state.ms.us,
or review State Code at:
http://198.187.128.12/ississippi/tpext.dll?f=templates&fn=main-h.htm&2.0
Missouri

2001 Legislative Activity

Although 14 bills related to election reform issues were introduced during the Missouri General Assembly’s 2001 session, none passed. Among unsuccessful legislation were measures to allow for early voting; allocate presidential electors by Congressional district, with two at-large; accept absentee ballot applications by fax; make the absentee ballot list available to the public; eliminate the state’s motor voter registration program; and require that employees be given time off to serve as election judges.

Perhaps most significant of 2001’s failed election legislation was SB 476, encompassing many of the reform proposals introduced in other bills. This bill would have made numerous changes to existing election law, including: establishing an advance voting period; allowing caretakers of the ill or disabled to vote absentee; allowing persons in federal service in remote areas to fax their absentee ballots; requiring that polling locations have large posters of voting instructions; prohibiting butterfly ballots; allowing election judges to take time off of work without penalty; having the secretary of state set statewide uniform manual vote counting standards; increasing funding for the improvement of voting processes and equipment, youth voting programs and for increasing pay for election judges; and granting the secretary of state and attorney general broader powers to investigate and prosecute election law violations.

General Election Procedures

Elections Staff, Training and Compensation – Four persons are required to staff each polling location during elections: two election supervisors and two regular election judges, with each pair split between the two major political parties. The state does not require any specific instruction or certification of election officials; however, any election authority may establish training courses for election judges. The secretary of state provides each election authority with instructions to assist in this training process and, no later than the 10th day prior to each presidential election, furnishes each election authority pamphlets containing the provisions of the constitution and laws of the state relating to elections. There are no state requirements on the pay of election workers, as wages are determined by county officials.

Poll Requirements, Signage and Voter Instruction – Uniform statewide poll opening and closing times are 6:00 a.m. and 7:00 p.m., respectively, during general elections, with any persons in line at 7:00 p.m. permitted to vote. The state has no mandatory formula for calculating the number of polling locations or machines, per precinct, during general elections. However, state law prescribes that “for each polling place in its jurisdiction, the election authority shall provide a sufficient number of voting booths, equipped and supplied so voters can vote conveniently and in secret.”

Internet/Fax Registration and Online Poll Information – Voter registration and absentee ballot applications may be obtained from the Internet. For archival reasons, registration applications must be printed on 110# paper and mailed. Election authorities may request a voter who submits a registration form on regular paper to complete another copy for the permanent record. While voter registration applications may not be faxed or submitted online, voters may
fax their absentee ballot applications at local election authority discretion, and “within the limits of the [local authority’s] telecommunications capacity.”

Those registering by federal postcard applications are mailed a verification card instructing them of their polling location and are asked to bring photo identification the first time that they vote. After that, a voter identification card is issued.

**Voter Identification and Provisional Ballots** – Prior to voting, voters are required to provide identification (e.g., a voter ID card or other form approved by the election authority) if they are not recognized by two election judges of different political affiliation. Each voter also must provide his or her signature, which must be verified before judges initial the poll book (and ballot) and they are allowed to vote. The identity or qualifications of any person offering to vote may be challenged by any election authority personnel, any registered voter, or any duly authorized challenger at the polling place, and no person whose right to vote is challenged shall receive a ballot until his or her identity and qualifications have been established. Election officials may require any person whose right to vote is challenged to execute an affidavit affirming his or her qualifications.

**Voter Education, Notification and Guides** – While the state does not require voter education programs, it does require that ballot issues (full text and ballot title) and sample ballots containing the names of all candidates be published in newspapers in each county prior to the election.

**Early Voting** – Early voting is not an option in Missouri.

**Absentee Voting and Ballots** – Any registered voter who applies before the sixth Wednesday prior to an election may vote by absentee ballot, provided that they will be absent from their precinct on election day; cannot make it to their polling location due to illness or religious beliefs; are employed by an election authority; or are incarcerated, provided all qualifications for voting are retained. Absentee ballots must be received by 7:00 p.m. on the day of the election to be counted, regardless of their postmark.

<table>
<thead>
<tr>
<th>Voting Equipment Used by Missouri’s 110 Counties April 1999</th>
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<tbody>
<tr>
<td><strong>Voting Machine Type</strong></td>
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<td>-------------------------</td>
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<tr>
<td>Counties Using*</td>
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<tr>
<td>Percent of Counties Using</td>
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*Data was valid as of April 1, 1999, cited from Election Data Services, Inc., Website: http://www.electiondataservices.com/content/votingequipment.htm. State election officials did not verify this data.

**Punch-Card Ballots** – Currently, proposed administrative rules have been filed that would require each election authority to inspect punch-card ballots for appropriate chad perforation prior to tabulation. Another proposed rule change has been filed to set guidelines for counting and interpreting punch-card votes during manual recounts.

**Equipment Testing and Certification** – Election authorities shall “cause all voting machines to be put in order, set, adjusted and made ready for voting” before they are delivered (at least five days prior to an election) to polling places. At least five days before preparing voting machines for any election, public notice of the time and place of such preparation shall be made.

**Recounts** – State law does not require a mandatory recount of votes unless there is evidence showing irregularities which place the result of any contested election...
in doubt. Any contestant in a primary or other election contest who was defeated by less than 1 percent of the votes cast for the office, or any person whose position on a question was defeated by less than 1 percent of the votes, shall have the right to request a recount. The secretary of state is responsible for conducting the recount.

**Presidential Electors** – Presidential electors are not required by law to vote for the candidates for president and vice president of the party of for which they were selected to represent.

**Felons’ Voting Rights and Voter Fraud** – Those confined under a sentence of imprisonment, on probation or parole after the conviction of a felony, or anyone ever convicted of a felony or misdemeanor connected with the right of suffrage are ineligible to vote. Outside the latter, once a sentence has been completed, and a person is discharged from such probation or parole, they are eligible to re-register to vote.

Anyone knowingly or willfully giving false information to register to vote, or who pays or accepts payment for registering to vote or for voting, or who otherwise willfully and fraudulently furnishes false information to a registration official for the purpose of causing a false or fictitious registration, or who registers to vote with the intention of voting more than once in the same election shall be guilty of a Class 1 election offense. This felony carries a punishment of up to five years in prison and a fine of up to $2,500. Election employees who release the results of elections prior to the closing of the polls on election day are guilty of a Class 4 election offense, a misdemeanor, punishable by up to a year imprisonment and/or a fine of at least $2,500, but not to exceed $10,000.

**Purging Deceased Voters** – Each local election authority shall remove from its registration records the names of voters reported dead. Each month, local election authorities receive a list of deceased individuals from the Department of Health in order to update this information.

*You may visit the Missouri Secretary of State Web site: [http://mosl.sos.state.mo.us/](http://mosl.sos.state.mo.us/) or review State Election Statute at: [http://www.moga.state.mo.us/STATUTES/C115.HTM](http://www.moga.state.mo.us/STATUTES/C115.HTM).*
North Carolina

2001 Legislative Activity

Over 30 bills relating to election reform issues were introduced during the North Carolina General Assembly’s 2001 session. Of these, 17 were passed and signed into law. Among those enacted:

- **HB 31** provides for the selection of presidential electors by the General Assembly if the election results have not been proclaimed by the sixth day before electors are to meet, and by the governor if electors have not been selected by the day before electors meet;

- **HB 34** bans the use of butterfly and punch-card ballots as of January 1, 2006. “It is the intent of the General Assembly that any county that uses county funds to replace voting equipment to satisfy this (punch-card ballot) section shall be given priority in appropriations to counties for voting equipment;”

- **HB 831** grants the State Board of Election broader authority over county directors of elections’ training, certification and removal from office; requires training and certification of election officials; expands opportunities for one-stop absentee voting in person; allows later acceptance of voter registration applications; provides for the electronic, instant transfer of voter registration applications from the DMV to the appropriate county board of elections; and requires that voters be given permanent voter registration numbers;

- **HB 977** removes the excuse requirement from absentee voting;

- **HB 1041** requires counties and cities with a Hispanic population of more than 6 percent to provide ballot instructions in Spanish;

- **HB 1126** clarifies the definition of residency (of those registering to vote) for persons serving as state elected officials;

- **HB 1186** allows citizens the same right as military personnel to register to vote by fax;

- **HB 1193** allows registered voters to re-register to vote by fax when they change their address within a particular precinct;

- **SB 11** clarifies procedures for filling vacancies in nominations for the national ticket and for presidential electors; clarifies the right of military and overseas voters and their dependents (otherwise eligible to vote) to register and vote on election day; makes technical changes to mandatory recount statutes; and puts into law the requirement that privacy is guaranteed for all voters marking their ballots through voting machines and one-stop absentee voting;

- **SB 14** and **SB 17** rewrite four articles of election law in the areas of ballot set-up, acquisition of voting equipment, procedures at the polls on election day, counting ballots, canvassing votes, voting equipment certification, and putting into statute the rules governing election protests; and

- **SB 716** forbids employers from discharging or demoting any employee who serves as a precinct election official (chief judge, judge or assistant) on election day or canvass day, provided the employee provides at least 30 days written notice of their intention to take leave to serve as an election official.

Included among 2001’s unsuccessful election reform legislation were measures to require persons to present identification prior to voting; provide for
the election of two presidential electors at-large and one from each congressional
district; create an election law revision commission; enhance measures to protect
registered voters’ identities; provide state (and federal, if available) funding to
replace outdated voting equipment; mandate that employers allow employees
time off to vote; allow voter registration on election day; establish a study on
the feasibility of allowing Internet voting for members of the armed services
and their families; and prohibit electioneering or exit polling within 300 feet of
polling places on election day.

General Election Procedures
Elections Staff, Training and Compensation – A minimum of three election
staff members – one person appointed as chief judge and two others appointed
as election judges – must work each polling location during general elections.
Precinct assistants also may be hired as needed.

All county directors of elections are required, within three years of their
appointment, to have certification for successfully completing a four-week course
on election law and procedures conducted by the State Board of Elections.
Recertification must occur every second year thereafter. Currently, as required
by HB 831, the State Board is collaborating with the North Carolina Association
of Community Colleges to develop precinct worker curriculum and certification.
The pay schedule of poll workers and managers varies by county, though the state
does require that each receive the state minimum wage for their services.

Poll Requirements, Signage and Voter Instruction – During all elections,
North Carolina polls open at 6:30 a.m. and close at 7:30 p.m. County ofcials
in which voting machines are used have the authority to extend the closing time
until 8:30 p.m. in dire circumstances. County boards must furnish each polling
location with at least one voting booth for every 100 persons qualied to vote in
that precinct. Ofcials note that in certain large precincts with over 2,000 voters,
it is recommended that there be a voting booth or machine for every 275-300
voters.

While the state does not require that signs displaying voters’ rights be
displayed at polling places during elections, those locations must display sample
ballots and ballot instructions, and precinct assistants are available as resources
for voters.

Internet/Fax Registration and Online Poll Information – Voter registration
application forms are available from the State Board’s Web site for downloading.
While they may not be submitted online, once completed, registration forms
may be faxed by military personnel only. All others may fax voter registration
applications beginning January 1, 2002. Verication of both mailed and faxed
forms is established by a follow-up mailing, as the voter must be able to receive a
verification mailing without it being returned or forwarded.

Absentee ballot applications also are available via the Internet. While
these applications may not be completed and submitted online, they may be
downloaded so that military personnel and their families may fax them. All
others must mail their completed applications. The State Board currently is
working on a statewide system whereby all voters may locate their precinct and
polling location via the Internet. Currently, only certain counties have posted this
information on their respective Web sites.

Voter Identification and Provisional Ballots – In order to vote in a general
election, voters must first state their name and address. No form of identification
or signature is required. After examining the precinct registration records, the
chief judge will check the voter roll, then declare whether the person is duly
registered.
Voter Education, Notification and Guides – The governor shall proclaim as “Citizens Awareness Month” the month (September) designated by the State Board of Elections during every even-numbered year. During this month, the State Board shall initiate a statewide voter registration drive and adopt rules under which county boards of elections must conduct local drives. Each county board shall participate in the statewide voter registration drives in accordance with rules adopted by the State Board.

Officials note that while many newspapers and the League of Women Voters provide voters guides, there is no state-sponsored program for providing voter guides or information on candidates and ballot questions prior to elections.

Early Voting – While North Carolina has not adopted early voting, it does practice “No Excuse One Stop Absentee Voting.” While some may view this as early voting, it actually is part of the absentee process.

Absentee Voting and Ballots – During general elections, any North Carolinian voter may vote by absentee ballot in person through the state’s No-Excuse-One-Stop-Absentee-Voting program. Persons also may vote absentee via the mail, without excuse, as a result of legislation passed in 2001. All mailed absentee ballots must be received by county boards by 5:00 p.m. on the day of the election, regardless of their postmark.

Punch-Card Ballots – The state does not mandate the timing of the removal of accumulated chads of punch-card voting machines in the eight North Carolina counties currently using them. Nor does state statute clarify the guidelines for counting votes on punch-card ballots under manual recounts. By law adopted in 2001, punch-card voting systems will be eliminated by 2006.

Equipment Testing and Certification – Prior to each general election, county boards in counties where voting machines are used shall test no less than 10 percent of all voting machines programmed to be used in the election.

Recounts – While not mandatory, whenever the difference between the number of votes received by a winning candidate and any other candidate is not more than 1 percent of the votes cast in a local race, the State Board will order a recount if the losing candidate requests it in writing by noon on the eighth day (Saturdays and Sundays included) following the election. In statewide races, however, no candidate is entitled to request a recount unless the difference of votes in the election is no greater than one-half of 1 percent of the votes cast, or 10,000 votes, or whichever is less.

Presidential Electors – Presidential electors will not be charged with a criminal act if they fail to vote for the candidates for president and vice president that correspond to the political party for which they were nominated; however, electors not doing so will be forced to resign as an elector, pay a $500 fine, and have their vote disqualified.

Felons’ Voting Rights and Voter Fraud – While serving a felony sentence, including any time sentenced to probation or parole, a person is not eligible to vote. Once all portions of a felony conviction have been served, a person

| Voting Equipment Used by North Carolina's 100 Counties August 2001 |
|--------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Voting Machine Type      | Punch Card      | Lever Machine   | Paper Ballot    | Optical Scan    | Electronic      |
| Counties Using           | 8               | 5               | 3               | 50              | 34              |
| Percent of Counties Using| 8%              | 5%              | 3%              | 50%             | 34%             |
| Mixed Equipment          | --              | --              | --              | --              | --              |
regains his or her right to vote automatically. The crime for either committing, or attempting to commit, fraud in connection with voting is a Class 1 felony. Traditionally, this charge is punishable by five years in prison and/or a $5,000 fine; however, recently implemented sentencing guidelines now condition a perpetrator’s sentence on his or her criminal history and other variables involved. State law does not list as a crime the act of an election employee releasing results of elections prior to the closing of the polls.

**Purging Deceased Voters** – The State Board receives monthly electronic reports regarding death data in the state. These reports are then transferred electronically to county boards of elections, with each county given the responsibility to remove from the voter roll the names of those who are deceased.

You may visit the Secretary of State’s Web site at: [http://www.secstate.state.nc.us/](http://www.secstate.state.nc.us/),
the State Board of Elections’ site at: [http://www.sboe.state.nc.us/](http://www.sboe.state.nc.us/),
or review State Election Statute at: [http://www.ncga.state.nc.us/Statutes/Statutes.html](http://www.ncga.state.nc.us/Statutes/Statutes.html).
Oklahoma

2001 Legislative Activity

The Oklahoma Legislature considered 15 election reform bills during its 2001 regular session. Of those introduced, only one passed:

- **SB 242** appropriates funds, as needed, to the State Election Board, requiring budgeting in certain categories relating to the compensation of employees and requiring performance measures be implemented in return.

Among unsuccessful legislation considered were measures to make absentee voting available to those in assisted living facilities; provide procedures for certifications and contests of elections; modify procedures for recounts, including the requirement that recounts take place in all precincts in which the name of the candidate appears on the ballot; require voters to show identification (a voter registration card, driver’s license or state identity card) prior to voting; eliminate straight-ticket voting; restrict exit polling to certain distances from polling locations; modify information required on a voter registration card; prohibit voters from voting in precincts where they do not reside; and allocate electoral votes by district, with two at-large for the state.

General Election Procedures

**Elections Staff, Training and Compensation** – During elections, each polling place is required to have on staff a three-member precinct election board, consisting of an inspector, judge and clerk. Counties conduct training sessions for these officials prior to regularly-scheduled statewide elections in even-numbered years. This training – using required training materials from the State Election Board – is uniform statewide, and employees shall be paid, from state funds, reimbursement for transportation expenses at the rate provided by the State Travel Reimbursement Act. Precinct inspectors are paid $77 each election, plus mileage reimbursement for travel. Judges and clerks are paid $67 per election.

**Poll Requirements, Signage and Voter Instruction** – The state’s polls operate between 7:00 a.m. and 7:00 p.m. during elections, with all of those waiting in line at 7:00 p.m. allowed to vote. Oklahoma statute requires only one polling location per precinct, with one precinct-count optical-scan voting device provided for each polling place, regardless of the number of registered voters in that precinct. Each precinct, thus, polling place, is required to have at least two voting booths.

An “Important Voter Registration Sign” is posted at each polling place during elections, containing information on voting rights, election-day prohibitions and transactions, voting rules and available voting assistance. In addition, an “Attention Voter” poster, explaining the correct way to mark the ballot, is posted inside each voting booth; at least three copies of sample ballots are displayed at each polling location; and each location must post a “Vote Here” sign outside the facility.

**Internet/Fax Registration and Online Poll Information** – While voter registration applications are not available online, persons may e-mail the State Election Board to request that applications be mailed to them. Accordingly, voter registration applications may not be completed or returned via the World Wide Web, nor may they be faxed after completion, as they must bear the applicant’s original signature. Absentee ballot applications may be downloaded from the State Election Board’s Web site and, while they may not be submitted online, may be faxed to respective county election boards once they have been completed. County board personnel check applicants’ voter information (name, address, date of birth, etc.) against voter registration records to determine eligibility.
While the State Election Board’s Web site does not provide voters a means of determining the precinct in which they reside or their polling location, some county boards’ Web sites list the latter. In addition, election officials note that polling locations; generally are published in local newspapers.

**Voter Identification and Provisional Ballots** — Voters are not required to show identification prior to voting. Prior to voting, each person shall announce his or her name to the judge of the precinct, whereupon the judge shall determine whether the person’s name is in the precinct registry. If the name appears on the registry, the voter signs his or her name to it. If the voter’s name is not in the registry, but presents a valid voter ID card showing he or she is a registered voter of the precinct, he or she is required to sign a “Challenged Voter Affidavit” prior to being issued a ballot.

**Voter Education, Notification and Guides** — There are no state-mandated voter education programs required at either the state or county level. Voter guides are neither posted on the State Election Boards’ Web site nor mailed to voters. However, sample ballots for each election may be requested from respective county board offices prior to each election. Officials note that groups such as the League of Women Voters and newspapers generally provide information on candidates and issues.

**Early Voting** — While the state does not allow early voting per se, it does allow in-person absentee voting from 9:00 a.m. to 5:00 p.m. on the Thursday, Friday, and Monday immediately preceding election day. The secretary of each county election board designates only one location within the county as the in-person absentee polling place.

**Absentee Voting and Ballots** — Oklahoma has “no excuse” absentee voting, whereby absentee ballots may be requested by any voter at any time prior to 5:00 p.m. on the Wednesday preceding the election. Absentee ballots, including those sent from military and overseas voters, must be returned by mail to the county election board by 7:00 p.m. on election day, regardless of postmark date. The state requires that an affidavit envelope, sent to voters with their absentee ballots, be witnessed or notarized.

### Voting Equipment Used by Oklahoma’s 77 Counties August 2001

<table>
<thead>
<tr>
<th>Voting Machine Type</th>
<th>Punch Card</th>
<th>Lever Machine</th>
<th>Paper Ballot</th>
<th>Optical Scan</th>
<th>Electronic</th>
<th>Mixed Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties Using</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>77</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Percent of Counties Using</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>100%</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

**Punch-Card Ballots** — The state has utilized only optical-scan voting equipment since 1992.

**Equipment Testing and Certification** — The state mandates that each voting device be tested prior to every election for programming and accuracy. Ballot testing, prescribed by the State Election Board, is conducted as soon as practicable after ballots are received from the printer. Notice of ballot testing is made in writing to the chairperson of each recognized political party no fewer than 10 days prior to testing. Parties may have someone observe such testing. Other interested parties, including the public, may request to observe testing procedures.

**Recounts** — An election night recount is mandatory if the number of ballots counted exceeds 2 percent of the total ballots reported as being cast; voting devices have malfunctioned; certain counting procedures are not handled.
appropriately; and/or elections encounter other problems not anticipated. Any candidate for any election may request an electronic or manual recount of ballots by filing a written petition by 5:00 p.m. on the Friday following the election.

A candidate must post a deposit of $600 for each affected county in electronic recounts and, for a manual recount, must deposit $600 for the first 3,000 ballots to be recounted and $600 for each additional 6,000 ballots recounted. If the outcome of the election is unchanged, the expenses of the recount are deducted from the petitioner’s deposit. If the outcome of the election is reversed, the petitioner’s deposit is returned.

**Presidential Electors** – A presidential elector must subscribe to an oath stating that, if elected, they will cast a ballot for the persons nominated for president and vice president by the national convention of their party. Electors who violate this oath shall be guilty of a misdemeanor and, upon conviction, be punished by a fine of no more than $1,000.

**Felons’ Voting Rights and Voter Fraud** – Convicted felons may not be registered to vote during the period for which they are serving their sentence, including supervision under parole and/or probation. Felons who have received a pardon, or successfully completed their sentence, may become registered voters, provided they are otherwise qualified.

Any person who knowingly perpetrates fraud in order to change a voter’s vote, the composition of an official ballot, the counting of ballots or the certification of the results of an election shall be deemed guilty of a felony punishable by no more than two years in prison, a fine of up to $5,000, or both.

**Purging Deceased Voters** – The State Election Board prepares and transmits to each county on a monthly basis a “Potential Deletion Report,” which compiles information received from the state health department listing deceased voters for the immediately preceding month. Voter registration records of persons listed on the Potential Deletion Report shall be canceled upon positive identification by county election board personnel.

*You may visit the Oklahoma Secretary of State’s Web site at: [http://www.sos.state.ok.us/](http://www.sos.state.ok.us/), the State Election Board’s site at: [http://www.oklaosf.state.ok.us/~elections/](http://www.oklaosf.state.ok.us/~elections/) or review State Election Statute at: [http://www.lsb.state.ok.us/](http://www.lsb.state.ok.us/).*
South Carolina

2001 Legislative Activity

Of the 15 election reform bills introduced during the South Carolina General Assembly’s 2001 session, two passed and were subsequently signed into law:

- **SB 459** allows a county board of election registration to use methods other than paper ballots for voting by absentee ballot, provided that other methods are certified by the State Election Commission; and

- **SB 441** amends code relating to poll managers, allowing persons at least 16 years old, who have completed the required training to serve as a poll manager’s assistant. However, 16- and 17-year-olds must serve under the supervision of the chairman of the managers of the polling place, and only one 16- or 17-year-old assistant poll manager may be appointed to work for every two regular poll managers in a precinct.

Perhaps the most significant of unsuccessful bills was HB 3789, which, among other measures, would stagger the appointed terms of county elections officials; provide a procedure for conducting hand counts of ballots in situations in which voting machines malfunction or are in question; mandate that counties follow policies and procedures established by the State Election Commission in determining the intent of the voter in recounts; require a losing candidate who protests an election (other than on the grounds of the disparity of the number of ballots cast) to pay all costs associated with the protest if it is determined frivolous and without merit; alter the scheduling of special elections taking place within 15 days of a general election; require that poll watchers be qualified voters of the state rather than the county in which he or she is to watch; and mandate that any form of request for an absentee ballot application produced by a candidate or political party must be approved, with penalties strengthened for persons fraudulently attempting to make such requests.

Also included among the 2001 session’s unsuccessful election reform legislation were measures to remove the requirement that electors have to vote for the president and vice president for whom they were declared; alter the qualifications for voter registration and increase penalties for voter fraud; strengthen training requirements for county registration board and commission members; notify ex-felons of their right to vote; and allow write-in voting for the offices of president and vice president.

General Election Procedures

**Elections Staff, Training and Compensation** – For general elections, the state requires three poll managers to staff each county polling place per every 500 persons registered to vote in that precinct. No persons may be appointed as a manager unless they have certification indicating their completion of a training program (on the proper method to mark books, answer common voter questions, and operate voting machinery) approved by the State Election Commission. Poll managers are compensated $50 per day.

**Poll Requirements, Signage and Voter Instruction** – Statewide, polls open at 7:00 a.m. and close at 7:00 p.m., with those waiting in line to vote at 7:00 p.m. allowed to do so. One voting booth is required per each 250 registered voters per polling place. The state does not require that signs displaying voter’s rights, responsibilities or instructions be posted in polling

places during elections; however, each location must display either an illustration or a mechanically operated model of a portion of the face of voting machines for instructional purposes; conspicuously post constitutional amendments; and post sample ballots or instruction ballots on the front of each voting machine.

**Internet/Fax Registration and Online Poll Information** – While voter registration applications are available from the Internet, they must be submitted by mail, as applicants must sign an oath stating, under penalty of law, that they are qualified to register. While absentee ballot applications may not be obtained online, they may be faxed once completed. Registered voters may locate the precinct in which they reside and obtain the location of their polling place via the Internet. While not mailed to voters, information on candidates, ballot questions, and sample ballots are provided to the media, and are available to others on request.

**Voter Identification and Provisional Ballots** – Those intending to vote must first produce a valid driver’s license or other form of identification containing a photograph issued by the Department of Public Safety, or the written notification of registration which has been signed by the elector. The voter must then sign his or her name on the poll list and poll managers then compare the signature on the poll list with the signature on the voter’s identification document. Managers may require further identification of the voter and proof of their right to vote.

**Voter Education, Notification and Guides** – Neither the state nor counties are required by law to conduct voter education programs.

**Early Voting** – Early voting is not an option in South Carolina.

**Absentee Voting and Ballots** – Any qualified voter who is absent from his or her county of residence on election day because they are students or members of student’s families; members of the Armed Forces and Merchant Marines or their dependents; serving with the Red Cross or United Service Organizations; working during poll hours; physically disabled; governmental employees or their families; on vacation; certified elections staff; overseas; attending sick or physically disabled persons; admitted to a hospital within a four-day period before the election; serving as jurors; 65 years of age or older; or confined to a jail or pre-trial facility pending disposition of arrest or trial are qualified to vote by absentee ballot.

In most cases, completed absentee ballot applications must be returned to the county registration board, in person or by mail, before 5:00 p.m. on the fourth day before the day of an election. Absentee votes may be cast as soon as those ballots are provided, the provisional date varying by county. Absentee ballots are tallied on election day, with no ballots received (including those cast by overseas voters) on or after 7:00 p.m. of that day counted.

<table>
<thead>
<tr>
<th>Voting Machine Type</th>
<th>Punch Card</th>
<th>Lever Machine</th>
<th>Paper Ballot</th>
<th>Optical Scan</th>
<th>Electronic</th>
<th>Mixed Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties Using</td>
<td>12</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td>21</td>
<td>0</td>
</tr>
<tr>
<td>Percent of Counties Using</td>
<td>26%</td>
<td>--</td>
<td>--</td>
<td>28%</td>
<td>46%</td>
<td>--</td>
</tr>
</tbody>
</table>

**Punch-Card Ballots** – While state code does not address the removal of accumulated chads from punch-card voting machines, voters are instructed to manually remove chads before casting their ballots. Officials note that no circumstances require a manual recount of punch-card votes, as the state’s policy
is to utilize voting systems used during the election to conduct any recounts. However, if evidence presented demonstrates a need for a manual recount, one will be held.

**Equipment Testing and Certification** – All voting systems must be tested for accuracy and programming no less than 10 days, or no more than 20 days, before each election. Such testing is conducted publicly. On or before the third day preceding an election, county election officials must test tabulating machines to ascertain that they will correctly count votes. Public notice of the time and place of the test shall be made at least five days in advance.

**Recounts** – Whenever the difference between the number of votes for the two leading candidates is 1 percent or less of the total votes cast for that office, the committee or board charged by law with canvassing such votes shall order a recount, unless the losing candidate waives the recount in writing. Recounts may be authorized by a county or the State Board immediately following vote certification.

**Vote Canvass and Certification** – Within 24 hours of the completion of the canvassing and counting of ballots, county election officials must notify the State Election Commission of the unofficial results of elections.

**Presidential Electors** – Each candidate for presidential and vice presidential elector shall declare which candidate for president and vice president he or she will vote for if elected. Once elected, they shall then vote for candidates declared, as shall any person selected to fill that person’s vacancy. Any elector who votes contrary to these provisions shall be deemed guilty of violating election laws and, upon conviction, shall be punished according to law.

**Felons’ Voting Rights and Voter Fraud** – The state constitution prohibits felons from voting until their term of service (sentence), including parole and/or probation, has been successfully completed or they have been pardoned. Penalties for voting fraud offenses vary from misdemeanor to felony.

**Purging Deceased Voters** – The state Bureau of Vital Statistics must furnish the executive director of the State Election Commission a monthly report of all persons 18 years of age or older who have died in the state since making the previous report. All reports must contain the name of the deceased, their county of residence, social security or other identification number, and date and place of birth. The state then removes deceased voters’ names from the voter registration list and informs counties that it has done so.

You may visit the South Carolina Secretary of State’s Web site at: www.scsos.com/, the State Election Commission’s Web site at www.state.sc.us/scsec, or review State Election Code at: www.leginfo.state.sc.us/code/index.html.
2001 Legislative Activity

During its 2001 session, the Tennessee General Assembly considered some 20 bills, and their companions, relating to election and election reform topics. Of those considered, two bills passed and have become law.

- **SB 21**, “The 2000 Presidential Election Debacle Reform Bill of 2001” provides that, among other provisions:
  - a punch-card vote shall be counted under a recount only when at least two corners of the chad are detached; or light is visible through the hole; or an indication of the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote;
  - if a voter marks a paper or optical-scan ballot with a cross, “x,” checkmark or any other appropriate mark within the square, circle or oval to the right of the candidates’ name, or any other place within the space in which the name appears, indicating an intent to vote for that candidate, it constitutes a vote;
  - if a voter casts more than one vote for the same candidate for the same office, the first vote is valid;
  - polling places using punch-card ballots must post a notice advising voters to press hard to completely dislodge the chads, check to see if all chads have been completely removed, and that votes for more than one candidate will not be counted;
  - that punch-card ballots be fanned before they are counted to ensure that no hanging chads remain;
  - the state coordinator of elections and the state election commission must approve any voting machine before its purchase by a county election commission, and must re-examine (before the 2002 election, and within at least every eight years following) all voting machines to ensure that they continue to meet certain criteria. If the machine is not recertified, the affected county will have two years to replace the system with one which is certified; and
  - the state coordinator of elections is authorized to promulgate rules and regulations concerning the proper use of punch-card machines to ensure their maximum efficiency, including addressing the removal of accumulated chads to prevent punch-card machines from clogging and impairing the ability of the voter to cast a vote and designing a uniform standard for the quality of paper to be used in punch-card machines.

- **SB 1487**, though not necessarily election reform legislation, but sharing similar characteristics with many issues addressed throughout this report:
  - prohibits poll watchers assigned to the absentee counting board from possessing any electronic device, including pagers and cellular telephones – which may be used to transmit election results, and from serving at more than one precinct on election day;
  - clarifies that high school students appointed as poll officials may receive compensation in addition to having an excused absence;
removes the restriction that a county legislative body may increase compensation to election workers only by resolution; and

allows election workers to live anywhere within the same state House legislative district as the precinct in which they are working, instead of requiring that they live and vote in the precinct where they are working.

Included among unsuccessful 2001 election legislation were measures to prohibit punch-card ballots after July 1, 2004; allow the counting of absentee ballots once polls open, but prohibiting any release of vote totals; prohibit members of state and county election commissions from engaging in political activities during their term in office; and to study the feasibility of Internet voting in future elections.

General Election Procedures

Elections Staff, Training and Compensation – A minimum of four election staff members must work each polling location during general elections, including one officer of elections and three judges. Two of those judges may concurrently serve as precinct registrars. The state conducts annual training seminars for elections administrators and county election commissioners, who, in turn, must conduct election schools for inexperienced election workers. Counties determine the content of such training.

The state requires that election workers be compensated a minimum of $10 for attending election school, and a minimum of $15 for election day services. However, these minimum rates may be increased by county legislative bodies.

Poll Requirements, Signage and Voter Instruction – Polling places shall be open for voting for a minimum of 10 continuous hours on election day, but no more than 13 hours. All polling places in counties under Eastern Standard Time shall close at 8:00 p.m., and polling places in Central Standard Time shall close at 7:00 p.m. In precincts using voting machines, there shall be no more than 650 registered voters per voting machine. All polling places must display instruction cards, each containing full instructions for the guidance of voters in obtaining ballots or admission to voting machines, casting their votes, receiving assistance, and obtaining new ballots.

Internet/Fax Registration and Online Poll Information – Although voter registration applications may be downloaded from the Internet, applicants must either hand deliver or mail their completed applications to their county election commission office. To establish verification, any person who mails in the application must vote in the first election after being registered to vote. Official absentee ballot applications are not available via the Internet. Accordingly, completed absentee ballot applications may not be submitted online; however, they may be faxed. For verification, the absentee applicant’s signature and address are compared with those on their registration record. Though not statewide, some counties’ Web sites allow voters to locate the precinct in which they reside and their polling location.

Voter Identification and Provisional Ballots – Voters are required to produce “evidence of identification” prior to voting, which shall be a valid voter’s registration certificate, state driver’s license, Social Security card, or a credit card bearing the applicant’s signature. If a voter is unable to present any of these identifications, he or she must execute an affidavit of identity on a form provided by the county election commission.

Voter Education, Notification and Guides – While there are no statewide reoccurring voter education programs, county election commissions do publish a sample ballot in a newspaper of general circulation at least five days before
the beginning of an early voting period, and at least five days before an election. The sample ballot shall contain the names of all candidates and all offices and a statement of all questions on which voters may vote.

**Early Voting** – Tennessee allows both early absentee voting in person and by mail. Early voting in person is available to all voters, from 20 days to five days before election day at each county commission office, or satellite locations at their discretion. Early voting by mail is limited to certain individuals and circumstances.

**Absentee Voting and Ballots** – Those eligible to vote absentee by mail are persons outside the country during the early voting period and on election day during poll hours; full-time students of higher education and their spouses residing outside their county of registration; those sick, disabled, hospitalized or their caretakers; those residing in nursing homes or assisted living facilities outside their county of residence; jurors; persons over 65 years of age; candidates for office; elections officials and employees; and those observing religious holidays. Regardless of postmark, mailed absentee ballots must be received by the close of the polls on election day. Absentee ballots may not be tallied until the close of the polls.

<table>
<thead>
<tr>
<th>Voting Machine Type</th>
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<th>Electronic</th>
<th>Mixed Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties Using</td>
<td>21</td>
<td>22</td>
<td>0</td>
<td>12</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Percent of Counties Using</td>
<td>22%</td>
<td>23%</td>
<td>--</td>
<td>13%</td>
<td>42%</td>
<td>--</td>
</tr>
</tbody>
</table>

**Punch-Card Ballots** – If a manual recount is undertaken, a punch-card ballot vote shall be counted if at least two corners of the chad are detached; light is visible through the hole which has been punched; or if an indentation of the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote. Legislation was passed in 2001 giving legislative authority to the state coordinator of elections to promulgate rules addressing the disposal of punch-card chads. The coordinator currently is promulgating such rules.

**Equipment Testing and Certification** – Before being used in early voting and on election day, each voting machine must be certified to be in proper working order. Before examining machines, county election commissions shall mail notices to the chairs of the county executive committees of the political parties and to independent candidates, stating where and when the machines are to be examined. While neither statute nor regulations specify the time that this testing must occur for direct recording electronic voting machines, the testing for punch-card tabulators must be conducted at least seven days before the election, and the testing for optical-scan tabulators must occur at least two days before the election.

**Recounts** – Tennessee does not provide for an automatic recount. A recount must be ordered and supervised by a court of law.

**Vote Canvass and Certification** – County election commissions meet at their respective offices by the second Monday after an election to compare the returns on the tally sheets and certify election results. Commissions must then mail the original of the official tabulation and certification of results to the secretary of state no later than that date.
**Presidential Electors** – Although statute provides that presidential electors shall vote for the candidates for president and vice president who correspond to the political party for which they are chosen, no corresponding statute provides for the violation or penalty for electors not doing so.

**Felons’ Voting Rights and Voter Fraud** – Felons convicted after July 1, 1996, may regain their voting rights only through a circuit court judgment, unless they have been convicted of murder, rape, treason or voter fraud, in which cases they may not regain their right to vote in the state. Most crimes in violation of election code are Class E felonies, punishable by not less than one year, nor more than six years, imprisonment and a fine of up to $3,000, or both. Election officials or employees releasing the results of general elections, by any form of voting, prior to the closing of the polls on election day are guilty of a Class A misdemeanor, punishable by up to 11 months and 29 days in jail and/or a fine not to exceed $2,500.

**Purging Deceased Voters** – The Department of Health’s Office of Vital Statistics furnishes the state coordinator of elections with a monthly report of all persons 18 years of age or over who have died in the state during the preceding month. The coordinator then notifies each county election commission of all persons of voting age who have died and who had resided within the respective county. The county commissions then remove deceased registered voters from their voter roll.

You may visit the Tennessee Secretary of State’s Web site at: [http://www.state.tn.us/sos/](http://www.state.tn.us/sos/)  
Texas

2001 Legislative Activity

Over 40 bills relating to election reform topics were introduced during the Texas Legislature’s 2001 regular, biennial session. Among the legislation signed into law, perhaps the most significant were:

- **HB 563**, requiring notice of any change in location of a polling place after the notice of an election;
- **HB 1419**, requiring the secretary of state to reexamine voting systems, study innovative voting technologies and approaches to voting, evaluate the potential for their implementation and study the effectiveness of adopting a uniform statewide voting system. The secretary shall issue a report with recommendations no later than December 1, 2002;
- **HB 1599**, mandating an automatic recount in the case of a tie vote, rather than proceeding to a second election or waiting for a candidate to decide to request a recount. The bill also slightly alters recount procedures;
- **HB 1856**, prohibiting the execution or renewal (except for purposes of early voting by mail) of contracts to use punch-card ballots or similar tabulating cards voting on or after September 1, 2001; eliminating butterfly ballots; requiring the removal of accumulated chads in punch-card devices prior to each election; requiring the tabulation and reporting of undervotes and overvotes in precincts using punch-card and optical scan ballots; requiring that electronic voting tabulating equipment be programmed to return irregularly marked ballots; and specifying certain testing procedures for electronic voting equipment;
- **HB 2336**, giving the secretary of state responsibility of distributing any federal funds that may be authorized to assist political subdivisions in phasing out their punch-card systems and in the administration of elections;
- **HB 2780**, prohibiting a candidate from qualifying for an office involved in a recount before completion of the recount;
- **HB 2921**, providing that if a county contracts with a private business to produce a list of potentially ineligible voters for them, the list may not be made available to the public or otherwise used by the voter registrar until the contracting county’s voter registrar has verified the accuracy of the list;
- **HB 2922**, establishing a toll-free telephone number in the secretary of state’s office to allow persons to report an existing or potential abuse of voter rights, and requiring that all polling locations place signs informing voters of the line in a prominent place on election day;
- **HB 2923**, requiring that if the design of a voting system is upgraded in a county by the incorporation of new technology, that technology shall be distributed equally among all election precincts in that county;
- **HB 3181**, implementing a study to determine the feasibility of allowing voters to digitally transmit revisions of their voter registration information; reducing from a monthly to a weekly basis the time period by which the Department of Public Safety prepares and reports a person’s felony conviction to the secretary of state and altering certain procedures whereby the secretary notifies counties of felony convictions; and revising procedures and time periods which
the Department of Public Safety transmits [motor] voter registration information to the secretary of state; and

- **SB 1023**, allowing election workers to be compensated at a rate set by the political subdivision’s governing body, so long as the amount is at least the federal minimum wage.

Among unsuccessful legislation considered by the 2001 Legislature were measures to allocate presidential electors by district, with two selected at-large based on the state’s popular vote, and require presidential electors to vote for the candidate for whom they were selected.

**General Election Procedures**

**Elections Staff, Training and Compensation** – On election day, a minimum of three workers (a presiding election judge, alternate judge and one clerk) are required to work each polling location. The state requires counties that conduct statewide or county elections to provide at least one training session for election judges and clerks, with counties determining their own minimum education standards and certification processes. The secretary of state also conducts training schools for judges and clerks upon request. Election judges and clerks must be paid at least the federal minimum hourly wage, while county commissioners set their own maximum wages for poll workers.

**Poll Requirements, Signage and Voter Instruction** – The uniform, statewide poll opening time is 7:00 a.m., with polls closing at 7:00 p.m. prevailing time (Texas has two time zones: Central and Mountain). A voter who has not voted before the time for closing the polls is entitled to vote after that time if the voter is inside or waiting to enter the polling place at 7:00 p.m. While election precincts must each have at least one polling place, there is no state requirement for the number of booths or voting systems per polling location or per number of registered voters in a precinct.

During elections, all polling places are required to conspicuously post voting instructions in each voting booth and in the open. Polling locations also must place a sign informing voters of a toll-free number to report complaints or incidents of voting rights abuses. If available, sample ballots also may be placed at polls.

**Internet/Fax Registration and Online Poll Information** – Voter registration applications are available via the Internet; however, they must be submitted either in person or by mail once completed. Pursuant to legislation passed in 2001, the secretary of state, along with the Texas Department of Information Services, will conduct a study to determine the feasibility for registered voters to submit changes to their voter registration record online. Absentee ballot applications also are available over the Internet, and may be delivered by mail or in person, or by fax if they are faxed from outside the voter’s county of residence.

While the secretary of state’s Web site does not enable voters to locate in which precinct they reside or their polling location, counties are increasingly providing this information online.

**Voter Identification and Provisional Ballots** – Before voting, voters are asked by election officials to present their voter registration certificate. If this certificate cannot be produced, a voter will be asked to present one of the following acceptable forms of identification (ID); a driver’s license or personal ID card issued by the Department of Public Safety or any other state; photo ID card; birth certificate; U.S. citizenship papers; U.S. passport; pre-printed, personalized checks issued from a financial institution doing business in Texas; official mail addressed to them by name from a governmental agency; two other forms of ID establishing (at the discretion of the election judge) a person’s identity; or any
other form of ID prescribed by the secretary of state. Currently, the secretary of state allows voters without ID to vote if an election official signs an affidavit swearing to a voter’s identity.

Election officials then check to affirm that the voter’s name is on the registered voters’ list. If so, the voter then must sign the signature roster. For those whose names do not appear on the list or do not have the proper identification, state law provides alternative procedures which may qualify them to vote.

Voter Education, Notification and Guides – Texas has no statewide required voter education programs, though the secretary of state voluntarily conducts get-out-the-vote efforts and Project V.O.T.E., an educational curriculum developed for use by school districts to educate students on the voting process. Counties publish a notice of election to inform voters of an election date, the purpose of the election, location of early voting locations, polling place hours and other relevant information. The secretary of state also publishes the explanatory statements of each constitutional amendment (when applicable) in newspapers across the state. Per a state agreement with the United States Department of Justice, a Spanish version of this notice is mailed to every household in which a registered voter resides.

Early Voting – Texas allows any registered voter the opportunity for voting in person at locations established by counties. Early voting by mail is conducted from 17 to four days prior to election day in all elections except for runoff primaries and special runoff elections to fill state Senate or House vacancies.

Absentee Voting and Ballots – “Early voting by mail” ballots (often referred to as “absentee” ballots in other states) may be cast by anyone who is 65 years of age or older; disabled; expects to be absent from the county on election day and during the hours of early voting; or confined in jail pending felony sentencing. The first day to submit an application to vote early by mail is the 60th day before election day, with the deadline to submit an application being seven days before election day. Regardless of postmark date, early voting by mail ballots must be received by 7:00 p.m. on election day. For counties with a population of 100,000 or more, the counting of absentee ballots may begin after the last day for early voting by personal appearance. In counties with a population of fewer than 100,000, absentee ballots are counted on election day.

### Voting Equipment Used by Texas’ 254 Counties September 2001

<table>
<thead>
<tr>
<th>Voting Machine Type</th>
<th>Punch Card</th>
<th>Lever Machine</th>
<th>Paper Ballot</th>
<th>Optical Scan</th>
<th>Electronic</th>
<th>Mixed Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties Using*</td>
<td>13</td>
<td>3</td>
<td>88</td>
<td>150</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Percent of Counties Using**</td>
<td>5%</td>
<td>1%</td>
<td>35%</td>
<td>59%</td>
<td>2%</td>
<td>--</td>
</tr>
</tbody>
</table>

*While Texas has 254 counties, five of them use more than one voting system. Thus, the total number of voting systems in use equals 259. **Percentages do not add to 100 percent due to rounding to the nearest 1 percent.

Punch-Card Ballots – Effective September 1, 2001, accumulated chads must be removed by elections officials before each election. For manually counted punch-card ballots, a ballot may be counted if at least two sides of the chad are detached, light is visible through the hole, the indentation of the chad is present and indicates the voter’s intent, or the chad reflects a clear ascertainable intent of the voter. The secretary of state notes that, regardless of how a punch-card
ballot is cast, Texas law provides that it will be counted if it clearly reflects the voter’s intent.

**Equipment Testing and Certification** – Once a voting system has been initially certified for use in Texas, the secretary of state has the authority to require the vendor of that machine to submit a system for reexamination. Before an election is conducted using automatic tabulating equipment for counting ballots, three tests are performed to assess the accuracy of the equipment: the first is conducted at least 48 hours before election day; the second, immediately before ballots are counted; and the third, immediately after ballots are counted. Such testing is mandatory, and the first test is conducted publicly.

**Recounts** – Tie votes trigger an automatic recount. Losing candidates may request a recount during any election in which an electronic/machine voting system is used. Outside electronic/machine voting, losing candidates may request a recount if the difference between the number of votes they and their opponent received is less than 10 percent of the total number of votes cast; if the total number of votes cast in an election for all candidates is less than 1,000; or if the election judge declares that the ballots were counted incorrectly (an assertion which must be certified by the State Elections Division).

Under most circumstances, candidates must request a recount by either 5:00 p.m. of the fifth day after an election, or by 5:00 p.m. of the second day of the canvass, whichever comes later. Elections are canvassed no earlier than the third day and no later than the sixth day following an election, weekends excluded.

**Vote Canvass and Certification** – In general elections, the county clerk shall prepare a report of the number of votes, including early-voting votes, received in each county election precinct for each candidate for each of those offices, delivering the report to the secretary of state no later than 30 days after election day.

**Presidential Electors** – Electors are not required by law to vote for the candidates for president and vice president corresponding to the political party or candidate for which the elector was chosen.

**Felons’ Voting Rights and Voter Fraud** – Those serving felony sentences, including such time under probationary or parole supervision, are ineligible to vote in Texas. After being completely discharged from their sentence, ex-felons may register to vote immediately. Those convicted of attempting to vote illegally will be charged with a Class A misdemeanor, punishable by a fine of up to $4,000 and/or confinement in jail for up to one year. For conviction of illegal voting, the penalty is a third degree felony, punishable by up to a $10,000 fine and between two and 10 years in jail. Election employees who release election results prior to the closing of the polls will be charged with a Class C misdemeanor, punishable by a fine not to exceed $500.

**Purging Deceased Voters** – Counties are responsible for purging deceased voters from registration lists. Counties receive information on deaths from various local sources and from the state, which mails them a list of deceased voters within their county for cancellation purposes. The state’s information is compiled from a weekly report of deceased citizens from the Texas Department of Health.

You may visit the Texas Secretary of State’s Web site at: [http://www.sos.state.tx.us/](http://www.sos.state.tx.us/) or review State Election Code at: [http://www.capitol.state.tx.us/statutes/eltoc.html](http://www.capitol.state.tx.us/statutes/eltoc.html).
Virginia

2001 Legislative Activity

During its 2001 session, the Virginia General Assembly considered over 50 bills relating to election reform measures. Among the more than 20 bills passed and signed into law:

- **HB 1579** provides for the filing of one absentee ballot application by an ill or disabled voter for all elections in one calendar year, as opposed to filing an application for each election;
- **HB 1580** eliminates the requirement for the signature of a witness on an application for an absentee ballot;
- **HB 1667** expands the hours during which those in certain business and medical emergency situations may apply for an absentee ballot and vote in person;
- **HB 1721** provides that state facilities housing both Department of Motor Vehicles (DMV) facilities and a registrar’s office (as opposed to only county, city or town buildings) may be used as sites for in-person absentee voting;
- **HB 1842** directs elections officials not to reject an absentee ballot application because of an error or omission that is not material in determining whether the applicant is qualified to vote absentee;
- **HB 1843** limits which electronically-counted ballots may be reexamined during recounts to those which were flawed due to undervotes and overvotes;
- **HB 1853** requires (as opposed to expecting) presidential electors to vote for the candidates of the political party or petitioners that selected the electors;
- **HB 1886** modifies the requirement that an assistant registrar must be a qualified voter from the locality in which they serve to requiring that they be a registered state voter;
- **HB 1925** expands the hours during which a voter registrar’s office may be open on the final day of voter registration;
- **HB 1927** allows two or more localities to share an assistant registrar;
- **HB 2211** permits the cancellation of a voter’s registration after receipt by the DMV of notice from another jurisdiction that the voter has moved from the state;
- **HB 2233** requires that electronic counting devices report, if possible, the number of ballots on which voters apparently marked undervotes and overvotes;
- **HB 2646** provides that those voting or registering to vote more than once are guilty of a Class 6 felony, whether such votes or registrations are in Virginia, or in Virginia and another state;
- **HB 2849** requires the State Board of Elections to promulgate standards, by September 1, 2001, to be followed in the handling and counting of ballots during election recounts; and, by December 1, 2001, recommend permanent recount standards that may be enacted into law;
- **SB 986** provides that the machine count will be the official count for punch-card voting devices, and setting standards to review punch-card ballots not accepted by the machine; and
SB 1142 allows registered voters to notify their general registrars of address changes by mail or by fax.

Among unsuccessful legislation considered in 2001 were measures which would have declared election day a legal holiday; granted the attorney general and State Board of Elections concurrent jurisdiction in conducting investigations of election law violations; extended poll closing times from 7:00 p.m. to 8:00 p.m.; expanded in-person absentee voting to those faced with business emergencies; split presidential electors among districts, with two selected at-large; allowed no-excuse absentee voting; and established a commission to study the feasibility of allowing Internet voting.

General Election Procedures

Elections Staff, Training and Compensation – Precinct polling locations must be staffed by no fewer than three workers each election, with one of those being appointed the chief officer of election and another serving as the chief’s assistant. Officials note that the actual number of workers is determined by the local electoral board based on the anticipated number of voters, the number of divisions of the registered voter list to be used in that precinct, and other workload factors.

While there is no statewide, uniform instruction or certification required of poll workers, each chief officer and assistant is required to be trained in their duties not less than three, nor more than 30, days before each election, and election officers must be trained before each November general election. New officers may not serve unless they are fully trained on election duties and the use of equipment. State law requires that election officers be paid at least $30 per election day, with actual compensation determined by localities. Officials note that most localities compensate workers between $60 and $80 a day, and chief officers between $150 and $200.

Poll Requirements, Signage and Voter Instruction – On election day, the uniform statewide poll opening time is 6:00 a.m., with polls closing at 7:00 p.m. Counties or cities using mechanical or direct electronic voting systems shall provide for each precinct at least one voting device in precincts with 750 registered voters or fewer; two devices for precincts with between 750 and 1,500 voters; three for between 1,500 and 2,250; four for between 2,250 and 3,000; five for between 3,000 and 3,750; six for between 3,750 and 4,500; and seven devices for between 4,500 and 5,000 registered voters. Counties or cities using electronic voting systems which require the voter to use a ballot which is inserted in an electronic counter must provide each precinct at least one voting booth for each 425 registered voters.

During elections, all polling places must display a model of each voting device in use, or materials displaying a portion of the ballot to be used. Officials commented that proposed administrative rule changes may soon require polling places to post a sign listing a voter’s rights and responsibilities.

Internet/Fax Registration and Online Poll Information – While voter registration applications are available via the Internet, they may not be completed online or faxed following their completion, as the applicant’s actual signature is required for processing. Only registration applications submitted on a Federal Postcard Application may be faxed, but the original application must subsequently be mailed. Absentee ballot applications are available for download over the Internet and, while they may not be submitted online, they may be faxed once they are completed. For all applications, the voter attests, under penalty of law, that his or her statements are correct.

Registered voters may locate the precinct in which they reside and the location of their polling place via the State Board of Elections’ Web site.
Voter Identification and Provisional Ballots – Prior to voting, Virginia voters must state their full name and current address of residence, and present one of the following forms of identification (ID): state voter registration card; Social Security card; valid state driver’s license; any other ID issued by a state government agency, one of its political subdivisions or the United States; or a valid employee ID issued in the ordinary course of the employer’s business. If a voter is otherwise entitled to vote, but is unable to present any of the above ID, he or she is allowed to vote after signing an affidavit.

Voter Education, Notification and Guides – While state code does not require a continuing, statewide voter education program or mandate minimal standards of such education, Virginia does require that local registrars participate in programs to educate the general public concerning voter registration. Explanations of ballot issues are provided through brochures, newspapers and the Internet at the statewide level, and through similar means at the local level. Sample ballots are produced by all localities and frequently are published in local newspapers.

Early Voting – Other than absentee voting, early voting is not an option in Virginia.

Absentee Voting and Ballots – Those who, during the regular course of business or occupation, or are on vacation; are members of the uniformed services, armed services, or Merchant Marine or their families and dependents; are students or their spouses; have physical disabilities or illnesses; are confined while awaiting trial or for having been convicted of a misdemeanor in certain circumstances; are elections employees; observing religious obligations; are primarily responsible for the care of an ill or disabled family member confined at home; and who will be absent from their precinct or otherwise unable to go to the polls on election day may vote by absentee ballot. Regardless of postmark, all marked absentee ballots must be received by 7:00 p.m. on election day in order to be counted.

<table>
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<th>Mixed Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties Using</td>
<td>7</td>
<td>82</td>
<td>1</td>
<td>34</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>Percent of Counties Using**</td>
<td>5%</td>
<td>61%</td>
<td>--</td>
<td>25%</td>
<td>7%</td>
<td>--</td>
</tr>
</tbody>
</table>

*Virginia has 40 cities which are independent of its 95 counties’ elections jurisdictions.  **Percentages do not add to 100 percent due to rounding to the nearest 1 percent.

Punch-Card Ballots – Effective July 1, 2001, recounts of punch-card ballots must first be attempted by machine, with only those ballots which the machine cannot read to be counted by hand. During a manual recount, a vote will be counted only if two or more corners of the chad are broken or separated from the punch card. Separation of only one corner of a chad is not deemed a vote, nor is any depression, dimple or other mark. There is no law or state procedure covering the timing of the removal of accumulated chads either prior to or after an election.

Equipment Testing and Certification – Both voting and counting equipment are prepared prior to each election. Before doing so in a general election, the electoral board shall mail written notice to the chairman of the local committee of each political party stating the time and place where the equipment will be prepared, and stating that the party may have one representative present during this process. At the time stated in the notice, the representative, if present, shall
be afforded an opportunity to see that the equipment is in proper condition for election usage.

**Recounts** – There are no circumstances mandating an automatic recount. However, when the difference between an apparent winning and losing candidate is not more than 1 percent of the total votes cast in a race, defeated candidates may request and be granted a recount if their petition is filed within 10 days of the day the State Board of Elections certifies the outcome of the election.

Legislation passed during the 2001 session required that, by September 1, 2001, the State Board promulgate standards for the proper handling and security of voting and counting devices, ballots, and other materials required for a recount; an accurate determination of votes; and any other matters that would promote a timely and accurate resolution of the recount.

**Vote Canvass and Certification** – Each electoral board shall meet at the clerk’s office of the county or city from which they are appointed at or before 5:00 p.m. on the day after an election, where they shall ascertain election results. Those results must be certified and forwarded to the State Board within seven days after an election.

**Presidential Electors** – Legislation passed in 2001 requires (rather than expects) presidential electors to vote for the presidential and vice presidential candidates of the political party for which they were selected. Electors are required to sign an oath to this effect. Because the class of crime and/or punishment for failing to do so is not provided by statute, this crime, by default, is a Class 1 misdemeanor, punishable by confinement in jail for not more than 12 months and/or a fine of not more than $2,500.

**Felons’ Voting Rights and Voter Fraud** – Those convicted of a felony may not vote unless their rights have been restored by the governor or another appropriate authority, i.e., having them restored under the laws of the state in which the conviction occurred. Those voting, or registering to vote more than once, are guilty of a Class 6 felony, whether such votes or registration are in Virginia alone, or are in Virginia and another state. Those guilty may be punished by a term of imprisonment of not less than one year nor more than five years and/or a fine of not more than $2,500.

**Purging Deceased Voters** – The State Board of Elections maintains a central recordkeeping voter registration system. On a monthly basis, the State Registrar of Vital Records transmits to the State Board a list of all persons, age 17 or over, who have died in the state. The State Board then compares the names, dates of birth, Social Security numbers and other points of match and registered voters who have died are removed from the master voter file. This information is then transmitted to general registrars, who are responsible for canceling the deceased voter’s registration.

You may visit the Virginia State Board of Elections Web site at: [http://www.sbe.state.va.us/](http://www.sbe.state.va.us/), or review Virginia State Code at: [http://leg1.state.va.us/000/src.htm](http://leg1.state.va.us/000/src.htm).
West Virginia

2001 Legislative Activity

During its 2001 regular session, the West Virginia Legislature considered a total of 15 bills relating to election reform topics. Of those, two were successful and were subsequently signed into law. House Bill 3066, which was enacted, was an omnibus election bill, incorporating several provisions of other proposed legislation and amending several sections of existing election law.

- **HB 3066**, among other provisions:
  - moves the voter registration cut-off period from 30 days to 20 days prior to an election;
  - increases the maximum allowable precinct size to 1,500 voters;
  - authorizes counties to share electronic tabulating equipment;
  - transfers the responsibilities of absentee voting from circuit clerks to county clerks;
  - authorizes “no excuse” absentee voting during the in-person absentee voting period 15 days prior to an election;
  - authorizes the mailing of absentee ballots to a personal residence if the voter cannot be in the county on election day, or because the distance from the clerk’s office makes it impossible for the voter to be there during in-person absentee voting hours;
  - provides that mail-in absentee ballots will be counted if they arrive, by mail and without postmark, no later than the day following the election; that absentee ballots with postmarks on or before election day are accepted if they are received by the beginning of the vote canvass; and that overseas ballots received through the U.S. mail, no later than the hour when the board of canvassers convenes for the canvass, will count, regardless of their postmark date;
  - allows voters who are in the hospital on election day to vote an emergency absentee ballot, regardless of their admission date; and
  - prohibits those persons who have voted an absentee ballot from then voting in person on election day, eliminating the challenge to a ballot for that reason.

- **HB 2876**, also signed into law, aims to assist counties and municipalities by, among other provisions:
  - authorizing persons who do not reside within a municipality, but who are otherwise registered to vote in a county, to serve as municipal election officials;
  - eliminating the requirement that election officials must be registered as affiliated with the political party for which they are appointed;
  - abolishing the prohibition against allowing a person who has served as a deputy sheriff within six months prior to an election from serving as an election official;
  - prohibiting teams of poll clerks or election commissioners from consisting of two persons with the same registered political party affiliation; and
  - increasing the maximum amount to be paid election officials by $25.
Among unsuccessful legislation considered by the 2001 Legislature were measures to require a study of the feasibility of conducting primary and general elections via the Internet; allocate presidential electors by district, with two at-large; require schools to provide instruction on voter education; require presidential electors to vote for their party’s presidential nominee; and require absentee ballots to be signed by two poll clerks.

**General Election Procedures**

**Elections Staff, Training and Compensation** – During general elections, five poll workers are required to staff each polling location, with seven workers required to work precincts having 700 or more voters during presidential elections.

The secretary of state, in conjunction with the State Election Commission, shall produce one or more audio-visual programs which shall explain and illustrate the procedures for conducting elections, the duties of the various election officials and the methods of voting on each voting system in use in the state. The program shall be shown to all election officials not less than seven days before each election as part of their instructional program. No person shall serve as an election commissioner or poll clerk in any election unless he or she has attended this instructional program.

While the state does not require that poll workers be compensated a minimum amount, it does prescribe a maximum: workers and ballot commissioners may be paid a sum not exceeding $125 per day for attending training, and up to $175 per day for working elections.

**Poll Requirements, Signage and Voter Instruction** – Uniform statewide poll hours are between 6:30 a.m. and 7:30 p.m. Those waiting in line to vote at 7:30 p.m. are allowed to continue and vote. The state does not require a minimum number of poll locations or voting machines/booths, per registered voter or per precinct, during elections, as this allocation is at the discretion of the county commission. Each precinct shall have at least one polling location, with precincts allowed to have up to 1,500 voters.

Voting instructions and sample ballots are required to be posted on the door of each polling place during elections, and instructions are to be posted in all voting booths. For the instructional purposes on election day, each polling place must provide one instruction model of the voting equipment in use.

**Internet/Fax Registration and Online Poll Information** – While voter registration applications are available for download from the Internet, applications may not be completed or submitted online. In order to register to vote, applicants must provide proof of age and residence. If an ID cannot be produced, a verification process of the voter’s identification is implemented whereby the county clerk sends applicants a non-forwardable notice by mail. If the notice is not returned as undeliverable within 10 days of the mailing, a voter’s residence will be verified. Absentee ballot applications are available on the Internet and may be submitted online. To verify online applications, voter records are checked and compared with the information on the submitted application. Currently, information relating to a registered voter’s precinct and location is unavailable via the Internet.

**Voter Identification and Provisional Ballots** – Only first-time voters who have registered by mail are required to present photo identification prior to voting. Otherwise, voters only are required to state their name and residence and sign the poll book prior to voting.

**Voter Education, Notification and Guides** – Outside the distribution of sample ballots and the posting of candidates and election procedures, there are no
recurring state-run or state-required voter education programs. Election officials noted that they currently are planning to implement a statewide voter education program.

**Early Voting** – Through “no-excuse” absentee voting, West Virginia allows early voting, beginning 15 days prior to election day in each county clerk’s office. In some counties, the circuit clerk may perform absentee duties.

**Absentee Voting and Ballots** – Voters who do not expect to be in their precinct on election day may vote by in-person “special” absentee ballot between 42 days and 15 days prior to an election. All other registered voters may vote “no excuse” absentee in person beginning on the 15th day before the election and continuing through the day before the election. Those qualified to vote absentee by mail because they are prevented from voting in person throughout the entire absentee voting period (i.e., enrolled in a distant school, living overseas, incarcerated not under a felony conviction, etc.) may do so from 42 days to six days prior to an election. Marked ballots must be received by the beginning of the election canvass, provided the ballot is postmarked on or before election day. Absentee ballots are processed both along with other ballots and during the official vote canvass. Absentee ballots returned from overseas voters need not be postmarked by a certain date, provided they are received by the time of the canvass and the voter has signed his or her envelope containing the ballot.

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</thead>
<tbody>
<tr>
<td>Counties Using</td>
<td>12</td>
<td>3</td>
<td>11</td>
<td>28</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Percent of Counties Using</td>
<td>22%</td>
<td>5%</td>
<td>20%</td>
<td>51%</td>
<td>2%</td>
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</tr>
</tbody>
</table>

**Punch-Card Ballots** – Officials note that, prior to each election, punch-card voting systems are cleaned and tested, with the timing of this process varying by county. Usually, officials note, these functions are performed approximately one week prior to each election. While state statute does not specifically address the interpretation of improperly punched chads, it does provide that the determination of whether a ballot shall be counted depends on the intent of the voter, “if his or her intention can be gleaned from the ballot being considered. Where the uncertainty as to the voter’s intention is such as to cause a reasonable and unprejudiced mind to doubt what the voter intended, the ballot should not be counted.”

**Equipment Testing and Certification** – Testing to ensure that voting equipment is in proper working order is conducted no later than five days prior to each election. Members of the county commission, ballot commissioners, any candidate, one representative from each political party, the press and the public are allowed to be present during this examination. One week prior to the count of votes, automatic tabulating equipment is tested to ascertain its accuracy. Public notice of the time and place of the test shall be given no less than 48 hours, nor more than two weeks, prior to such testing.

**Recounts** – There are no circumstances under which a mandatory recount is conducted during elections; however, any candidate may request a recount within 48 hours following the completion of the canvass of votes. If the result of the election is not changed by the recount, the costs and expenses thereof shall be paid by the party which requested the recount.
Vote Canvass and Certification – The county commission shall convene on the fifth day (excluding Sundays) after a general election to ascertain the results of the election. After canvassing the results of the election, they shall not enter an order certifying the election results for a period of 48 hours after the declaration. Counties must transmit certified election results to the secretary of state within 30 days from the date of the election, except in cases where recounts occur, where counties must transmit results within 30 days from the date of the completion of the recount.

Presidential Electors – Presidential electors are not required by law to vote for the presidential and vice presidential candidates corresponding to the political party for which they were selected.

Felons’ Voting Rights and Voter Fraud – Convicted felons’ voting rights are restored once they have successfully completed their sentence, including time served imprisoned, on probation or parole. Those committing, or attempting to commit, fraud in connection with voting, or committing several other criminal acts in connection with voting, shall be deemed guilty of a felony, punishable by imprisonment for not less than one nor more than 10 years.

Purging Deceased Voters – County clerks of commission are responsible for removing deceased voters from voter registration lists based on notices sent directly to them by the state Division of Vital Statistics, information obtained from obituaries, and/or an affidavit signed by family members.

You may visit the West Virginia Secretary of State’s Web site at: http://www.state.wv.us/sos/, or review State Code at: http://www.legis.state.wv.us/.
Conclusion

The unprecedented events associated with the 2000 presidential election in Florida were followed in 2001 with numerous efforts, at both the state and federal levels, to reform or otherwise revise election systems. Among myriad issues addressed by policymakers were ensuring the fairness of elections; the accuracy and user-friendliness of voting equipment; clarification of election policies and procedures; increased election uniformity; and enhancing voter education opportunities. These concerns resulted in approximately 1,800 state election reform proposals nationwide, with about 500 such bills introduced in Southern states alone in 2001. These measures met with mixed success, with a few states dramatically overhauling their election systems, others making minor adjustments, and some taking no action at all.

Critics maintain that, despite the events in Florida, subsequent media and public focus, and hundreds of state legislative initiatives, most states made little or no progress enacting far-reaching election overhauls in 2001. They cite that only three states nationwide (Florida, Georgia and Maryland) made significant strides toward implementing uniform statewide voting systems, policies and procedures that year. In its final report examining the success of various state election reform initiatives, Common Cause, a Washington, D.C.-based advocacy group, concluded that “very little has been done to restore confidence in the fundamental civil right to participate fully in our elections.”

While most groups involved in elections agree that revisions are needed, few agree on which ones, much less on the need for a systematic overhaul, and most define and measure the success of reforms differently. These differences, coupled with the inevitable economic, partisan, and intergovernmental considerations, may leave others surprised that so many reforms were enacted. These individuals may appreciate the immense scope and implications of election overhaul efforts, and likely view the best way to address significant reforms is through a gradual, piecemeal method over several years. After all, they may point out, only one year has passed since
the 2000 election. What groups seem to agree on is that they disagree on what needs to be done, and over what time period, to fine tune America’s election system. And even if some agreement is reached, the associated costs may be too prohibitive for some to accept.

Perhaps two of the biggest election reform issues examined in recent years, and particularly following the 2000 election, have been replacing outdated and antiquated voting machinery and implementing uniform statewide voting systems. For some time, Southern states and counties have been working to update voting equipment, gradually replacing paper ballot, punch-card and lever-machine systems with newer – and what most consider more reliable – optical-scan and direct recording electronic equipment. Such endeavors are not cheap, with the estimated cost to upgrade voting technology nationwide between $4 billion and $5 billion. Understandably, many states continue to look at the bottom line, adopting a wait-and-see approach and delaying the procurement of newer systems until they can determine if any federal assistance is made available, and what matching funds, if any, are required. It is important to note that while Florida, Georgia, and Maryland moved forward with comprehensive initiatives to replace outdated election equipment in 2001, only Florida had, as of year end 2001, appropriated significant funding for this effort.

Other than seeking federal funding, other financial considerations have surfaced during this debate. At the state level, some question the fairness of the state spending money for voting equipment in counties that can well afford to purchase machines themselves. Others have difficulty justifying funding for counties to update voting equipment when other counties or precincts recently have done so at their own expense. Making matters even more challenging, the costs entailed in replacing voting equipment have come into focus at the worst possible time for states already reeling from shrinking economies, with most SLC states contending with budget cuts due to declining state revenues in 2001.

Some have suggested that the federal government should take a broader role in implementing a uniform voting system nationwide, providing guidance and funds to states in the process. However, others have expressed concerns over the possible strings attached to federal funding and the potential for more federal involvement in elections. If Congress appropriates money to states, some believe that the money should be conditioned on states’ adoption of election policies urged by Congress. Others would like to see federal economic assistance come through block grants, with only minimum standards governing its use. While these two camps continue to debate reform measures in our nation’s capital, as of January 2002, any significant election reform legislation has yet to gain passage.

In addition to economic and political concerns, election reform is rife with intergovernmental issues as debate focuses on whether federal or state governments should increase their role in elections – a process traditionally seen as a local prerogative. Some election law experts contend that the reason so little action has been taken since the 2000 presidential election is the decentralized nature of the U.S. election system, whereby voting is at its core a local process. And, although there may be consensus on several issues, there seems to be far less agreement on the role of the federal government in election reform. Contentious intergovernmental issues center on whether the federal government should impose its will on states in election administration; whether states should mandate uniformity and reforms on local governments that retain ultimate jurisdiction over elections; or whether federal and state governments should provide broad principles or
recommendations, allowing local governments to craft their own approaches unique to their population, political history and culture.

Other political interests come into play in understanding the lack of swift action in overhauling elections as well. After all, elections are political processes, and members of both political parties are concerned that altering the current system could easily tip the balance in the other party’s favor. As bills at both the state and federal levels are introduced and debated, they are closely scrutinized by each party for any sign of partisan advantage. According to Mr. Thomas Mann, a Congressional and elections expert with the Brookings Institution, the awareness that any broad reform package could make anything easier for the other [political party] likely will cause its blockage. 54

While all these arguments may help explain why states have not implemented major election overhauls, several Southern states have approved measures clarifying and revising certain aspects of their election systems in 2001. Much of the successful legislation did not require extensive funding or significantly alter intergovernmental relations, and was more bipartisan than most failed measures. As evident throughout this report, both minor and major revisions were made by states in such areas as enhancing voter education; hiring, training and retaining poll workers; clarifying ballot, recount and vote certification procedures; expanding absentee voting opportunities; and defining what counts as a vote. In addition, several states have set up commissions to study broader reforms, their costs and benefits, and others agreed to update voting equipment over a longer term by prohibiting the purchase or lease renewal of punch-card voting machines in the future.

According to the National Task Force on Election Reform, “a thoughtful analysis of the issues surrounding the 2000 general election reveals that most of the problems were the result of poorly written, conflicting or nonexistent laws, rules, regulations and policies which are the necessary foundation for standard operating procedures.” 55 This belief is shared by Mr. Doug Lewis, who contends that “the problem was that Florida, like most all other states, had not clearly defined what constitutes a vote and where voter intent comes from.” 56 While only a few Southern states overhauled elections in 2001, many passed measures to help standardize election authority and clarify election laws, thereby enabling them to avoid or withstand the legal onslaught which befell Florida in 2000. As states reflected on their own election statutes following the Florida contest, most realized their own laws could not withstand such challenges, and many have taken steps to avoid such future occurrences.

As election reform legislation probably will resurface in 2002 and future years, minor adjustments to various election policies are likely to be the norm as policymakers realize the tremendous monetary, political and intergovernmental implications involved in far-reaching efforts. Whatever changes are made, the reform movement has forced policymakers at all levels of government to reexamine America’s historically localized election system, and examine the intergovernmental implications of having state and federal governments more involved, either through suggesting improvements or through mandating them. According to Mr. Thomas E. Mann, the election process “is a highly decentralized system and has been throughout our history, and the notion that you can suddenly reverse this is wildly unrealistic.” 57
Appendix I
SLC State Survey on Election Policies and Reform 2001

Elections Staff
1. How many election staff, both managers and workers, does your state require to work a polling location during a general election? What are their titles?
2. Could you please very briefly describe what sort of training your state requires of election managers and poll workers? Do training requirements vary by county? (Yes / No -- please circle one) If poll managers or workers are required to have proof of training or other certification, how often must such certification be renewed?
3. How much are poll managers and poll workers paid, either by the hour or work day, per general election?

The Polls
4. Are uniform statewide poll opening and closing hours required during a general election? (Yes / No) If so, what are these hours? If not, what is the range of hours counties or parishes operate polling locations?
5. Could you please briefly describe the formula, if any, your state uses for determining how many poll locations or voting booths, per registered voter, should or must be located in a precinct or polling place per general election?
6. Are forms or cards displaying voters' rights, responsibilities and/or instructions required to be posted in polling places during the general election? (Yes / No) Please briefly elaborate.
7. What identification, if any, are voters required to present at polling places before voting? What other, if any, steps are required of a registered voter or poll worker prior to the voter being allowed to vote, i.e., a comparison of signatures, addresses, etc.?

Voting and Registration
8. Could you please very briefly describe any state-required voter education programs. If voter education is a country responsibility, does your state prescribe minimum standards for such education programs? (Yes / No) Could you please briefly elaborate?
9. Does your state allow early voting either in person or by mail? (Yes / No) If so, how many days in advance of a general election are citizens allowed to vote, and where may early voting take place?
10. May registered voters locate the precinct in which they reside and/or obtain the location of their polling place via the Internet? (Yes / No) Are comprehensive voter guides, with information on candidates and ballot questions, available in advance of general elections either via the Internet, newspapers, or through mailings to registered voters? (Yes / No) Please briefly elaborate.
11. Are counties or your state responsible for purging dead voters from voter registration lists? Is this process centralized? (Yes / No) Please briefly explain; for example, county election officials may be responsible for making the deletions based on a monthly report from the state.
12. Are voter registration applications available via the Internet? (Yes / No) May voter registration applications be faxed in and/or submitted online? (Yes / No) What sort of voter verification must be established?
13. In a general election, what are the circumstances under which a recount of votes is mandatory, i.e., if a candidate is defeated by one-half of one percent or less of the votes cast for a particular office? Briefly, under what other circumstances may a recount be requested and take place? What is the time frame for a candidate to request a recount?

Absentee Ballots

14. Are absentee ballot applications available via the Internet? (Yes / No) Once completed, may absentee ballot applications be faxed in and/or submitted online? (Yes / No) What sort of voter verification must be established?

15. Who is eligible to vote by absentee ballot, and when may these votes be cast and tallied?

16. Must absentee ballots from overseas voters be postmarked by a certain date (Yes / No), or does a signature and date by a witness suffice? When must they be returned in order to be counted?

Voter Fraud/Criminal Activity

17. What is your state’s policy regarding the ability of convicted felons to vote? How does the completion of a felons’ sentence, a pardon, or the restoration of their civil rights affect their eligibility to vote, if at all?

18. What is the crime for either committing, or attempting to commit, fraud in connection with voting? What is the possible sentence or penalty applicable?

19. In your state, are presidential electors required by law to vote for the candidates for president and vice-president that correspond to the political party or candidate for which the elector was chosen? (Yes / No) If they are required to, what is the possible sentence or penalty applicable if they do not?

20. Is it a crime for election employees who release the results of general elections, by any form of voting, prior to the closing of the polls on election day? (Yes / No) If this is a crime, please briefly elaborate on the type of crime and possible punishment for those found guilty.

Voting Machines

21. If your state uses punch-card ballots, could you please briefly describe policies regarding the timing of the removal of accumulated chads before or after an election?

22. Under what circumstances does a manual recount take place of non-electronic ballots? Under a manual recount, could you please supply (or briefly reference) the statute language or court decision clarifying the guidelines for counting votes in jurisdictions using punch-card ballots. For example, if there is clear indication that a voter has made a definite choice, or if there is a clear indication of a voter’s intent.

23. Following their initial purchase or certification, what is your policy and timing for testing your state’s voting systems and/or tabulating equipment to determine their proper programming and accuracy prior to each election? Is such testing mandatory? (Yes / No) Is such testing conducted publicly? (Yes / No)
Appendix II

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A special thanks is owed to everyone who contributed to this Special Series Report and to those who assisted in collecting and verifying the information for each respective SLC state:

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Endnotes and References


6 United States General Accounting Office.

7 In precincts using voting machines, those voting by mail-in absentee ballot must use some other form of ballot to vote as absentee voters will be unable to vote directly on a machine from their remote location. Thus, counties using voting machines must also secure the usage of electronic tabulating equipment to count absentee ballots.

8 United States General Accounting Office.

9 At the time of this report’s compilation, the U.S. Department of Justice was reviewing Florida’s adoption of its “voter rights and responsibilities,” as groups such as the American Civil Liberties Union and the Florida Voters League, Inc. have challenged this aspect of its 2001 election reform, comparing the list to “literacy tests that were used in past generations to prevent African-Americans from voting.” Source: Ulferts, Alisa. “Florida Election Reform on Hold,” St. Petersburg Times, St. Petersburg, Florida, August 21, 2001.


11 Drinkard, Jim and Peter Eisler.


13 The Governor’s Select Task Force on Election Procedures, Standards and Technology.

14 United States General Accounting Office.

15 Ibid.

16 Because election jurisdictions are in most cases counties, unless otherwise noted, this report interchanges the two terms throughout. While Louisiana has parishes, not counties, any reference to counties region-wide includes parishes. When referencing Louisiana’s election jurisdictions specifically, the term parish is used.


19 United States General Accounting Office.


32 Lewis.


34 The Governor’s Select Task Force on Election Procedures, Standards and Technology.


37 United States General Accounting Office.

38 Disenfranchising crimes are: arson, armed robbery, bigamy, bribery, embezzlement, extortion, felony bad check, felony shop lifting, forgery, larceny, murder, perjury, rape, robbery, theft, timber larceny, receiving money or goods under false pretenses, receiving stolen property and unlawful taking of a motor vehicle.

39 Ibid.

40 The Election Center.

41 Ibid.

42 United States General Accounting Office.

Florida election officials note that this money was appropriated for 2001’s voter education programs, but the actual rulemaking authority is not effective until March 2002. “So, while the two are supposed to go together, there’s a gap in time.”

Florida election officials note that they, as of October 2000, have submitted their second round of pre-clearance on the Election Reform Bill, commenting that all measures have been pre-cleared except the provisional ballots, the database and the Voter’s Bill of Rights and Responsibilities.

See endnote 9.

Florida election officials note that the way the statute currently reads (October 2001), poll workers are required to complete the total number of hours prior to working at the polls, which has been taken to mean the first primary. “So, they will end up having more than the minimum number of hours of training.”


National Task Force on Election Reform.


Walsh and Balz.