HOT TOPIC: Elections

YOUR VOTE
YOUR VOICE
& EVERY SINGLE VOICE MATTERS

GETTING OUT THE VOTE
States Find Ways to Increase Turnout

STATE CAMPAIGN FINANCE LAWS
Show Me the MONEY

U.S. ELECTIONS—
HIGH Public Confidence,
LOW Voter Turnout

“We have to have a paradigm shift in this country about making voting convenient and accessible. Time is the most valuable thing that we have. Let’s make it convenient and accessible for people to vote. Let’s make it easy for people to participate.”

Oregon Secretary of State KATE BROWN

PLUS: Get a True Read on Public Opinion in Polling
CSG CONGRATULATES
THE 2014 TOLL FELLOWS CLASS!

2014 HENRY TOLL FELLOWSHIP PROGRAM

Elliot Anderson
Assemblyman | Nevada

Deborah Berry
Representative | Iowa

G. Richard Bevan
Administrative District Judge
District Court for Fifth Judicial District | Idaho

Jill Billings
Representative | Wisconsin

Elaine Bowers
Senator | Kansas

Lydia Brasch
Senator | Nebraska

Donald Burkhart
Representative | Wyoming

Sara Buschman
Assistant Deputy Secretary
Department of Children and Families | Wisconsin

Andrew Clark
Director
Institute for Municipal and Regional Policy | Connecticut

Bradley Cruff
District Judge
Southeast Judicial District | North Dakota

Lee Denney
Representative | Oklahoma

Michael Devin
Representative | Maine

George Dodge
Representative | New Mexico

John Edwards
Representative | Rhode Island

David Michael Gormley
Judge
Delaware Municipal Court | Ohio

David Harris
Representative | Illinois

Nathan Hatfield
Senate Assistant Clerk | Virginia

Deidre Henderson
Senator | Utah

William Holtclaw
Senator | Alabama

Linda Ichiyama
Representative | Hawaii

Trevor Jones
Cabinet Secretary
Department of Public Safety | South Dakota

Tim Keller
Senator | New Mexico

Lois Landgraf
Representative | Colorado

Roland Lemar
Representative | Connecticut

Marquita Little
Director of Policy and Planning
Department of Human Services | Arkansas

Noelle MacKay
Commissioner
Department of Housing and Community Development | Vermont

Ryan Mackenzie
Representative | Pennsylvania

Scott MacLeod
Mitigation & Disaster Recovery Section Chief
Emergency Management Agency | Massachusetts

Nico Majeski
Deputy Secretary
Department of Transportation | Delaware

Becky Massey
Senator | Tennessee

Judson McMillin
Representative | Indiana

Nancy Nathanson
Representative | Oregon

Dan Newberry
Senator | Oklahoma

Jason Pizzetta
Deputy Chief of Staff
Office of the Governor | West Virginia

Nicole Poore
Senator | Delaware

Roman Prezioso
Senator | West Virginia

Lora Reinbold
Representative | Alaska

Cindy Rosenwald
Representative | New Hampshire

Michael Sprinkle
Assemblyman | Nevada

John Stevens
Senator | Tennessee

Jorge Suárez
Senator | Puerto Rico

Karen Tallian
Senator | Indiana

Erika Tindill
Judge
Superior Court | Connecticut

Matthew Trebelhorn
Legislative Analyst, Judiciary Committee
Legislative Research Commission | Kentucky

Lynne Valenti
Cabinet Secretary
Department of Social Services | South Dakota

Kelli Ward
Senator | Arizona

Rhonda Wood
Judge
Court of Appeals & Justice-Elect, Supreme Court | Arkansas
ON THE COVER
Oregon Secretary of State Kate Brown believes “your vote is your voice,” and she’s taken steps to ensure every voice in Oregon is heard. The state has a relatively high voter turnout, but Brown thinks it should be higher. “The legitimacy of our democracy depends on robust voter participation,” she said.

Photo by Andie Petkus

STAY CONNECTED
LIKE US
www.facebook.com/CSGovts
LINK US
www.linkedin.com/company/council-of-state-governments
FOLLOW US
@CSGovts
TUNE IN
CSGovts

12
HOT TOPIC—VOTER ACCESS
With dismal voter turnout in most states, some leaders are striving to make it easier to register to vote and to cast ballots. Some states have made it easier for people to register to vote online, while some are incorporating early voting to give people more time.

22
10 QUESTIONS—OREGON SECRETARY OF STATE
Oregon Secretary of State Kate Brown has worked to make it easier for Oregonians to cast their ballot and to gain access to information that might help inform their vote.

26
HOT TOPIC—CAMPAIGN FINANCE LAWS
The landscape of state campaign finance laws is changing as states are requiring more disclosure as funding for campaigns increases.

38
HOT TOPIC—INTERNATIONAL COMPARISONS
U.S. elections garner high voter confidence, but that still doesn’t guarantee a high turnout on election day.
**VOTER ACCESS**
Ten states this year passed laws that would expand voter access. The most common improvements have been in online voter registration and other measures to modernize the voter registration system, as well as increasing early voting.

**TECHNOLOGY**
Voters want technology that matches what they are doing in their everyday lives. Current technology has become obsolete and, according to former Kentucky Secretary of State Trey Grayson, it’s “a ticking time bomb.”

**VOTER ID**
Challenges to state voter ID laws have moved to a new section of the 1965 Voting Rights Act. Experts believe states should prepare for more lawsuits based on what is known as Section Two of the act.

**OVERSEAS VOTING INITIATIVE**
Washington Secretary of State Kim Wyman knows from personal experience the challenges military service members face to vote while stationed overseas.

**CAMPAIGN FINANCE**
With more money being pumped into elections, states are concentrating on disclosure. Regulators are making the data more interactive, which makes the information more powerful to the voter.

**FELONY DISENFRANCHISEMENT**
Since 1997, 23 states have modified felony disenfranchisement provisions to expand voter eligibility.

**ELECTIONS 101**
Ballot propositions are among the most visible features of American democracy. Since 2000, voters have decided 1,692 state-level ballot propositions covering a wide array of issues, including same-sex marriage, education, primary elections and marijuana legalization.

**JUDICIAL ELECTIONS**
North Carolina Supreme Court Justice Cheri Beasley believes advancement of a partisan or ideological agenda has no place in the fair application of the rule of law.

**U.S. ELECTIONS**
U.S. citizens have a lot of confidence in the election system, but that doesn’t always translate to getting out the vote. David Carroll, director of the Democracy Program at the Carter Center, says all countries should strive to improve elections.

**INTERNATIONAL COMPARISON**
Global measures of electoral credibility include voter participation and political finance. But researchers at the International Foundation for Electoral Systems, write that many other factors play into whether an election outcome is credible.
Elections are very public acts and yet, for candidates and their family, they also are very personal. Every aspect of a candidate’s life is subject to scrutiny, and the countless hours of support offered by family and friends are overwhelmingly gratifying. Being a candidate is humbling and oftentimes maddening. While the tools of the modern campaign have changed dramatically from those utilized by the politicians who created our nation, the emotions of a campaign remain virtually unchanged. It still hurts to lose.

I commend those who run for office and aren’t elected. They are the brave ones, the ones willing to risk defeat to advance their vision for their state. The slings and arrows directed at candidates can be brutal and only those whose passion for public service is strong are willing to engage in the quest for public office. Many of America’s greatest political figures were on the losing side of an election. Perhaps most famously, one of our nation’s greatest presidents, Abraham Lincoln, suffered many defeats at the ballot box.

For every governor, other statewide elected official and every legislator who runs for office in a contested election, there is another candidate who does not get elected. Without the losers, our ongoing, evolving experience in self-government would not be possible. So here’s to the losers.

In his 1910 speech in Paris, Theodore Roosevelt said, “It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who, at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.”

Citizenship is both a right and a duty. Those who become a candidate and run for office experience firsthand the sacrifices candidates are required to make. Yet for all the sacrifices, there is also great satisfaction and growth for those who have risked defeat and stepped into the arena.

To all those who have taken a risk, who have sought to advance the common good, who have spent themselves in a worthy cause, who fight for their beliefs but who ultimately suffer defeat, we celebrate your commitment, courage and passion. I wonder how much more all of us could accomplish if we weren’t afraid to fail?

David Adkins
Executive Director CEO

Here’s to the Losers
Today the court follows not James Madison—for whom Wisconsin’s capital city is named—but rather Jim Crow—the name typically used to refer to repressive laws used to restrict rights, including the right to vote, of African-Americans.”

—Wisconsin Chief Justice Shirley Abrahamson, writing in late July for the dissenters in a Wisconsin case brought by the League of Women Voters challenging the state’s voter ID law, according to the Aug. 1 Milwaukee Journal Sentinel. The court upheld the law.

Our Country should be making it more convenient for eligible young people to vote, not less.”

—Ashley Spillane in a column in The Washington Post in July about many states moving to get rid of same-day registration laws and changing voter ID requirements.

The way to avoid long lines on election day is to vote early. Even people who typically don’t vote early may want to strongly consider doing so.”

—Tennessee Secretary of State Tre Hargett as quoted in The Tennessean in July discussing the more than 6,000 candidates on the ballot for federal, state or local elections in the state this year.

Low turnout is more than a set of figures to lament, it is an indicator of deep problems within American democracy.”

—Curtis Gans, director of the Center for the Study of the American Electorate, in a July report predicting the greatest number of states will set record lows on voter turnout in November.

What does the two-party system mean anymore? Do people still want a two-party system?”

—New York state Sen. Diane Savino, who opposed then-Mayor Michael Bloomberg’s attempt in 2003 to begin nonpartisan elections in New York City, as quoted in the Staten Island Advance July 24 about her change of heart.
THE EAST

CROSS-BORDER WORK
Maine Gov. Paul LePage and New Brunswick Premier David Alward in July signed an agreement outlining goals for greater economic collaboration between the state and provincial governments. According to the Bangor Daily News, representatives from Maine and New Brunswick will form a joint committee to implement the agreement’s objectives, which include raising employment levels, improving trade and tourism, and increasing collaboration around transportation, energy and emergency preparedness.

GAS TAX HIKE
New Hampshire state officials say a recent hike in gas taxes is helping to pave the state’s neglected roads. According to the New Hampshire Union Leader, officials have approved $25.7 million in paving and rehabilitation of 195 miles of highways throughout the state, funded by a recent 4.2 cent gas tax increase. The increase was the state’s first since 1991, and is expected to generate an additional $33 million this fiscal year.

BAIL OVERHAUL
New Jersey lawmakers are considering measures to overhaul the state’s bail system, NJ.com reported. In July, the Senate Law and Public Safety Committee held a public hearing on a proposed constitutional amendment that would allow judges to deny bail for defendants deemed dangerous or a flight risk. Under current law, judges can deny bail only for defendants accused of crimes punishable by death, though the state eliminated the death penalty seven years ago.

MEDICAL MARIJUANA
New York joins 22 other states legalizing the use of marijuana for medicinal purposes, CNN.com reported. Gov. Andrew Cuomo signed the Compassionate Care Act July 7; it allows physicians to prescribe the drug in nonsmokable forms to patients suffering from certain serious conditions recognized by the state. The law also includes criminal penalties for individuals who attempt to defraud the program.

NEW RULES FOR UNEMPLOYMENT BENEFITS IN RHODE ISLAND
Unemployed Rhode Islanders seeking jobless benefits will soon face new rules, the Providence Journal reported. Perhaps the most significant change being implemented by the Rhode Island Department of Labor and Training is a requirement for individuals eligible for state unemployment benefits to post their resumes to employRI.org, a state-run free jobs board, within six weeks of filing.

The new requirement is among several changes the department is making in how it works with the state’s unemployed population. Already, through federal grant funding, the Department of Labor and Training has expanded some of its interviews with unemployment insurance claimants in an effort to better link the unemployed with jobs.

Charles Fogarty, director of the Rhode Island Department of Labor and Training, said the agency also plans to send letters reminding beneficiaries of available job training and career counseling services available through the state’s netWORKRI centers.

Eligible Rhode Islanders are able to claim benefits for up to 26 weeks, though department officials said the average claimant receives benefits for slightly more than 16 weeks.

For more on CSG East, visit: capitolideas.csg.org and www.csgeast.org.
ASH CLEANUP ENDS
Duke Energy announced June 17 it had completed the removal of 2,500 tons of coal ash and sediment from the Dan River in Danville, Va., The News & Observer of Raleigh, N.C., reported. More than 39,000 tons of coal ash spilled into the river Feb. 2 after a drainage pipe collapsed in one of Duke Energy’s storage ponds in Eden, N.C.

SAME-SEX MARRIAGE
A federal appeals court ruled in July that Oklahoma’s ban on same-sex marriage is unconstitutional, The Associated Press reported. The decision from a three-judge panel in Denver upholds rulings striking down Oklahoma’s gay marriage ban. This marks the second time the court has found the U.S. constitution protects same-sex marriage. The ruling is on hold pending appeal.

MARIJUANA BILLS
Florida Gov. Rick Scott in June signed two bills related to the legalization of a noneuphoric strain of marijuana to treat medical conditions like childhood epilepsy, the Tampa Bay Times reported. Senate Bill 1030 approves the medication, while Senate Bill 1700 protects the identities of patients using the drug. Florida voters will weigh in on Amendment 2, a broader referendum on medical marijuana, later this year.

FRACKING BAN VOTE
After listening to more than seven hours of debate, the Denton, Texas, City Council voted to send a decision to ban fracking in the city to voters on Nov. 4, the Dallas Business Journal reported. If approved, Denton would be the first city in Texas to prohibit fracking. Industry groups and state regulators warned a ban could be followed by litigation.

FREE CERTIFICATION
The West Virginia Department of Education partnered with Microsoft to offer free information technology certification to all graduating high school students, the Charleston Gazette reported in July. Students will have access to Microsoft’s IT Academy, which provides a variety of certifications, at all career and technical schools.

VOLKSWAGEN TO EXPAND OPERATION IN TENNESSEE
Volkswagen announced in July that it would expand its Chattanooga, Tenn., plant to begin building a new seven-passenger crossover utility vehicle by late 2016, The Tennessean of Nashville reported.

Volkswagen also will hire 200 engineers for its new National Research and Development and Planning Center, the first for any automaker in the South. The German automaker will spend $900 million to introduce the new SUV, including a $600 million investment in Tennessee.

The automaker’s expansion will create more than 2,000 new jobs in auto assembly, research and development. Volkswagen already has 1,500 direct employees at the plant, with about 2,700 altogether, including contractors.

This news reinforces the Southern region as a popular location for foreign automakers to locate and expand their operations. The Volkswagen announcement places Tennessee at the forefront of this trend. Recent gains include a new Infiniti engine plant in Decherd, a pending General Motors expansion in Spring Hill, and projects that have brought new vehicles and increased employment at Nissan’s Smyrna plant.

For more on CSG South, visit: capitolideas.csg.org and www.sclatwww.org.
LEGACY FUND BOOST
State officials in North Dakota in July announced plans to deposit the largest sum yet into the Legacy Fund, the Bismarck Tribune reported. The state treasurer’s office, which oversees the fund, expected a deposit of $112 million by the end of the month. Since its establishment in 2011, the fund has received monthly deposits ranging from $32 million to $93 million.

PHARMACY REFORMS
Pharmacists in Kansas are hailing a bill passed in July they believe will improve patient care. The Topeka Capital-Journal reported that reforms passed by state lawmakers will enable pharmacists to enter into agreements with physicians to monitor patients and change medication levels without a new order. Advocates say the measures will streamline care, letting pharmacists help fill the void left by a shortage of physicians.

TOLLWAY TECH TEST
Drivers along Illinois’ Tri-State Tollway will be recruited to help test new technologies to improve toll payments, the Chicago Tribune reported in July. State officials announced plans to construct a test zone along Interstate 294 to be used to improve existing equipment and experiment with new types of I-PASS transponders that instantly confirm toll payments, representing another step toward enabling drivers to use smartphones to pay tolls.

PROPERTY TAXES
Some Minnesota property owners will see a reduction in property taxes this year, the Star Tribune reported in July. A report by a nonpartisan legislative office indicates that taxes may be reduced by $49 million for property owners eligible for state aid and credits. The report suggests homeowners will see the largest reductions in property taxes, while owners of agricultural property, public utility land and commercial property may see their bills go up.

BIKING NETWORK
Bicycle enthusiasts and Wisconsin state officials are teaming up to develop a statewide bicycling network, according to The Oshkosh Northwestern. The project will map, mark and promote dozens of biking routes that cross the state already, while designing a network of new cycling corridors to link various regions of the state. The project is expected to be complete in November 2015.

OHIO CORRECTIONS OFFICIALS CONSIDER DRONES TO MONITOR PRISONS
Officials in Ohio are considering becoming the first state in the country to use aerial drones to police the state’s prisons, The (Cleveland) Plain Dealer reported in July. The Ohio Department of Rehabilitation and Correction is requesting public comments on a possible pilot program to test drones at two state prions—Lebanon Correctional Institution and Warren Correctional Institution.

The agency is considering three types of aircraft—a tethered helium balloon, a helicopter and a fixed-wing vehicle—to carry high-definition cameras and infrared devices. Officials hope the drones will help the agency monitor inmates inside the prison grounds and also identify outsiders attempting to throw contraband, such as guns, over prison fencing.

“This is meant to augment and improve our security envelope in what is a very real issue for us, which is keeping the bad guys inside the fence and keeping other bad guys from coming onto our property to do bad things, … convey contraband,” said Ed Voorhies, managing director of operations for the Ohio Department of Rehabilitation and Correction.

Representatives of the Ohio Civil Service Employees Association, which represents the state’s prison guards, have expressed concern about the program. Sally Meckling of the association warns the state should “move very cautiously” in using drones. She added improving safety could be achieved by hiring additional staff, not necessarily bringing in new technologies.
OIL-BY-RAIL DEBATE
A long planned project by Tesoro Corp. that aims to ship up to 360,000 barrels a day of North American crude oil by rail may be derailed as a result of growing opposition to a proposed a terminal in Washington state. According to Reuters, opposition to the plan points to a growing debate around moving domestic oil by train following a series of fiery crashes.

EARTHQUAKE RISK
A new earthquake map by the U.S. Geological Survey indicates an increased risk for several Western states. Colorado, Oregon, Utah, Washington and Wyoming have moved into the top two hazard zones, according to The Associated Press. The seismic hazard maps, updated for the first time since 2008, take into account research from the 2011 earthquake and tsunami off the Japanese coast.

PESTICIDE USE CUT
Federal wildlife refuges in Idaho and several other Western states will phase out the use of a class of pesticides that pose a threat to bees and other pollinators, The Associated Press reported in July. The refuge region—which includes Hawaii, Idaho, Oregon and Washington—is the first to prohibit neonicotinoids, which typically are used as a coating on seeds such as corn, wheat and barley.

WILD HORSES
A Utah congressman in July filed a bill to allow Western states and Native American tribes to take over the management of wild horse and burro populations. According to The Associated Press, Rep. Chris Stewart introduced the legislation in response to mismanagement of the animals by the U.S. Bureau of Land Management. Representatives of Protect Mustangs, a California-based advocacy organization, oppose the legislation.

CALIFORNIA ISSUES NEW RULES TO ADDRESS DROUGHT
California Gov. Jerry Brown in January declared a drought emergency, calling on Californians to decrease their water use by 20 percent in the face of historically low levels of rainfall. By July, however, officials announced that water intake actually increased statewide by 1 percent in May as compared to last year, according to a recent state survey. In the South Coast region of the state, which includes Los Angeles and San Diego, water use increased 8 percent in May in comparison to previous years.

In response, the state passed new rules in July to reduce water use that limit outdoor watering to two days per week, largely prohibit sidewalk and driveway washing, and ban washing cars without a shutoff nozzle on the hose, The New York Times reported. Residents who violate the regulations could face fines of $500 per day.

“People really don’t understand the gravity of the drought, particularly in urban California, where people are hundreds of miles from their water source,” said Felicia Marcus, chairwoman of the State Water Resources Control Board, the state body that passed the regulations.

Already this year, California’s farmers have had access to a third less water than last year, according to a report by the Center for Watershed Studies at the University of California Davis. The report estimated the drought would cost $2.2 billion in revenue this year and would result in more than 17,000 farm-related jobs being cut. California has the largest agriculture sector in the nation.
COLLABORATING TO CONNECT TO MILITARY VOTERS

Many Americans probably don’t think of the Department of Defense when discussing the topic of voting. It may not even occur to some service members that the Department of Defense’s Federal Voting Assistance Program provides voting assistance to military personnel, their eligible family members and overseas citizens. We work to ensure they are aware of their right to vote and have the tools and resources to successfully do so—from anywhere in the world.

Why do they need assistance? Military and overseas voters face unique challenges; namely mobility, time and complexity.

Military families are highly mobile. They might move every two or three years, and submitting a new registration and ballot request may not top their list of priorities. The Federal Voting Assistance Program is working to provide automated address-update reminders within the DOD systems they already use to inform them of the importance of keeping contact information current with election officials.

While amendments to the Uniformed and Overseas Citizens Absentee Voting Act have largely addressed the time issue by requiring states to offer electronic blank ballot delivery—cutting transit time in half—complexity remains an obstacle.

Though the process seems simple for an individual voter, it can be complex when we think about the absentee voting system as a whole. Every state and territory has a different approach on how to treat applications and requests. That’s why it’s so important to me that the Federal Voting Assistance Program continues its work with election officials. We understand that a successfully cast ballot is a transaction between the voter and their local or state government—and focusing on one without the other just doesn’t make sense.

I’m hopeful the incoming data from our research grants over the next few years will reveal important findings yielding actionable recommendations for the Department of Defense and state governments.

There is still plenty to do, which is one of the reasons the Federal Voting Assistance Program is excited to be working so closely with The Council of State Governments. CSG has created two working groups. One focused on election policy issues is examining the Presidential Commission’s recommendations related to the overseas voting act; the other group is exploring technology issues, such as data standardization development. This valuable relationship will directly impact how we provide voting assistance and facilitate the connection between military voters and their home state.

We greatly value the work that election officials do in support of these voters. We also know that much of our work at the Federal Voting Assistance Program—the requests for election data, double-checking of election dates and rules, etc.—can be a burden on these same election officials. You may have already heard, but the program’s effort to combine its quantitative survey with the Election Assistance Commission’s survey has come to fruition. States will receive only one federal quantitative survey following the 2014 election. I know how heavy a lift data collection can be, and I hope the joint survey eases the load.

The data from this survey will help the Federal Voting Assistance Program focus on areas of high overseas voting act-voter concentration and understand more about individual challenges. Specifically, we plan to use the post-election survey data to identify jurisdictions that yield higher-than-average ballot-rejection rates from overseas voters and attempt to correlate those to processes and requirements that may indirectly impose hardships. This effort will require the program to further strengthen its partnerships within the election official community; we want to work together to increase mutual awareness and find real solutions.

It’s not lost on me that for many jurisdictions, overseas voting citizens make up only a small percentage of their voters. I am also fully aware and greatly appreciate how hard state and local election officials work for this small population and how willing they are to go above and beyond to serve those who serve. I look forward to continuing Federal Voting Assistance Program work with CSG and the election community. Our collaborative efforts can help us reach one of our many shared goals: voting success for those who protect our freedom and defend our most fundamental right.

A recent analysis by the Electoral Integrity Project ranked the United States 26th out of 73 countries assessed in 2012-13—the lowest ranking among Western nations. The key areas where the U.S. lags behind are voter registration and turnout, election laws and districting, and campaign finance, David Carroll of The Carter Center writes. Oregon is one state that has found ways to increase turnout, and Secretary of State Kate Brown says that is important. “The legitimacy of our democracy depends on robust voter participation,” she said in an interview with CSG. Other states are working to improve voter access, and CSG is working with the U.S. Department of Defense on an Overseas Voting Initiative to ensure military families stationed overseas can participate in elections in their home state. State officials also are looking at campaign finance, which experts say can raise questions about the integrity of elections.
Colorado election officials were regularly seeing 70, sometimes 80, percent of voters casting their ballots by mail.

That’s because the state offered the ability to vote as a permanent absentee.

“Most of our voters were voting that way anyway,” said Donetta Davidson, executive director of the Colorado County Clerks Association.

To do so, however, voters had to apply for permanent absentee status.

That changed with a 2013 law that standardized the vote-by-mail process. Now, everyone in the state receives a ballot by mail that they can cast by either mailing it back or taking it to a voter service center. Those centers also have voting machines for people who want to cast their ballots in person.

“When we were thinking about the legislation, we took what the voters liked and built upon that, but also gave the choice to the other people. If you want to go to the polling site, we’re not going to take that away from you,” Davidson said.

Myrna Pérez, deputy director of the Brennan Center’s Democracy Program, lauded the efforts made in...
Colorado with regard to expanding voter access.

“It’s a good example of voters having multiple points of access to our system and trying to reach out to voters in a bunch of different ways,” she said.

Expanding Voter Access

The Brennan Center for Justice at New York University School of Law tracks voting laws across the country and advocates for voting rights. The center considers bills based on whether they would expand or restrict voter access. In 2014, for instance, 10 states passed laws the center deemed as expanding voter access, while three states passed laws restricting access.

“We’ve seen some momentum toward increasing access in certain states,” said Pérez.

Since 2012, she said, 16 states have passed laws to improve the election system and increase voting access; laws in 11 of those states will be in effect by Election Day in November.

The most common improvements have been in online voter registration and other measures to modernize the voter registration system, as well as an increase in early voting, she said.

Colorado’s law included provisions that allow voters to register on election day, as well as to register online. That, said House Majority Leader Dickey Lee Hullinghorst, complements the vote-by-mail system.

Hullinghorst sponsored the 2013 legislation, as well as the 2014 cleanup bill, on behalf of voting rights group, civic organizations, and the county clerks and recorders.

“We looked at various ways that we could improve Colorado election laws so that we could ensure in future elections that we had maximum accessibility, that we used all the modern technology available to protect the integrity of ballot box and to make it as easy as possible for people to vote,” she said.

That’s one reason for the choices in casting a ballot, including early voting for two weeks prior to the election and centralized polling places, she said.

“That coalition of folks really wanted to address some of the problems we’ve seen in elections, both statewide and nationally, to ensure we provided a legislative framework to prevent voter suppression and to ensure that politics, to a large extent, aren’t allowed to hinder people from voting,” she said.

Easier Registration Process

“Americans want free, fair and accessible elections,” said Pérez.

Toward that end, she’s encouraged by the number of states working to modernize their registration systems.

Nebraska is one state innovating the online registration process. Legislation passed this year allows the use of signatures at the Department of Motor Vehicles in its online registration process.

“It reflected a very prudent understanding of the fact that when you are going to switch to online registration, you should also do the electronic transfer at the DMVs,” Pérez said. “In way too many states, registering to vote is overly reliant on paper.”

The computer transfer of information is much quicker, more accurate and more cost-effective than filling in the paperwork.

“Nebraska got that when you do the online system, which is basically designed that way to transfer information, you should also do it at the DMV,” Pérez said. “The kind of platform you build supports...”
both, so you get the bang for the bucks for both and it makes sense to do it together.”

Nebraska Sen. Bob Krist, who sponsored the bill for Secretary of State John Gale, said this wasn’t the first time the idea had come before the legislature. A colleague had proposed using the DMV database as a baseline for people to vote and do other things they might need to do.

“At the time, the software and technology was not available for us to validate the things that would need to happen in order to register to vote,” Krist said. “My statement was that at some point the technology will catch up with our ideas and at some point we might be able to do this.”

That point in time was this year.

The legislation allows anyone who has a valid driver’s license in Nebraska to register to vote in the county in which the license is issued. Those without a license — and those who don’t want to make the change — can still register at the election commissioner’s office, Krist said.

He’d like to see the use of technology expanded and thinks online voting might be down the road for Nebraska.

“I think we need to move to a point where the right and ability to vote match the desire of someone to vote,” he said.

Louisiana also is using its DMV offices for voter registration purposes. The legislature passed a bill this year that permits 16- and 17-year-olds to pre-register to vote when they apply for their driver’s licenses, according to the Brennan Center roundup of voting laws.

Massachusetts’ 2014 voting overhaul includes similar provisions for young voters and online voter registration.

Massachusetts Rep. James Murphy, who chairs the House election law committee, said the purpose of the bill is to encourage people to vote. Online registration and pre-registration of 16- and 17-year-olds would go a long way toward accomplishing that.

“In today’s world, people are banking online and doing everything online it seems and it seemed like a natural progression that people should also be able to register to vote online,” he said.

Not only does online registration make it easier for people to register, but it also can eliminate confusion on election day where people might show up at the wrong polling place, Murphy said.

Online registration is not just for first-time registrants; people also can change addresses when they move, he said.

Murphy said pre-registering young voters helps stoke their interest in democracy and the election process.

“This may help young kids more easily get into the election process by already being registered to vote,” he said. “The 16- and 17-year-olds are the future state representatives, future state sena-
“I think where you have the greatest participation in voting, and where you make it easy for people to do that, you have better government.”
—Colorado House Majority Leader Dickey Lee Hullinghorst

ors, future governors, future presidents and so we are looking ways to encourage young kids to become active in voting process.”

Twelve states and the District of Columbia allow voters to register and vote on election day. Illinois in 2014 and Colorado in 2013 are the latest to make the change. But Illinois’ move considered a pilot project in the November election only and limits the same-day registration only to selected sites within each election authority.

Gov. Pat Quinn in a statement lauded the legislation soon after it was passed.

“Democracy works best when everyone has the opportunity to participate,” Quinn said, according to The Chicago Tribune. “Instead of turning away eager voters at the ballot box, (the legislation) will make sure more Illinois residents have a chance to have their voices heard.”

**Early Voting**

The Massachusetts law also included a provision allowing residents to cast ballots starting 11 business days before an election and ending two days before election day beginning in 2016; it is the 33rd state, plus the District of Columbia, to allow early voting, according to CSG’s 2014 edition of *The Book of the States*.

Secretary of State William Galvin believes early voting should increase the number of voters casting ballots in elections. Only 3 million of the 4 million eligible Massachusetts voters participated in the last presidential election, Galvin told MassLive in May.

“The question is ‘how do we close that gap?’” Galvin said. “And I think this bill goes a long way to doing that.”

Some states that have had early voting have moved to restrict it, Pérez said.

“The restrictions on early voting can be pernicious because we know in some instances, there are particular folks that take advantage of it,” she said.

Murphy of Massachusetts said early voting will alleviate some of the congestion of long lines at the polls in state elections. His bill allows for early voting 10 business days prior to the election. To ensure the provision doesn’t burden coffers of local communities, the clerks in towns and cities across Massachusetts only have to allow early voting during regular business hours, Murphy said. They can, however, add other times as they see fit.

Early voting, he said, might “encourage people to get to the polls and allow people to get to the polls who otherwise wouldn’t be able to. That will go along way toward increasing voter turnout,” Murphy said.

The first election in Massachusetts where early voting will be allowed is in the 2016 presidential election. Murphy is optimistic the new law will help alleviate some of the problems seen in previous elections.

“One of the problems that arose during some of our elections, especially presidential years, were long lines at the polls and that’s why we had looked at online registration and early voting,” he said.

The Illinois pilot project also includes a provision to expand early voting for the 2014 general election.

**Added Benefits**

Changes in laws across the country are aimed at making it easier for people to register to vote and cast their ballots. But they also come with added benefits.

Changes in Colorado’s voting laws worked well in the 2013 municipal elections, Hullinghorst said. Turnout was up 30 to 40 percent in elections that typically don’t draw huge amounts of interest, she said.

Higher voter participation was just one of the benefits of the Colorado law.

Mesa County, Colo., Clerk and Recorder Sheila Reiner, president of the Colorado clerks’ association, said standardizing and modernizing the elections process also reaped some efficiencies.

“We were able to really build a solid system that’s sustainable financially and for the process so it can be repeatable,” she said.

Davidson, of the clerks’ association, said while clerks need judges with more technical knowledge to run the election, they need fewer judges because of the elimination of some precincts.

Even with a high percentage of mail-in voters, “the county was still having to set up a lot of machinery to accommodate the in-person voters who really were just no longer showing up,” Reiner said.

With fewer precincts to cover, counties won’t have to purchase as much voting equipment the next time they upgrade elections system, she said.

“The investment is going to be more in the high-speed central counters than it will be in the more expensive voting machines that have to be out in the field,” she said.

“That, for our county, is a big deal.”

The changes also allowed county election officials to hone in on best practices and training materials to improve elections going forward, Reiner said.

“Election day is election day and nothing but 100 percent accuracy is acceptable,” she said. “There are no do-overs, so the pressure is intense to make sure that the election we run is an accurate reflection of the will of the people in our community.”

The ultimate benefit, Hullinghorst believes, is better governance.

“I think where you have the greatest participation in voting, and where you make it easy for people to do that, you have better government,” she said.
Neal Kelley, registrar of voters in Orange County, Calif., knows what his 1.6 million registered voters want when it comes to casting ballots.

“They want technology that matches what they are using in their everyday lives. They want an interface that is comfortable and familiar,” he said.

In fact, 60 percent of voters in Orange County vote by mail with a paper ballot.

“Electronic voting platforms are not the only game in town,” Kelley said. He said package and mail delivery of ballots to households continues to grow.

“I predict that absentee mail ballots will play a large part in the voting process of the future,” he said.

Kelley’s observations are not unique to Orange County, or even to California. Technology is continually changing how elections are conducted across the country.

Help America Vote

The contested 2000 presidential election shone a light on the problems with technology in America’s voting. In response, Congress in 2002 passed the Help America Vote Act—known as HAVA—and appropriated $3.8 billion for states and local jurisdictions to purchase new voting equipment using updated technology and to fund improvements in overall elections administration.

Much of that technology is now outdated, and state and local officials are looking at the next generation of election equipment. The new technology could help states and localities address a problem cited by the Presidential Commission on Election Administration. In a January report, the commission issued a scathing indictment of the U.S. elections administration process.

“The current standards and certification process must be reformed to allow for innovation in voting technologies, faster and less-costly certification of new products, and the certification of component (customizable and interchangeable) products in voting systems,” the commission said in the report.

But rectifying the situation may be easier said than done.

“Currently, we have a conflict between cost, usability, security and access,” said former Kentucky Secretary of State Trey Grayson, a member of the Presidential Commission on Election Administration and a 2004 CSG Toll Fellow.

While the federal government provided funding for upgrades through the Help America Vote Act, it isn’t helping state and local governments replace old voting technology, Grayson said.

“State and local governments have tight budgets and, in the current climate, it is very difficult to find money for capital investments,” he said.

In addition, Grayson said, the U.S. Election Assistance Commission doesn’t have enough commissioners to push for new certification standards that would allow for cost-saving technology innovation. The voting system certification process is costly, he said, and only a small number of established voting system manufacturers can afford to do so.

“Most of the currently certified and marketed voting systems are end-to-end systems in a world where software now is transcendent,” said Grayson.

Voting machines now are hardware-centric, and state and federal voting certification standards don’t allow for software innovation that would allow for voters to cast ballots on laptops, smartphones and tablets using secure and safe software. Single purpose machines like those used in voting are contrary to innovation and probably increase costs, according to Grayson.

“In an ideal world, local governments would simply buy tablets and computers with elections software and then use those same
platforms for other purposes throughout the calendar year,” he said. That could be the direction voting system manufacturers are heading, according to Juan E. Gilbert, associate chair of research at the University of Florida. He’s been researching voting technology for 12 years and is convinced future U.S. elections will center around software, much like computer manufacturer IBM has done.

“IBM’s early days were successful because of their hardware centric manufacturing — mainframe computers. For many years, IBM stuck with that model though market and consumer preferences moved towards desktops, laptops, portable devices, phones, cloud computing, etc.,” he said. “Today, IBM is more service- and software-oriented.

“I predict that we will witness the same evolution in the U.S. elections universe. Voting machine manufacturers will become software companies, focusing less on physical devices.”

But Kathy Rogers, spokesperson for ES&S, one of the country’s largest voting technology manufacturers, said new technology is coming onto the market that meets the needs of the presidential commission, as well as election administrators.

“The key to the future is the ability to provide multimodal voting that allows election administrators the flexibility to meet all of their voters’ needs without sacrificing security and uniformity,” she said.

Changes on the Horizon

Election administrators are looking for just such systems. Dana DeBeauvoir, who oversees elections in Travis County, Texas, is seeking bids on a new system that would rely on open-source software that could be shared with other jurisdictions, according to an article in Governing magazine. That could make the process simpler and less expensive than the current systems.

“What’s on the marketplace isn’t very good and it’s horrifically expensive,” she told Governing.

Los Angeles County Registrar Dean Logan is also in the process of developing a voting system for use in his jurisdiction that will be able to take advantage of emerging technologies. The current voting system deployed in Los Angeles County has become costly and burdensome administratively, according to Governing.

With 4.8 million voters, Los Angeles County is the largest jurisdiction in the country. Logan said the county has 5,000 polling places and employs more than 25,000 poll workers each election.

“To scale the distribution of voting equipment over a large geographic area, to numerous locations, and to get those ballots back to a central location and have them counted and reported in a timely manner—the current systems that have been on the market just don’t have that ability,” he told Governing.

Current systems also didn’t take into account the need to have voting materials in 11 different languages other than English for the county to meet requirements of the Voting Rights Act, he said.

Logan would like to leverage off-the-shelf hardware like laptops, tablet computers and printers that can be used for purposes other than voting.

“Technology is playing a role in other aspects of voting. Connecticut Secretary of State Denise Merrill is particularly proud of what her office has done.

“Beginning in 2011, my office pushed a series of technology automation initiatives that were designed to improve the elections process,” she said.

Connecticut voters can register to vote online, access pictures of their ballots and use various Web-based applications to find their polling place locations. But she knows that’s just a start.

Connecticut’s voter registration database is not fully centralized and synchronized with electronic poll books that are maintained at all the state’s polling locations on election day and used to process a voter’s identity. But that will take time and money. Merrill said state and federal funding is not available for Connecticut to make the necessary capital investments and improve their voter registration database.

A ‘Ticking Time Bomb’

The lack of money is a big hurdle to cross as elections administration moves to more technology-based voting. But it’s not the only one.

Current voting machines and the corresponding federal testing and certification system have become obsolete. Even if local election officials did have the money to upgrade, they face legal and market constraints that prevent the development of new voting technology.

“Our current voting system technology is a ticking time bomb,” said Grayson.
FACEOFF ON VOTER IDs

PORTIONS OF VOTING RIGHTS ACT OVERTURNEO, BUT 1965 LAW IS STILL IN PLAY

by Jennifer Horne

Shortly after the U.S. Supreme Court in 2013 ruled portions of the 1965 Voting Rights Act related to voter IDs were outdated and unconstitutional, states took action.

“With today’s decision, the state’s voter ID law will take effect immediately,” Texas Attorney General Greg Abbott said in a statement released two hours after the ruling was handed down.

But those laws in Texas and other states that have imposed strict new photo identification requirements for voters are in limbo, with courts questioning whether concerns over voter fraud outweigh individuals exercising their right to vote.

Since 2010, 13 states have passed more restrictive voter ID laws, including nine states—eight Southern states plus Wisconsin—with so-called “strict” laws, meaning a citizen cannot cast a valid ballot without a specific kind of government-issued photo ID.

Many of these voter ID laws previously were blocked by Section 5 of the 1965 Voting Rights Act, which required nine states—Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia—and local jurisdictions across the country with a history of discriminatory election practices to obtain federal approval, or preclearance, before changing voting laws to ensure they do not have a harmful impact on minority voters.

The 2013 Supreme Court ruling invalidating Section 5 means Southern states are no longer singled out for special consideration in terms of voter laws. Lisa Soronen, director of the State and Local Legal Center, called the decision “a victory for federalism” because now all states are “playing under the same rules, as it relates to election laws.”

Federal officials had blocked many state laws related to voter ID out of fears of a discriminatory effect on minority voters.

Myrna Pérez, deputy director of the Brennan Center’s Democracy Program, said 11 percent of eligible voters do not have government-issued photo IDs; that percentage is higher for certain groups, including seniors, people of color, people with disabilities, low-income voters and students.

The June 2013 Supreme Court ruling found the formula that determined which states were covered by Section 5 was outdated and unconstitutional, effectively eliminating enforcement.

Almost immediately, new laws requiring voters to show specified state-issued photo identification at the polls took effect throughout the South. Alabama, Mississippi, Texas and Virginia previously had passed such laws, but never gained federal approval to implement them.

Less than one month after the ruling, North Carolina legislators passed a wide-ranging election bill that included one of the nation’s strictest voter ID requirements; it takes effect in 2016.

New Voter ID Challenges

But the Supreme Court ruling only applies to Section 5. Section 2, which covers all states, prohibits voting practices and procedures that discriminate on the basis of race, color or language minority group. Opponents of voter ID laws have filed Section 2 lawsuits in states across the country, including North Carolina, Texas and Wisconsin.

Under Section 5, states subject to preclearance had to prove their voting laws were not discriminatory. Under Section 2, affected voters have to prove the laws are discriminatory, according to Daniel Tokaji, a professor at The Ohio State University Moritz College of Law, a leading authority on election law and voting rights.

The legal standard is also different.

“Under Section 5 challenges, the main question was whether the proposed change would make racial minorities worse off,” said Tokaji. “Courts are still in the process of sorting out the meaning of Section 2.”

In a decision that could have implications across the country, a federal judge in April used Section 2 to strike down Wisconsin’s voter ID law, which two state judges had already found to be unconstitutional.

Judge Lynn Adelman ruled the Wisconsin law violated both the Voting Rights Act and the U.S. Constitution because it established an unconstitutional burden on the right to vote that disproportionately affects minority voters. This was the first time a federal judge had used Section 2 of the Voting Rights Act to strike down a law.

Adelman found Wisconsin did not have sufficient basis to impose a voter ID requirement that would prevent or deter from voting more than 300,000 state residents who lack photo identification, since in-person voter impersonation—the only fraud a voter ID law would prevent—is nonexistent.

“Because virtually no voter impersonation occurs in Wisconsin and it is exceedingly unlikely that voter impersonation will become a problem in Wisconsin in the foreseeable future, this particular state interest has very little weight,” Adelman wrote. “The defendants could not point to a single instance of known voter impersonation occurring in Wisconsin at any time in the recent past.” The state is appealing the ruling.
Previously, two state judges had also found the law to be unconstitutional. A divided state Supreme Court, however, on July 31 upheld the law, concluding that providing a photo ID at the polls does not create a substantial burden to the voter. In the decision, the majority rewrote a state rule to require the Department of Transportation to provide free IDs to people, even if they do not have a birth certificate or other government documents usually needed to obtain them.

Despite the state Supreme Court ruling, the photo ID law remains blocked pending review of Adelman’s decision by the U.S. Seventh Circuit Court of Appeals in Chicago. The court will hear oral arguments in the case Sept. 12.

Section 2 challenges to voter ID laws also are underway in North Carolina and Texas, where the U.S. Department of Justice has joined civil rights groups in requesting that the laws be blocked.

In August, a North Carolina federal judge refused to issue a preliminary injunction delaying implementation of the omnibus election law until after the November elections. A full trial is scheduled for next year, but many of the provisions will be in effect for the November 2014 election.

Soronen and Tokaji believe states should prepare for additional Section 2 challenges to voting laws.

**State Constitutions**

Another possible obstacle to voter ID laws are state constitutions, which often have equal protection and due process clauses, and many have strong protections on the right to vote.

In January 2014, a Pennsylvania state court judge permanently blocked the state from implementing its voter ID law, passed in 2012 and considered one of the strictest in the nation because it relied on a limited number of state-approved forms of photo identification. The court found that since hundreds of thousands of voters may not have the required identification, “the evidence showed the photo ID provisions at issue deprive numerous electors of their fundamental right to vote, so vital to our democracy.”

Gov. Tom Corbett, who supports the law, decided not to appeal the decision to the state Supreme Court.

“It is clear that the requirement of photo identification is constitutionally permissible. ... The court also made clear that in order for a voter identification law to be found constitutional, changes must be made to address accessibility to photo identifications,” he said in a statement released after the ruling.

Corbett reiterated his belief that a photo identification requirement is a “sensible and reasonable measure” that “reassures the public that everyone who votes is registered and eligible to cast a ballot.”

He said his administration would work with the legislature to make changes in the law to allow it to pass judicial muster. The legislature has shown little interest in taking up the divisive issue.

An Arkansas state judge in April ruled that state’s voter ID law also violated the state constitution. The judge placed his ruling on hold and the voter ID provisions were in effect for the state’s May primary, although their use in the November election is uncertain.

**Issue Remains Hot**

The Brennan Center’s Pérez believes voter ID will continue to be hotly contested across the country, both in state and federal courts.

“We’ve had three recent decisions—in Pennsylvania, Arkansas and Wisconsin—where opponents of strict photo ID laws achieved victory. However, more appeals are coming, and we are going to need to watch and wait,” she said.

Tokaji agrees. “It’s very hard to identify an overall trend line. There are lots of different courts moving on a lot of different claims. With that caveat, a number of courts in recent years have been skeptical of new restrictions on voting, including voter ID.”

Tokaji said judges in the recent decisions believe the states have not provided enough evidence of voter fraud to justify restricting voters.

“Judges are concerned that state voter ID laws are really driven by a desire to make voting more difficult rather than a genuine motivation to reduce fraud,” he said. “If I could sum up what is motivating court decisions against voter ID laws in one word, it would be ‘shenanigans.’”

---

© AP Photo/Danny Johnston

---

LITTLE ROCK, ARK.—Election worker Leonard Johnson prepared for Arkansas’ primary runoff election at an early voting polling place in June. Starting this year, Arkansas is requiring voters to show a photo ID to be able to cast their ballots.
Washington state has a long and proud history of welcoming thousands of military families into our community life, and part of our hospitality is providing top-notch voter services, both at our military installations and for those stationed abroad.

As the wife of a former U.S. Army Ranger, as well as being the chief elections officer in my state, military and overseas voters are near and dear to my heart. It’s a part of how we demonstrate our respect and admiration for our service members who serve the cause of freedom.

Washington currently has almost 4 million active registered voters. Nearly 65,000 of them are military or overseas voters. As secretary of state, it is my highest priority to make sure all of our registered voters have a chance to take part in our elections, no matter if they live in my state or serve in the most remote corners of the world. I have made advocacy of our military families a signature issue.

My personal commitment to serving military and overseas voters goes back to the time my husband, John, and I were stationed in Germany in the late 1980s while he served in the U.S. Army. I had a defining experience during our deployment when our absentee ballots arrived the day after an election. We were unable to cast our ballots in that election because our county had sent them out too late. It was the first time I had missed voting in an election since I had turned 18 and it made me realize how important that civic act actually was to me.
Time moved on and in the early 1990s we were stationed stateside at Washington’s Fort Lewis. I began working in the Thurston County auditor’s office and by 1993 had become the election manager. As I learned the profession of conducting elections, I took to heart the responsibility of making sure every eligible citizen in my charge had the opportunity to register to vote, and receive and cast a ballot in every election we conducted.

While Washington had a long history of providing at least 45 days of travel time for military and overseas absentee ballots, county election administrators were always looking for ways to improve our service. Specifically, the biggest problem was that our canvassing board had to reject many voted ballots that had arrived too late to count. This was unacceptable, but the challenges facing these voters made it difficult to solve.

My team and I were acutely aware of the unique challenges facing our military and overseas voters. One major obstacle was sending ballots to voters in remote locations, many without reliable postal service. Getting ballots to these faraway voters and getting those ballots back in time to be counted, historically, has been a challenge.

Another challenge was that military and overseas voters move frequently. When service members move, they are focused on getting their household items shipped to their next duty station, making sure their creditors have their new address, and taking care of their families. Often, the last thing on their mind is updating their voter registration record with their new address.

In 1996, the combination of my personal experience years before and our efforts to try to manage these challenges gave me the idea to use an emerging technology—email—to better serve our voters. We launched a program that year to send our military and overseas voters their ballots by email, which provided an extra week to 10 days of travel time for the returned ballots. We saw an increase in the number of valid ballots we received from these voters and county auditors across the state joined in to provide their voters this service.

I’m proud that Washington was the first state to allow ballots to be emailed to our military and overseas voters. Sending ballots electronically has given voters enough time to thoughtfully fill out their ballot. In the years since email ballot delivery was put into state law, Washington’s legislature has worked closely with county auditors and the secretary of state’s office to pass laws that provide more access and security for all aspects of elections.

As the years passed, I have been fortunate to serve as Thurston County auditor and Washington secretary of state. This has given me the opportunity to work with voters and auditors from across the state to work with the state legislature to pioneer many innovations, such as vote-by-mail elections and online voter registration. One of our biggest successes was moving our primary election to an earlier date to ensure our military and overseas voters had the full 45-day window before election day to receive an absentee ballot.

Until 2007, Washington’s primary was one of America’s latest, the third Tuesday of September, leaving us little time to prepare and mail general election ballots to military and overseas voters. Working with the legislature to change decades of tradition, combined with Congress’ passage of the Military and Overseas Voter Empowerment (MOVE) Act, helped us move the primary to the first Tuesday in August. Ultimately, it was the priority of meeting the needs of our military and overseas voters that got the legislation passed. Today, these voters can receive and return their ballots electronically, enabling them to participate in elections.

This type of innovation continues. We were one of the first states to pioneer online registration and provide online information custom-tailored for each voter, such as replacement ballots, local ballot drop boxes and contact information for their elected officials. We partner with Facebook to direct people to online registration. We also provide online voters’ pamphlets and partner with TVW public television for an online voters’ guide. These online tools further help provide access and information.

We are proud of our high ballot-return rate for Washington military and overseas voters. We appreciate the excellent work of our partners, the county auditors, election administrators, and The Council of State Governments, in promoting participation. The work goes on.
Registered voters in Oregon turn out in high numbers. What is it about your state's election system that garners such turnout?

“It’s very simple. Vote by mail puts the ballot in the hands of every registered voter. It is very convenient and it’s very accessible. In most of the states, the default is that voters need to take time out of their busy lives to go to a location to cast a ballot. We reversed the default and deliver the ballot to the voters... If you think about it, the current system of polling place elections put the burden on the voters to take time out of their busy schedule—and people are getting busier and busier—to go to a polling place and cast a ballot. We reversed that default and deliver the ballot directly to the voters where they live.”

What prompted the move to vote by mail?

“We had a situation in Linn County where literally two people turned out for a local bond election and we knew how they voted because the results of the election were two votes in favor, so the measure passed. But the Linn County clerk at the time, Del Riley, got extremely concerned that we would continue to hold elections and no one would show up. So he actually suggested to the secretary of state at the time, Norma Paulus, a Republican, to take a look at what was happening in San Diego. ... So there was a culture shift over time.”

What are the benefits of the system?

“I think the benefits are the convenience and the accessibility. That’s for the voters. For the state, we anticipate the cost of switching from a polling place election to a vote-by-mail election, there’s about a 20 to 30 percent savings in the costs. The savings are mostly around hiring polling place workers and the infrastructure costs that it takes to provide an election system through a polling place.”

What challenges does this system have with regard to ensuring election integrity?

“The challenge is making sure our centralized voter registration database is up to date. The Pew Center did a study a couple of years ago that looked at our elections databases and the challenge is that people move. It’s keeping registrations up to date and accurate. That is a challenge we face that, frankly, every state faces. What we are doing to address that challenge is participating in a multi-state cooperative effort to match data and...
that’s the ERIC project through Pew—the Electronic Registration Information Center. … (W)e have multiple levels of security. For example, we verify every single signature, and I know this because I had to go down to (the) county elections office a few years ago and prove to the county clerk that that signature was mine because it varied from my signature on the voter registration database. When the ballot is accepted, we essentially mark the voting record so that no one can cast a second ballot fraudulently. We have bar codes on the ballot to track the ballots as well. Ballots are not forwarded. That’s why having the centralized voter registration database is extremely important. I would argue that the vote-by-mail system is as secure as polling place elections.”

How are you using technology?

“We find that our online voter registration system is extremely convenient and it’s very cost-effective. … We’ve had over 300,000 Oregonians use the online system to either register to vote (or) to update (their) registration—this is where address update is really great—and then frankly we know that folks are using it to change parties. … With the bar code, you can track your ballot and confirm that it’s actually arrived at the elections office. … I think we’ve only hit the tip of the iceberg. We pioneered the use of tablet technology for voters with special needs. Essentially we’re using tablet technology to enable voters with challenges to mark and cast their ballots. Another place where we’re using technology is to enfranchise our military and overseas voters. When you have your life on the line, the least we can do is make it as accessible and convenient as possible for you to have your voice be heard in our elections process.”

Oregon’s campaign finance reporting system—ORESTAR—allows voters to easily access information on campaign donations. How does this benefit voters and the election process?

“I don’t know where we are in the spectrum in terms of accessibility, but I would tell you that our campaign finance reporting system is extremely transparent and provides a great amount of data for the public. And our reporting system requires that you report essentially every 30 days; it’s a rolling requirement. … The goal is that when Oregonians have their ballots in their hands, they should be able to track the money in politics. As a result of concerns about out-of-state spending, for example, out-of-state contributions are highlighted in red. We have seven day reporting during the last six weeks. I’ve been working on legislation trying to encourage my former Republican and Democratic colleagues to increase the reporting during the last two weeks when Oregonians have their ballots in their hands in a way that moves it to 48 hour reporting. That would be my goal for the 2015 legislative session.”

Why is making voter access so important?

“The legitimacy of our democracy depends on robust voter participation.”

What advice would you give to other states for increasing voter participation?

“I think our greatest challenge as a nation is to ensure that all of our children have access to basic civic education. The research is very clear: If we get young people engaged in civic participation at the middle school, we will create lifelong participation. So, I think it’s incumbent on all of us as elected officials to work together to encourage and support this effort. I know that’s something secretaries of state nationally are focused on. In my mind, that is by far the greatest challenge that we face.”

You hear it every election: More people vote on American Idol than in political elections.

“One of the reasons is, they make it really easy. They make it very convenient and accessible for people to participate. We have to have a paradigm shift in this country about making voting convenient and accessible. Time is the most valuable thing that we have. Let’s make it convenient and accessible for people to vote. Let’s make it easy for people to participate.”
The Pew Charitable Trusts Elections Performance Index examines election administration performance across all 50 states and the District of Columbia. A state’s performance is based on 17 indicators, such as polling location wait times, availability of voting information tools online, the number of rejected voter registrations, the percentage of voters with registration or absentee ballot problems, how many military and overseas ballots were rejected, voter turnout and the accuracy of voting technology.

The highest-performing states—those in the top 25 percent—were consistent across elections in 2008, 2010 and 2012, according to Pew. That also held true for the lowest-performing states in the same election years. “In looking at these two groups, a picture begins to emerge of the distinctions between high and low performers,” a recent Pew report said.

The turnouts of black and non-Hispanic white voters varied distinctly by region in the 2012 presidential election. In the ● states, non-Hispanic whites voted in higher rates than blacks. In the ○ states, blacks voted in higher rates than non-Hispanic whites. And in the ◆ states, the two groups voted in similar rates.

Source: U.S. Census Bureau
ST. PAUL, MINN.—Opponents of an unsuccessful ballot effort to define marriage as between a man and a woman rallied outside the state capitol in 2012. Minnesota has had the highest voter turnout for eight of the past nine national elections. ©AP Photo/The Star Tribune, Renee Jones Schneider

MINNESOTA ELECTIONS

MINNESOTA HAS HAD THE HIGHEST VOTER TURNOUT FOR EIGHT OF THE PAST NINE NATIONAL ELECTIONS, WITH 76.1% IN 2012.

Nationally, **66.2% of eligible blacks** voted in the 2012 presidential election, higher than the 64.1 percent of eligible non-Hispanic whites voting in the same election—a first since the Census Bureau started publishing statistics on voting by the eligible citizen population in 1996.

The increase in voting among eligible blacks is a long-term trend: Turnout rates increased by 13 percentage points from 1996 to 2012. The opposite is true among non-Hispanic white voters; after hitting a peak in 2004, turnout rates have dropped for two consecutive elections. Between 2008 and 2012, rates for non-Hispanic whites fell by two percentage points—from 66.1 percent to 64.1 percent. This is a dramatic turnaround. In 1996, blacks had turnout rates eight percentage points lower than non-Hispanic whites.

**STATES WITH THE LOWEST VOTER TURNOUT**

<table>
<thead>
<tr>
<th>State</th>
<th>Turnout Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>44.5%</td>
</tr>
<tr>
<td>West Virginia</td>
<td>46.8%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>49.6%</td>
</tr>
<tr>
<td>Texas</td>
<td>50.1%</td>
</tr>
<tr>
<td>Arkansas</td>
<td>51.0%</td>
</tr>
</tbody>
</table>

Source: America Goes to the Polls: A Report on Voter Turnout in the 2012 General Election, nonprofitvote.org
In the past, a casual observer might have equated court cases involving campaign finance law to summer thunderstorms. They popped up frequently, occasionally caused some brief concern about consequences and then quickly faded away.

Darrin Lim, conference co-chair of the nonprofit, nonpartisan Council on Governmental Ethics Laws and partner with the law firm Nielsen Merksamer in California, thinks the U.S. Supreme Court cases regarding campaign finance law in the past four years are a lot more serious than just a thunderstorm.

“Citizens United and McCutcheon are earthquakes in campaign finance,” Lim said. “The reason they’re earthquakes is they wake everyone up, they remind everyone that it’s important to be present and aware of the current landscape. The landscape has definitely changed as a result of these two Supreme Court decisions.”

A Changing Landscape

Paul S. Ryan, senior counsel to The Campaign Legal Center—a nonprofit, nonpartisan organization that offers analyses of issues dealing with campaign finance and elections, political communications and government ethics—said recent Supreme Court cases go back to regulations laid out in the Bipartisan Campaign Reform Act of 2002, otherwise known as the McCain-Feingold Act.

The bill tackled what is known as electioneering communications, which corporations and unions were banned from funding. Courts had been using the expressed advocacy test. That test raised the question: Did the ad tell viewers to vote for or against a particular candidate?

“It was easy to get around,” Ryan said. “You could simply refrain from including language in your political ad along the lines of ‘vote for’ or ‘vote against’ and, instead, simply run ads that said, ‘Candidate Smith beats his wife. Call candidate Smith and tell him why he shouldn’t be a wife beater.’”

Ryan said the McCain-Feingold Act forbade corporations or unions from using their general fund treasury to pay for electioneering ads. The bill also said anybody paying for these types of electioneering communications had to file a disclosure report if they spent more than $10,000; the disclosure includes the name and address of all contributors of $1,000 or more.

The new law was challenged almost immediately. The Supreme Court in 2003, in McConnell v. FEC, upheld all of the bill’s provisions. Ryan said things started changing in a 2007 Supreme Court case—Wisconsin Right to Life v. FEC—when the definition of what constitutes an electioneering communication began to loosen.

“I think all the attorneys paying attention to that decision understood that Chief Justice (John) Roberts, in his eyes, all these restrictions on corporations paying for these ads were vulnerable to constitutional challenge,” Ryan said. “We kind of saw the writing on the wall in 2007.”

Then in 2010, the Supreme Court in Citizens United v. FEC struck down much of the rest of McCain-Feingold.

“The court in Citizens United held that corporations and unions cannot be restricted in their political spending,” Ryan said. “They have a First Amendment right, they are persons under the First Amendment and they have the right to make unlimited political expenditures.”
Another case from this year—*McCutcheon v. FEC*—sent smaller shock waves through the campaign finance world. The Supreme Court banned aggregate spending limits on the total amount a person can donate in any election cycle. But more importantly, the ruling said government can only regulate action that would lead to “quid pro quo” corruption.

Lisa Soronen, executive director of the State and Local Legal Center, said the McCutcheon case was so surprising because it overturned previous court rulings that OK’d governmental regulation to protect against even the appearance of corruption.

“The McCutcheon case has been cited too because the court overturned precedent,” Soronen said. “McCutcheon represents a sort of more unapologetic overturning of precedent and that’s just not what the court really does in general. It either doesn’t overturn precedent or it doesn’t do it so explicitly. When you see your average American taking note and you see precedent sort of being thrown out the window, you know something is happening.”

“We want people to engage, we want them to be informed. … If we’re collecting data, we want to make sure people get to see the data.”

—Kristin Izumi-Nitao, executive director of the Hawaii Campaign Spending Commission
Major Federal, U.S. Supreme Court Action on Campaign Finance Laws

- Bipartisan Campaign Reform Act of 2002: Also known as the McCain-Feingold Act, this law made major changes to campaign finance law. The law:
  - Prohibited national parties from raising or spending nonfederal—or soft—money;
  - Prohibited corporations and labor organizations from sponsoring electioneering communications, meaning ads that clearly identify a candidate for federal office; and
  - Required disclosure of donors of $1,000 or more to any organization that paid an aggregate of $10,000 or more in electioneering communications.

- McConnell v. FEC: Decided by the U.S. Supreme Court in 2003, this case upheld several provisions of the McCain-Feingold Act. The court ruled that bans on unrestricted soft money, regulations on electioneering communications and the definition of electioneering communications as ads occurring within 60 days of a general election or 30 days of primary were all constitutional.

- Wisconsin Right to Life v. FEC: Decided in 2007, the Supreme Court ruled that the restriction banning the use of corporate treasury funds for electioneering communications in the 60 days prior to a general election was unconstitutional for issue ads, meaning ads that don’t expressly endorse a particular candidate.

- Citizens United v. FEC: Decided by the Supreme Court in 2010, this case declared additional parts of the McCain-Feingold Act were unconstitutional. Citizens United expanded the First Amendment right to freedom of speech to corporations and declared that banning corporate expenditures expressly advocating the election or defeat of a candidate was unconstitutional as long as the spending was done independently of the candidate.

- McCutcheon v. FEC: This 2014 decision by the Supreme Court struck down aggregate spending limits that limited how much a person can donate during a two-year period to all federal candidates, keeping in place the limits of how much a person could give to one particular candidate. The ruling also marked a change for the court about when the government may regulate contributions. In previous rulings, the court held that regulating campaign contributions may be done to protect “against corruption or the appearance of corruption.” Chief Justice John Roberts wrote in this case that Congress may only target “quid pro quo corruption.”

- Lim, of the Council on Governmental Ethics Laws, said Citizens United and McCutcheon have pumped more money than ever into political campaigns and that is changing many things in campaign finance law.
  - “What is important with the Supreme Court decisions that have come out, Citizens United and McCutcheon, they may deal directly with federal law, but what they do indirectly is to potentially reshape how we think about money and politics,” Lim said. “That’s what’s been so interesting over the last few years is these earthquakes have forced all of us to reassess how we think money and politics are regulated.”

Disclosure on the Upswing

With more money being funneled into campaigns, Ryan and Lim said states are concentrating on disclosure. Ryan said after Citizens United allowed corporations and unions to fund electioneering ads, many states had some complex new questions to consider.

- “Many states’ laws did not accommodate or did not require effective disclosure by these groups because, for decades, roughly half of the states banned corporate expenditures,” Ryan said. “The question we’ve been hearing states grappling with over the past four years or so post Citizens United is what should we be requiring corporate entities, including nonprofits, to disclose, what does the Constitution permit us to require them to disclose.”

Lim said the old idea of disclosure—requiring candidates to fill out paper forms, which are linked on the secretary of state’s website—is beginning to fade.

- “I think the trend is for regulators to do more with that data,” he said, “to make the information more interactive, to make the information more powerful and to make the information more useful to the voter. Voters are expecting to go to a place where they can really analyze the information without having to thumb through page after page of data.”

Hawaii Gets Visual

That’s exactly where the Hawaii Campaign Spending Commission is going. Hawaii, which has been requiring electronic disclosure forms from all candidates since 2008, launched a new online tool last year that allows people to view pie charts about who has been giving candidates money, whether that money was from in-state or out-of-state sources and how it is being spent.

- “The idea is to see if this candidate is aligned with their (the voter’s) interests,” said Kristin Isumi-Nitao, executive director of the state’s spending commission. “It’s much easier to do so in a colorful pie...
chart or graph rather than in spreadsheets. We thought there was huge value in that.”

Although the original tool gave information only about candidates, a new one will be online before November’s election that lets residents see graphics about political action committees, what Hawaii calls noncandidate committees.

“Noncandidate committees are going to show what races they’re involved in: Was it a mayoral race, a gubernatorial, a council race or a legislative race?” she said. “You can break it down. Is it a Democrat race, a Republican race or are they supporting a libertarian? … It’s the same goal of sorting through the data filed by the committee so that the viewer can see it more readily.”

Izumi-Nitao believes it’s vital for states to keep improving how disclosure data is used.

“I think it’s huge,” she said. “We want people to engage, we want them to be informed and it’s, of course, in the spirit of transparency. That’s what we’re all about. … If we’re collecting data, we want to make sure people get to see the data.”

Letting the SUN Shine In

In California, the Fair Political Practices Commission’s efforts have centered around shining a light on what has come to be known as dark money. The term was coined after the 2012 election when $15 million poured into California from outside groups to fight for one proposition on the ballot and against another. The money was funneled through three different political action committees and the people who contributed the money originally still have not been publicly identified.

Senate Bill 27, which was passed earlier this year, requires state ballot measures and state candidate committees that raise $1 million or more for an election to disclose lists of the committee’s top 10 contributors; that information will be available on California’s Fair Political Practices Commission’s website. The legislation also closes a loophole that allowed nonprofits with no history of political spending to make a one-time donation without disclosing the identities of the donors.

“SB 27 gets at the heart of further disclosure and allows people to see who’s donating to campaigns when it matters most, which is before the election rather than after,” said Jay Wierenga, communications director for the Fair Political Practices Commission.

But the potential for dark money, increasingly, isn’t just a California issue. In a hotly contested U.S. Senate race in Alaska, for instance, $20 million worth of ads had already been bought five months before the November election, funded primarily by out-of-state super PACs, according to a June article in The New York Times.

Alaskans are not happy so much out-of-state money is pouring in to try to get the attention of the state’s 490,000 registered voters. “It’s not Karl Rove’s seat. It’s not Harry Reid’s seat. It’s our seat,” Alaska Lt. Gov. Mead Treadwell said in The New York Times article.

That concern about the possible taint of dark money led to the establishment last year of the SUN Center, which is run out of the California commission’s office. The center is comprised of governmental ethics regulators from 12 states and two cities that hold a conference call every two months to discuss best practices for enforcement and innovative legislation concerning dark money. The center also has a website and a Twitter account to provide daily updates about campaign finance.

Wierenga believes the SUN Center has a lot of potential for growth because disclosure laws are vital to the political process.

“It comes to the fundamental point of giving the voters as much information as possible and that includes where campaign money is coming from,” he said. “That information obviously will lead people to make decisions and these are decisions that are important. The voting process is obviously fundamental to our (political) system.” 

CITIZENS UNITED DECISION

U.S. Sen. Elizabeth Warren, D-Mass., at left, called on the Securities and Exchange Commission to institute rules that would require corporations to disclose their political contributions. Warren spoke at a briefing sponsored by the Corporate Reform Coalition, a group formed in response to the Supreme Court’s “Citizens United” decision lifting limits on corporate political spending. Darrin Lim, conference co-chair of the nonprofit, nonpartisan Council on Governmental Ethics Laws, called the decision and another similar ruling “earthquakes in campaign finance” because the ruling woke everyone up with regard to campaign finance laws. Below, people held signs in 2012 during a gathering on the anniversary of the Citizens United decision in Montpelier, Vt. Several Vermont communities chimed in on a proposal to pass a Constitutional amendment to clarify that corporations do not have the same rights as human beings.
Felony disenfranchisement laws have a long history in the United States. They first appeared in the colonies in the 1600s as “civil deaths”—vague punishments born from common law, often involving the loss of voting rights and usually meted out for “morality crimes” like drunkenness. These coarse sanctions evolved, though, and between 1776 and 1821, 11 U.S. states codified specific laws limiting voting rights for people convicted of certain crimes.

By 1868, when the 14th Amendment, which addresses voting rights, was ratified, 29 of 37 American states specifically withheld the vote from people convicted of felonies.

Challenging, Changing the Laws

Since the 19th century, Americans have been challenging state felony disenfranchisement laws in earnest, usually through the courts. In 1974, however, the U.S. Supreme Court mostly ended judicial debate on the topic when it ruled in Richardson v. Ramirez that the 14th Amendment explicitly permits states to withhold voting rights from felons. A subsequent Supreme Court decision in 1985, Hunter v. Underwood, somewhat limited Richardson in finding that felony disenfranchisement provisions passed with discriminatory intent violated equal protection. States could fix such laws, though, simply by amending them.

Since Richardson, judicial challenges to felony disenfranchisement codes have gone nowhere, and the Richardson reasoning has become sturdy legal precedent. Efforts to change these laws have largely moved out of the courts and into state executive and legislative branches.

Since 1997, 23 states “have modified felony disenfranchisement provisions to expand voter eligibility,” according to the Sentencing Project, a group that favors the liberalization of felony disenfranchisement laws. In 2006, for example, the Rhode Island legislature restored voting rights for individuals who had been convicted of felonies and were on probation or parole. New Mexico repealed permanent disenfranchisement in 2001 and Maryland did the same in 2007.

Not all recent changes to felony disenfranchisement laws have made them more lenient, however. In 2012, legislatures in both South Carolina and South Dakota revoked the voting rights of ex-felons on probation, who can now vote only when they’re off probation.

In Florida, voting restrictions have been tightened recently. In 2007, then-Gov. Charlie Crist persuaded the state’s clemency board to automatically return voting rights to nonviolent ex-felons who had completed their sentences. But in 2011, Crist’s changes were overturned. A new clemency board—headed by Florida’s new governor, Rick Scott—required a person to wait between five and seven years post-release before he or she could apply to have voting rights restored.

A spokesman for Florida Attorney General Pam Bondi, who also sits on the clemency board, said Bondi “is philosophically opposed to the concept of automatic restoration of civil rights and believes not only that felons should apply for their rights, but wait for a period of time in order to attest to their rehabilitation and commitment to living a crime-free life.”

Scott’s 2011 revisions have had a major effect. In 2007, 38,971 ex-felons in Florida regained the right to vote; in 2013, just 78 did. As of 2010, Florida was home to roughly 25 percent—or 1.5 million—of the estimated 5.85 million felons in the United States.
millions of Americans disenfranchised because of a criminal conviction.

Politics and Elections
Still, the momentum seems to be with those who would make felony disenfranchisement laws more permissive. A February HuffPost/YouGov poll found just 21 percent of Americans think felons should permanently lose the right to vote, with 50 percent of respondents saying people should automatically regain voting rights when they leave incarceration.

According to the National Conference of State Legislatures, 17 states have either considered or are considering 60 bills involving voting rights for people convicted of crimes. A large majority of the bills under consideration this year seek to make disenfranchisement laws less rigid.

The topic could become an election issue, too. Take Florida, where Scott is running for re-election, and his opponent is Crist. Polls show the race is very close, and the two candidates’ opposing stances on felony disenfranchisement seems a salient point of debate.

While political disagreement over the issue is common, accord is becoming increasingly common, too. The push to restore voting rights has supporters in both political parties, at the state and federal levels.

U.S. Sen. Rand Paul of Kentucky, for example, recently has backed expanding voting rights. Kentucky has one of the nation’s most restrictive voting rights laws; it is one of just three states in which ex-felons are permanently disenfranchised. Felons must petition to have their voting rights restored.

Paul plans to introduce a federal bill in Congress that would, among other things, allow any nonviolent ex-felon to vote in federal elections and would withhold federal corrections money from states that don’t inform ex-felons of their new rights.

“This is a much bigger problem than anything else limiting voting right now,” Paul said on CNN. “And I want to help people get their right to vote back.”

Source: [http://sentencingproject.org/template/page.cfm?id=133](http://sentencingproject.org/template/page.cfm?id=133)
ELECTIONS 101
INITIATIVES, REFERENDUMS AND OTHER BALLOT PROPOSITIONS
BY JOHN G. MATSUZAKA

Ballot propositions are among the most visible features of American democracy. Since 2000, voters have decided 1,692 state-level ballot propositions covering a wide array of issues, including same-sex marriage, education, primary elections and marijuana legalization.

An even larger number of propositions have been decided at the local level, covering topics such as the minimum wage, tax rates and bonding authority. Participation on ballot propositions typically exceeds that of all but the highest profile candidate races. But a number of misunderstandings persist about citizen lawmaking.

John G. Matsusaka is the Charles F. Sexton Chair in American Enterprise in the Marshall School of Business, Gould School of Law, and Department of Political Science, and executive director of the Initiative & Referendum Institute, all at the University of Southern California. He is the author of For the Many or the Few: The Initiative, Public Policy, and American Democracy.

HISTORY & AVAILABILITY

Direct citizen participation in the lawmaking process is sometimes believed to be a modern invention that has only recently been grafted onto the “real”—representative—democracy of the country. The idea of citizen lawmaking, however, goes back to New England town meetings in the 18th century, and Massachusetts held a referendum to its constitution as early as 1780. Rhode Island made referendums mandatory for constitutional changes in 1842, and by the late 19th century, referendums on amendments were the norm across the country. The practice of permitting citizens to propose new laws by initiative began in 1893, when California granted initiative rights to all counties, and the California cities of San Francisco and Vallejo were the first to provide initiative rights in 1898. The first state to adopt the initiative process was South Dakota in 1898, and by 1918, 20 states had adopted the process. To put this in context, even the newest types of ballot proposition—the initiative and referendum—are older than universal woman’s suffrage, direct election of U.S. senators, the federal income tax and Social Security.

Ballot propositions sometimes are also considered to be exotic, for example, something that is peculiar to California. All states have used ballot propositions from time to time, and 49 states have held votes on at least one public issue since 2000. The initiative process is available in 24 of 50 states; most are in the West, but all regions are represented, e.g. the Northeast (Maine, Massachusetts), the South (Arkansas, Florida), and the central regions (Ohio, Nebraska). To be sure, the most active initiative states are in the West, with California (84 initiatives since 2000), Oregon (60) and Washington (43) leading the way. At the local level, the initiative process is available in 97 percent of Western cities, but also in 82 percent of Northeastern and Southern cities, and 59 percent of cities in the central states.

In short, direct democracy is neither new nor exotic; it is an old part of American democracy that has taken root in all regions of the country and at all levels of government, with the notable exception of the federal government, where it is not allowed. Some might wonder...
EFFECTS

A longstanding controversy concerns who benefits from direct democracy, particularly from initiatives. One view that can be dismissed is that initiatives have an inherent ideological bias. Initiatives have been used to promote conservative issues—same-sex marriage bans, tax cuts—and liberal issues—minimum wage, marijuana legalization. Many initiatives—such as term limits, open primaries and nonpartisan redistricting—cut across ideological lines. Rather than favoring one side of the ideological spectrum, the initiative process is better seen as a process that empowers groups that lack influence in the legislature.

One of the central debates concerning the initiative is whether it benefits the many or the few. The Progressive groups that promoted the initiative and referendum in the early 20th century believed direct democracy would give ordinary citizens a tool to fight against the special interests they believed controlled many state governments. Critics then and now argued the initiative has the opposite effect—it further empowers wealthy and organized interests that already exert disproportionate influence. Scholars have addressed this issue by estimating the effect of campaign spending on election outcomes. Most studies find that money matters, but only to a point; spending can deliver some votes, but it cannot convert an unpopular proposition into a winner, or bring about the defeat of an inherently popular proposition.

Even if the initiative playing field is tilted toward wealthy groups, so are candidate elections. The question is whether the initiative process tilts an already unbalanced playing field further in the wrong direction or allows a counterbalance in the direction of levelness. Most existing research finds the initiative, on net, counteracts the influence of special interests and tends to promote the policy preferences of the majority. Recent estimates suggest having the initiative available makes a state 18-19 percent more likely to adopt policies favored by the majority compared to states where the initiative is not available. It seems that no matter what form of democracy is practiced, wealthy and organized groups have an advantage, but special interests are less influential with the electorate at large than with the legislature.

Perhaps the most fundamental question is whether voters are sufficiently informed and competent to make policy decisions. Research shows clearly that voters do not have an encyclopedic grasp of the issues and often rely on information cues, such as endorsements from trusted media, groups and civic leaders, to make decisions. For example, an environmental voter might determine whether to support or oppose a forestry measure based on the position taken by the Sierra Club or the timber industry. While the use of cues may be troubling to some, this behavior is not unique to voters. Few legislators have encyclopedic knowledge of each bill they vote on; like voters, legislators rely on cues—expertise and advice from individuals and groups they trust. While the evidence is somewhat mixed, some research suggests voters can effectively register their preferences in the ballot box by using information cues. To be sure, the lack of information possessed by voters about policy and politics is disconcerting, but this seems to raise concerns about democracy in general, not specifically about direct democracy.

Ballot propositions have been a feature of American democracy for two centuries and are deeply embedded in state and local governments across the country. Opinion surveys consistently show that voters like the initiative process and are much more confident in decisions made by voters than by elected officials—typically by a three-to-one ratio. All indications are that direct democracy is here to stay, and will likely continue to grow in importance in the United States, as it is across the globe.

Confusion about ballot propositions begins with the terminology. A ballot “proposal” or “measure” is a proposal for a specific law or constitutional amendment that voters may approve or disapprove. In almost all cases, if voters approve, then the proposal becomes law; the legislature or governor have no further input. In most states, approval requires a simple majority of participating voters, although a handful of states require a supermajority (e.g. Florida requires 60 percent approval) or a quorum (e.g. Utah requires 50 percent in favor of all ballots cast, including blank ballots).

State legislatures put most ballot propositions—67 percent since 2000—on the ballot; these usually are called legislative propositions, legislative measures or legislative referendums. All but one state require voter approval for constitutional amendments and most states require voter approval for bond issues.

Other ballot propositions are placed on the ballot as a result of citizen petitions. In 24 states, citizens can place proposals for new laws—initiatives—on the ballot by collecting a specified number of signatures from fellow citizens, typically about 5 percent to 8 percent of the number of votes cast in the previous gubernatorial election. Citizen initiatives are the most visible and controversial propositions and have comprised 28 percent of ballot measures since 2000. Citizens also can propose to repeal an existing law via “popular referendums” or “veto referendums,” by collecting a specified number of signatures; these comprise only 3 percent of the total number of ballot propositions since 2000.

TAKING INITIATIVE

LOS ANGELES, CALIF.—Ryan Lavietes, 2, center, helped her mother Harriet cast her ballot as her father Bryan looked on at Alessandro Elementary School in the Silver Lake area last March. California was the first state to grant initiative rights—the practice of permitting citizens to propose new laws by initiative—in 1893.

© Photo by Kevork Djansezian/Getty Images
North Carolina is at a crossroads. In nonpartisan judicial elections, advancement of a partisan or ideological agenda has no place in the fair application of the rule of law.”
—North Carolina Justice Cheri Beasley, 2012 CGS toll fellow
North Carolina is one of 22 states that elect trial judges by judicial district and appellate judges and justices in statewide elections. Judicial elections in the state were partisan until 2002; now, all judicial elections are nonpartisan by popular vote.

Over the years, the North Carolina Judicial Code of Conduct has promulgated varying fundraising rules for judges and lawyers seeking judicial office. In 2002, North Carolina passed a law that allowed candidates for elections to the Court of Appeals and Supreme Court to participate in a North Carolina Public Campaign Financing Fund. In this system, the amount a candidate could receive was pegged to the filing fee for candidates. In 2012, for example, if a candidate for the Court of Appeals raised between $39,450 and $78,900 and satisfied all the program requirements, she would receive $164,400. In that same year, Supreme Court candidates were required to raise between $41,160 and $82,320 to receive $240,100.

There were reporting requirements and restrictions on how the money could be spent, from whom the money was accepted, limits on the amount contributed per individual and a time period by which contributions could be received. Participation was not compulsory; a candidate could choose to not participate in public financing and instead seek contributions under another set of campaign finance rules.

In 2012, a seat was available for election to the Supreme Court of North Carolina. There were two candidates, the incumbent and a challenger, each of whom met the requirements to receive public financing. Though both candidates participated, special interest groups from inside and outside of North Carolina spent more than $3.8 million on behalf of the candidates. More than $3.5 million was spent on behalf of the incumbent and $270,000 was spent on behalf of the challenger. In 2013, the Public Campaign Financing law was repealed.

Today, with no public financing available, each candidate may request a contribution of up to $5,000 per individual per campaign cycle, with no limit to amount raised. There are four seats on the North Carolina Supreme Court up for election this November. Only one Supreme Court race had a primary election in May. In addition to contributions the candidates received from their respective supporters, more than $750,000 from special interest groups was spent on an ad that sought to disparage the incumbent.

**State at a Crossroads**

North Carolina is at a crossroads. In nonpartisan judicial elections, advancement of a partisan or ideological agenda has no place in the fair application of the rule of law. Special interest money spent to determine the outcome of cases before the court is abominable and the people of North Carolina deserve better.

Under current rules for independent expenditures by special interest groups, these groups are permitted to support and promote someone’s candidacy by running salacious ads against the opponent with loose reporting guidelines as long as special interest groups don’t coordinate their efforts with the candidate.

All candidates should denounce this repulsive conduct, which denigrates our judiciary and insults voters. Public financing may not be the answer. Lawyers and lay people alike are questioning whether North Carolina’s appellate judicial selection safeguards the integrity of the Supreme Court and best serves her people.

I have been grateful to serve and to meet wonderful people across our great state. Service has indeed been an honor and a privilege. My pledge remains to treat parties with respect, to fairly and ethically apply the rule of law, and to assure that justice is truly accessible to all people.

---

Justice Cheri Beasley was appointed as a district court judge in 1999. Gov. James B. Hunt Jr. appointed her to serve as a district court judge in the 12th Judicial District in Fayetteville, N.C., where she was elected in 2002 and 2006 and served 10 years. She was elected statewide to the North Carolina Court of Appeals, the state’s intermediate appellate court, in 2008. In 2012, after four years of service on the Court of Appeals, Gov. Beverly Perdue, a 1992 CSG Henry Toll Fellow, appointed her to serve as a justice on the Supreme Court of North Carolina, the state’s highest court.

"""

NORTH CAROLINA IS AT A CROSSROADS.
IN NONPARTISAN JUDICIAL ELECTIONS, ADVANCEMENT OF A PARTISAN OR IDEOLOGICAL AGENDA HAS NO PLACE IN THE FAIR APPLICATION OF THE RULE OF LAW."

—NORTH CAROLINA JUSTICE CHERI BEASLEY, 2012 CSG TOLL FELLOW

"""
Your Decisions Affect Theirs

Government decisions affect more than 300 million Americans a year. With Esri® Technology, you can connect with your entire constituency. Esri helps you demonstrate accountability, foster collaboration, and make the effective decisions that keep your constituents happy.

Learn more at esri.com/government
In the U.S., voter turnout in legislative elections from 1945-2014 hovers just below 50 percent—much lower than the global average of 62.7 percent, according to the International Foundation for Electoral Systems, a nongovernmental organization that seeks to strengthen democracy by improving electoral systems. Italy has the highest voter turnout, with just under 90 percent of the voting age population casting ballots in legislative elections. The Carter Center has observed nearly 100 elections in 38 countries around the world. According to a recent analysis by the Electoral Integrity Project, the U.S. ranked 26th out of 73 countries assessed in 2012-13, with the U.S. having the lowest ranking among Western nations. Still, U.S. elections—even with low voter turnout—have high public confidence.
Over the last 25 years, the Carter Center has observed nearly 100 elections in 38 countries around the world. These experiences have generated a wealth of information about electoral practices across the globe. In addition, they provide an interesting basis to compare how elections are conducted in the U.S. A quick review suggests that while elections in the U.S. are generally of high quality and enjoy broad public confidence, the U.S. compares unfavorably with other democracies in a number of areas and/or fall short of widely recognized international benchmarks.

The goal of election observation organizations like the Carter Center is to provide an independent, third-party assessment of electoral quality and integrity through systematic data-gathering and analysis. Professional and impartial observers provide well-documented reports that shape public perceptions about the overall quality and integrity of the electoral process, and where warranted, can reinforce public confidence. The Carter Center assesses elections against a set of core international obligations and standards as outlined in major international human rights treaties, most importantly the International Covenant on Civil and Political Rights. In short, these international standards call for:

- Genuine and periodic elections that express the will of the people;
- A secret ballot;
- Universal and equal suffrage free from unreasonable restrictions;
- Protected rights for citizens to vote, be elected and participate in public affairs;
- Protected fundamental freedoms of expression, association, assembly and movement;
- Security of the person;
- Equality before the law;
- Access to information; and
- The rights to a fair and public hearing and to effective remedy.

Before launching observation missions, the Carter Center must be invited by a country’s election authorities and welcomed by the major political parties. Observation projects normally begin far in advance of elections—generally six to nine months before election day—with experts and long-term observers assessing election laws, voter education and registration, and campaign finance and political campaigning. On election day, larger teams of short-term observers assess the casting and counting of ballots. In the weeks following the election, observers monitor the tabulation process, electoral dispute resolution processes and the publication of final results. All the major organizations involved in international election observation follow a similar methodology.

Election observation has grown in scale and complexity in recent years and missions now are routinely deployed to most countries around the world. The U.S., however, has had only limited exposure to systematic observation, primarily from relatively small teams deployed by the Organization for Security and Cooperation in Europe, of which the U.S. is a member state. Compared to the world as a whole, the U.S. has relatively high levels of electoral integrity. However, there are some clear shortcomings in U.S. elections, especially compared to established Western democracies, but even in some cases compared to new or emerging democracies.

According to a recent analysis by the Electoral Integrity Project, the U.S. ranked 26th out of 73 countries assessed in 2012-13, with the U.S. having the lowest ranking among Western nations. The key areas where the U.S. lags behind are voter registration and turnout, election laws and districting, and campaign finance. Separate but
related to many of these problems is the fact that the U.S. election system is extremely decentralized compared to most countries, with states and counties responsible for election administration.

According to international standards, the administration of elections should be conducted by an independent election management body that is impartial and transparent. This can take a variety of institutional forms, ranging from fully independent national election commissions to judicial bodies to units that are part of or drawn from government ministries, along with a variety of other forms. The critical assessment question is the degree to which the election authority is genuinely independent and impartial, with full control of key decisions. National election commissions make it easier to administer elections with uniform processes and standards across the whole country.

Due to its decentralized political system, election administration in the U.S. varies widely across states, with some utilizing independent election boards, with elected partisan officials—usually the secretary of state—leading most of these. Similarly, in the majority of states, redistricting is done by state legislatures—with the process often controlled by the majority party—instead of an independent board.

Probably the most important shortcoming in American elections concerns the low levels of voter registration and participation. The U.S. ranks 22nd among 34 countries in the Organization for Economic Cooperation and Development, or OECD, on voter turnout. U.S. voter turnout tends to average between 50 and 65 percent of eligible voters compared to the global average of around 70 percent. Voter registration in the U.S. hovers around 70 to 75 percent, which means as much of 25 percent of eligible voters—roughly 50 million U.S. citizens—are not on voter registration rolls. Most European countries make it compulsory to be registered, while many developing countries employ “passive” voter registration exercises where registration teams go house-to-house or village-to-village to ensure most citizens are easily registered and receive identification cards.

To expand voter registration and participation, the U.S. should consider steps to greatly facilitate registration. The 2014 Presidential Commission on Election Administration report suggested both online registration and cross-checking across state registration lists to expand registration and improve accuracy. Similarly, the process of obtaining any IDs required for voting could be made simpler and more convenient, especially to people with limited access to the system, and with minimal to no cost.

The most vexing problem in the U.S. and many other countries around the world is the role of money in campaigns and elections. In spite of past legislative efforts to reform campaign finance in the U.S., total spending on elections continues to increase, raising concerns about who can afford to run for public office and the degree to which campaign donors have undue influence on elected officials. The 2012 U.S. elections were the most expensive ever, topping at least $6 billion—with some estimates between $7 billion to $8 billion. Given the Supreme Court decisions in Citizens United and McCutcheon, spending will almost certainly continue to rise. Whereas many other countries provide direct public financing to political parties to try to ensure a more level playing field, in the U.S., most candidates forgo public financing in order to avoid limits on spending.

A fundamental belief in the election observation community is that democracy and elections are best understood as works-in-process; no country has perfect elections and ALL countries should strive to improve elections. While Americans have a lot to be proud of, we owe it to ourselves to find ways to improve.

In addition to the issues discussed above, the U.S. should consider steps to:

• Upgrade voting technologies with thorough testing of the reliability of new voting systems;
• Ensure a paper record of votes cast electronically/on voting machines;
• Establish clear conditions and rules for when and how recounts and revotes should occur, with clear standards for determining valid votes and independent commissions to adjudicate any disputes; and
• Ensure adequate access and accreditation for election observers to all stages of the electoral process, both from U.S. citizens groups and organizations and also for credible international observers.

LEADING THE WAY

Fewer voters in the United States turn out to cast ballots than those in many other countries. The U.S. ranks 22nd among 34 countries in the Organization for Economic Cooperation and Development, or OECD, on voter turnout. Annie Bisher, far left, left the Dallas Township Municipal Building, in Dallas, Pa., after voting in May’s primary election. At left, Clarinda Coleman stands behind her daughter Odessa, 4, as she voted at the Tolson Center in Elkhart, Ind., in May. At top, Patricia Ploof, of Rapid City, S.D., signed in to vote at the Pinedale Elementary School polling place in Rapid City, S.D., in June.
Credible elections are integral to democracy. As pre-eminent political scientist Charles E. Lindblom once noted, a key difference between democracy and authoritarianism is that, “in democratic regimes citizens choose their top policymakers in genuine elections.”

In other words, a credible poll reflects the will of the people who accept the election as a vehicle to include their voices in the political process. How do we then measure electoral credibility? Researchers study many aspects of the electoral process to determine the integrity, or credibility, of the outcome. For example, the Electoral Integrity Project looks at 49 variables, and among these are voter turnout and political finance. A high level of voter turnout traditionally has been viewed as a strong indicator of electoral credibility, yet this ignores other critical factors. Examining political finance offers a more detailed picture, but is still highly variable and subject to other intervening variables. Indeed, measuring electoral credibility is a nuanced and complex challenge.

**Voter Participation**

Since the start of the “Third Wave,” an era of democratic transitions that began in the 1970s, democracy practitioners have looked to voter participation as a key signifier of democracy. According to this view, robust voter turnout on election day is a sign of high electoral credibility. Most observer groups regard low voter turnout, on the other hand, as a challenge to the credibility of elections and a barrier for democracy.

Two relevant examples of consistently low voter turnout are Guatemala and the United States.

With some of the lowest recorded levels of turnout in the world, Guatemala is ranked 155 on the list of the International Institute for Democracy and Electoral Assistance—also known as IDEA—for average voter turnout in 170 countries between 1945 and 2014. Similarly, compared to other established democracies where voting is voluntary, U.S. turnout rates also have lagged behind. According to International IDEA, in legislative elections U.S. voter turnout has averaged about 48 percent of the voting age population. This is 15 percent lower than the global average of 63 percent, and well below countries like Italy (89 percent), Iceland (88 percent), Belgium (85 percent), Australia (84 percent), Netherlands (82 percent) and Turkey (75 percent).

For some observers, low turnout in the United States and Guatemala highlights challenges in both countries’ democratic processes. In Guatemala, women, the poor and indigenous groups historically have been marginalized by political parties and election administrators, contributing to low turnout on election day. In the United States, the media and other observers of the political process argue over the challenges that might be influencing election day turnout, such as electoral competitiveness,

![Photo](https://via.placeholder.com/150)
restrictive voter identification laws and the effects of other electoral policies. Given the array of factors potentially influencing turnout in the United States—and the disagreements over them—scholars are increasingly concluding that low turnout may not be a sufficiently expansive indicator to say much about the health of the political process.

High turnout also can be somewhat meaningless in contexts with extraordinary political stakes. This has been the case in countries emerging from civil and political conflicts, where citizens may go through great lengths to cast their votes, whether it is for their very first time, or to influence an entirely new governing arrangement. Take Afghanistan’s recent presidential election in July—a contest that could lead to the first democratic transfer of power in the country’s history.

In this election, Afghanistan’s Independent Electoral Commission reported an extremely high turnout during both rounds of the contest. Yet high turnout here may reveal very little about credibility in a war-torn nation with deep political divides. Indeed, presidential candidate Abdullah Abdullah’s rejection of the electoral results, his accusations of electoral fraud, and the rocky, ongoing audit of all votes cast may suggest the narrow implications of voter turnout in environments like Afghanistan.

Considering these limitations, it is important to consider other factors when looking for electoral credibility. Differences in political influence and campaign resources, for example, can shape electoral outcomes before any voters even cast a ballot.

**Political Spending**

Money significantly affects the competitiveness of elections around the world, and arguably, 

---

**ABOUT THE AUTHORS**

Ayesha Chugh is a research coordinator at the International Foundation for Electoral Systems, a nongovernmental organization that seeks to strengthen democracy by improving electoral systems. She previously served as a Pakistan researcher at the United States Institute of Peace’s Center for Conflict Management, and continues to analyze issues in the region as a staff writer for Muftah.org, a digital foreign policy magazine.

Hani Zainulbhai has worked on elections with the International Foundation for Electoral Systems since 2008. She has assisted civil society groups to strengthen awareness and monitoring capacity of political finance in Afghanistan and several countries across the Middle East and North Africa.
the credibility of electoral outcomes. As a result, election observer groups like the Carter Center and the Organization for Security and Co-operation in Europe routinely report on elections by examining the role money plays in political campaigns.

The vast campaign war chests in the U.S.—for example, nearly $4 billion was spent by candidates in the 2012 congressional elections—have garnered worldwide attention of late and sparked global comparisons in the media. It is challenging, however, to compare spending across diverse country contexts, given dramatic differences in population, costs and the number of seats being contested. Instead, we can contribute more to the debate about electoral credibility by examining the regulatory context and the way political spending is managed.

While some countries seek to limit political spending, the U.S. experience has been shaped overwhelmingly by values of political liberty, rather than equality.

In the United States, recent court decisions overturning campaign finance laws reflect the opinion that political spending is a form of speech and therefore cannot be limited. In 2008, Barack Obama became the first major presidential candidate to forgo public financing precisely because it would impose a cap on his campaign’s total spending; both Obama and Hillary Clinton also rejected public funds in the primaries. In addition, there is no direct cap on spending by candidates or on independent expenditures. These regulatory aspects have shaped an unprecedented funding environment in the U.S.

Spending limits can provide opportunities to candidates who otherwise would be marginalized from the political arena. They also simultaneously can curb the undue influence of wealthy benefactors and corporate interests, controversial forces in politics. Despite their potential to increase equality, protect the individual vote and lessen the risk of corruption, almost half the world lacks these limits. Indeed, a slight majority (55 percent) of the 180 countries in International IDEA’s political finance database do not have legally mandated spending limits for candidates, including the United States, in contrast to neighbors Canada and Mexico. Australia abolished its limits in 1980, partly due to the difficulties it faced in enforcing them, according to the IDEA database. An even larger share of countries—nearly two-thirds—have no spending limits for political parties.

While spending limits can help reduce the disproportionate influence of huge sums of money on politics, their existence does not guarantee high levels of participation and more credible electoral processes. In general, spending limits can be challenging to enforce, and in some countries such regulations may lead candidates and parties to seek alternative, unregulated avenues of spending.

Poorly designed spending limits also may do more harm than good, sometimes instilling a lack of respect for regulations and the bodies charged with enforcing them. In Lebanon, candidates have a fixed spending limit of approximately $100,000 in U.S. dollars. An additional, variable amount is added to that figure for each candidate based on the number of constituents in the candidate’s electoral district, according to a 2009 report, “The Political Finance Framework in Lebanon.” Expenditures are based on the candidate’s individual spending, as well as spending by third parties. The combined limit is therefore considered to be unrealistically low. As a result, most candidates exceed the limit, whether knowingly or not. For example, media outlets reported during the 2009 parliamentary elections that politicians—many of whom were wealthy Lebanese businessmen—purchased enough airfare for diaspora members, who are permitted to vote if they return to their constituency, to travel to Lebanon during the election. This airfare alone most likely exceeded some candidates’ spending limits.

In the United States, wealthy individuals also are raising the bar on spending by funding political communications. When developed absent direct communication with a party or candidate, this independent expenditure is only subject to disclosure, not spending limits. Australia has even fewer limits on expenditures, with no spending limits, although a chorus of voices in both countries are advocating for increased regulation.

A few countries have dealt with third-party spending limits by implementing stricter regulation.

For example, the Representation of the People Act of 1983 introduced third-party spending limits in the United Kingdom. Spending by nonparty campaigners in the 2015 general elections will be subject to limits, though some aspects of third-party spending controls are currently under reform, according to The Electoral Commission, an independent elections watchdog in the U.K. The U.K. also differs from the U.S. by banning paid political broadcasts. In the 2012 U.S. presidential election, two-thirds of expenditures were dedicated to media and almost 80 percent of media expenditures were categorized as unspecified media buys, according to OpenSecrets.org at the Center for Responsive Politics. Some experts deem such a ban more effective in practice than spending limits, as media, specifically political broadcasting, constitute a significant share of political spending in many countries, according to a 2009 report, “Political Finance Regulation: The Global Experience.”

As with voter turnout, the appropriate remedy to the challenges of political spending may differ by country. High levels of spending have the potential to undermine public confidence in the political process and weaken the credibility of an election.

But, reducing analyses of political finance and voter turnout to numbers may less meaningfully suggest how or why electoral problems exist and can often present an opaque picture of electoral credibility. Finding the answers to these questions requires an in-depth understanding of political environments and the context-specific factors that shape elections.

While variables like voter turnout and political finance are useful, electoral credibility is ultimately a nuanced concept that requires consideration of the full context of an election.
Thank you to CSG’s founding

LEADERSHIP CIRCLE MEMBERS

3M Amway AstraZeneca
CVS CAREMARK esri
GlaxoSmithKline HCA
ICSC Intuit
Mylan® novo nordisk®
PhRMA P&G
RAI Services Company

To learn more about CSG's Associates Program and Leadership Circle, please contact
Maggie Mick, Director of Development | The Council of State Governments | ph 859.244.8113 | mmick@csg.org
WHAT CAN STATES DO TO INCREASE VOTER TURNOUT?

‘SIZZLE SELLS’ FOR ELECTION TURNOUT

“Washington state voter turnout rates are consistently among the highest in the country for all types of elections. … Tools like online registration, data matching, vote-by-mail elections and a popular top-two primary system … allow participation by all voters—with no party registration. Voters can cast a ballot at any point during the 18-day voting period with few barriers and no lines! These tools are partnered with extensive outreach provided by the state and counties to encourage voters to use a wide array of information services. But truth be told, turnout rises or falls depending on the races and issues on the ballot. Sizzle sells!”

DEDICATING VOTE TO VETERANS

“Louisiana’s ‘Honor Vets … Vote’ program is designed to increase voter participation and improve turnout on election day through a sense of patriotism and duty. The initiative was developed leading up to the 2012 presidential election. … ‘Honor Vets … Vote’ allows individuals to dedicate their vote in an upcoming election to a current or former member of the military, honoring their sacrifice. Individuals wishing to participate sign up online or via mail and can choose to receive a bumper sticker, a lapel pin and/or a printable certificate documenting their vote dedication.”
WHAT CAN STATES DO TO INCREASE VOTER TURNOUT?

REFORMS BOOST TURNOUT

“Maine is a consistent national leader in voter turnout. But even here, there are off-year elections that simply do not capture a critical mass of voter interest; that’s unavoidable. There are a number of reforms that we’ve instituted over the last 40 years that have enhanced voter participation—election day voter registration, open-access absentee balloting, accessible voting, and expedited absentee balloting for overseas voters and military personnel, which have served to greatly boost turnout. We keep in mind that elections are for the voters, not for the convenience of administrators. It’s a lot of extra work, but it’s worth it.”

MATTHEW DUNLAP
Secretary of State
Maine
2009 CSG Toll Fellow

SAME-DAY REGISTRATION HELPS

“Minnesota consistently leads the nation in voter turnout because we have civically engaged and informed voters who embrace their right to vote. Our high turnout is also supported by same-day registration—an essential component needed to facilitate voter participation. States that offer same-day registration … always lead the nation in turnout, demonstrating the value of election day registration. Making the voter’s experience convenient and easy, rather than creating barriers, is paramount. Minnesota further delivers on that ideal with online registration and no-excuse absentee voting.”

MARK RITCHIE
Secretary of State
Minnesota
2009 CSG Toll Fellow

REMOVE OBSTACLES FROM VOTING

“As a nation, we should be proud of increasing participation by eligible voters in our electoral process. We need to take away any obstacle that could stop someone from turning out on election day, and provide all eligible voters with easy access to their ballot by encouraging online voter registration, easy and quick polling location look-up, no fault early (absentee) voting up to 45 days (same as military and overseas voters), same-day voter registration and accommodations for voters with disabilities. Voting is the very core of our democracy. Your vote is your voice.”

JIM CONDOS
Secretary of State
Vermont

REFORMS BOOST TURNOUT

“Maine is a consistent national leader in voter turnout. But even here, there are off-year elections that simply do not capture a critical mass of voter interest; that’s unavoidable. There are a number of reforms that we’ve instituted over the last 40 years that have enhanced voter participation—election day voter registration, open-access absentee balloting, accessible voting, and expedited absentee balloting for overseas voters and military personnel, which have served to greatly boost turnout. We keep in mind that elections are for the voters, not for the convenience of administrators. It’s a lot of extra work, but it’s worth it.”

MATTHEW DUNLAP
Secretary of State
Maine
2009 CSG Toll Fellow

REMOVE OBSTACLES FROM VOTING

“As a nation, we should be proud of increasing participation by eligible voters in our electoral process. We need to take away any obstacle that could stop someone from turning out on election day, and provide all eligible voters with easy access to their ballot by encouraging online voter registration, easy and quick polling location look-up, no fault early (absentee) voting up to 45 days (same as military and overseas voters), same-day voter registration and accommodations for voters with disabilities. Voting is the very core of our democracy. Your vote is your voice.”

JIM CONDOS
Secretary of State
Vermont

SEPT/OCT 2014 | CAPITOL IDEAS 45
// NEMA 2014 Biennial Report Released

Governors continue to rank emergency management as one of their highest priorities; local officials in an increasing number of states now have authority to issue mandatory evacuations; and further professionalizing the emergency management discipline remains a focus for states. These are just a few of the findings in NEMA 2014 Biennial Report. NEMA collected 50-state data from state emergency management agencies for this comprehensive report, which is available for purchase at www.nemaweb.org.

// NAST Conference on Public Funds Management

States are facing a variety of fiscal challenges, including lean budgets, reduced federal assistance and turbulent financial markets. The NAST Issues Conference on Public Funds Management is the premiere meeting for public and private sector officials to discuss strategies that address these and other important issues. The conference is scheduled for Dec. 2–4 at the Conrad Hotel in New York City. For details, visit www.nast.org.

// BLC Economic Competitiveness

The Border Legislative Conference—in conjunction with the office of Congressman Henry Cuellar, the Woodrow Wilson International Center for Scholars’ Mexico Institute and the North American Research Partnership—convened the Texas-Tamaulipas-Nuevo Leon-Coahuila Regional Economic Competitiveness Forum in Laredo, Texas, in July.

The forum brought together regional, state and federal government officials, as well as leaders from academia and the nonprofit sector, to discuss and solicit ideas to promote economic competitiveness for this particular region. It consisted of panels focused on increasing the workforce and competitiveness through binational state and federal exchanges, challenges and opportunities to move people and products securely and efficiently along the border region, and the future of energy in the border region.

The forum is the third of four Regional Economic Competitiveness Forums along the U.S.-Mexico border region. Texas A&M International University and the university’s Binational Center, whose mission is to enhance relationships between the United States and other countries within the Western Hemisphere, hosted the forum.

Cuellar, whose district includes Laredo and the university, initiated the forum. Cuellar was one of the founding members of the Border Legislative Conference when he served in the Texas House of Representatives.

The forums, which are made possible by the financial support from the U.S. Agency for International Development/Mexico, build on the work of the BLC’s Economic Development Committee.

For more information about the regional economic forums, contact Martha Castañeda, Luis Tapia or Alma Lopez at (916) 553-4423.

// FIGHTING HUNGER

CSG Members Pack Food for Hungry in Alaska

Nearly 200 state leaders, guests and Alaska legislative staff helped pack 32,400 meals for the Alaska Food Bank during the CSG National and CSG West Annual Meeting Aug. 13.

Tennessee Senate Majority Leader Mark Norris, the 2014 CSG National Chair, left, started the service project when he was chair of the CSG Southern Legislative Conference. Floyd Hammer, president of Outreach, Inc., of Iowa, which works with volunteer groups to package the meals, center, said Norris has been responsible for more than 100,000 meals for needy people. At right is Kathy Hammer.

Photos by Jeff Schultz
PLAN FOR GOLD.
The best polls are expensive, McDonald said, but the quality of information garnered from them is worth the price. “You first want to sit down with a pollster and talk over what your objectives are and they will then take those objectives and put them into questions that they’ll put forward to focus groups,” he said. Those focus groups allow a “free-wheeling discussion” to elicit primary themes that will be used to craft the questions for a poll. “By having those focus groups you’ve already, in a sense, done the footwork and detective work so you’re not guessing what language may work or what issues are relevant issues for the public,” he said.

FIND BALANCE.
Some polls, McDonald said, lack balance, especially those focused on electoral campaigns. Be cautious about polls that say only good things about you and bad things about your opponent. “That really is actually not informative about the campaign, because in a real campaign, you’ll find your opponent will only say good things about themselves and bad things about you,” he said. “That shows you how far you can push the election, but it’s not a realistic view of what’s going to happen.”

PHONE IT IN.
The gold standard in polling, McDonald said, are the ones that use a live interviewer in telephone polls. Others, such as the automated phone polls or Internet polls, don’t yield the quality of information like telephone polls do, he said. The other benefit, he said, is that phone polls with live interviews can go to cell phones. “If you’ve got someone who is just doing an automated poll, they can’t interview the people who are on the cell phones, so that skews the poll to having many more older people than younger people,” he said. In addition, automated polls typically yield more conservative opinions, while Internet polls yield more liberal opinions, he said.

KNOW THE SPONSOR.
Polls typically are sponsored by a group, McDonald said, so it’s important for policymakers to understand what that group might have to gain from a particular policy decision. “If it’s not a media organization, it’s going to be an organization that has something to gain or lose from the poll, so you have to take those with a grain of salt,” he said.

UNDERSTAND POLL LANGUAGE.
Consumers of polls should understand the way questions are asked, including the order, can affect the results. “You can get different levels of response for a question based on the language that’s being used,” McDonald said. As an example, polls surrounding Congressional Republicans’ “Contract with America” in 1994 tested party slogans, not necessarily the policy. Polls by President Bill Clinton, McDonald said, showed the public would side with him when the government shutdown began. “The cautionary tale we learned from the shutdown of government and the Contract with America is that it’s not sufficient to poll test slogans when you’re enacting policy,” McDonald said. “This has real consequences and you have to be very careful about how you go about presenting that information.”

Polls are important for engaging public opinion—whether they are for elections or gauging support or opposition for a public policy.

Michael McDonald, a voting data expert and professor at George Mason University, said candidates and state officials should keep a few things in mind when conducting polls, both in campaigning and in determining support for public policy.
BILL GARDNER
America’s Longest Currently Serving Secretary of State

New Hampshire’s Secretary of State Bill Gardner has been sitting in the same chair at the same desk in the same unair-conditioned office as he did when he first took over the post back in 1976. His 38 years in office makes him the longest-serving secretary of state still in office in the country, according to the National Association of Secretaries of State. The New Hampshire post is one that few can say they have occupied. “When I was elected that first day, there was no one alive who had ever been secretary of state,” Gardner said. “The person before me had come in in 1960. There was no one (former secretary of state) alive when he had been secretary of state. There hasn’t been one alive former secretary of state in over 50 years. It’s sort of unusual, but it’s sort of the nature of the office here. It’s not considered an office for political gain for a party. I’ve never had a fundraiser. I’ve never taken a contribution. That has, for me, made it a lot better.”
“THE COUNCIL OF STATE GOVERNMENTS HOPES THAT YOU WILL ENJOY IT; THE COUNCIL KNOWS THAT IT CAN BE USEFUL TO YOU.”

—FORMER COLORADO SEN. HENRY W. TOLL

INTRODUCTION, 1937 VOLUME OF THE BOOK OF THE STATES

CHECK OUT WHAT CSG’S FOUNDER WAS TALKING ABOUT!

THE BOOK OF THE STATES

Order your copy today at csgstore.org.

Use coupon code BOS10 by Nov. 15, 2014, for a 10% discount.

The nation’s premiere state government resource for more than 80 years

Now Available! 2014 Edition of The Book of the States

More than 30 articles, more than 150 tables

Available Online at CSG’s Knowledge Center

Complete archive of The Book of the States from 1935 to 2013

46 Volumes—including articles and tables

www.csg.org/bookofthestates
SAVE THE DATE

DEC. 10-13 • 2015
NATIONAL CONFERENCE NASHVILLE