



Helping America Vote

Election Administration in the United States | 2024



Helping America Vote: Election Administration in the United States

Prepared by the National Conference of State Legislatures
and the U.S. Election Assistance Commission



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Election administration varies by state and jurisdiction. The information provided in this book is intended as a general guide to election administration and may not reflect the specific laws, regulations and procedures of individual territories, states or localities. For detailed information about election laws, practice and procedures in a specific jurisdiction, please consult with state or local election officials.

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Foreword

When asked how U.S. elections are run, the answer invariably is: It depends.

The U.S. Constitution (Article I, Section 4) gives states authority over elections, and that means policies vary among the states and territories. In most cases, the actual conduct of elections is the responsibility of local jurisdictions, so governance is shared across multiple layers. There's still more variation based on what kind of election is under consideration: Federal, state and other levels of local government elections are distinct within the broad category of U.S. elections.

American elections are the embodiment of the national motto *E pluribus unum*: out of many, one. Laws and procedures vary across jurisdictional lines, but these diverse practices share many commonalities. All elections are held within a set geography. All elections have a target electorate based on geography. All elections use predetermined methods for voting, and all elections have safeguards to ensure an accurate outcome. It is the beauty of the nation's decentralized federal system that this patchwork quilt of processes leads to successful elections, from presidential contests down to local fire districts.

The U.S. Election Assistance Commission and the National Conference of State Legislatures recognized a need for a new overview of election administration throughout the states and territories.

This book has been written for election officials both in state-level jobs and at the local level. The laws election officials must follow are specific to their state, and in-state resources and colleagues are invaluable. Yet, having an overview of how elections are managed more broadly provides much-needed context, and may inspire new processes or procedures.

This book is also for policymakers. We anticipate state legislators, who make most election policies, will benefit from seeing this national context as well. Many times, lawmakers look to similar states for policy ideas. However, understanding how elections operate in general can provide greater insight into the downstream effects of legislative changes.

Finally, this book may be helpful for members of the media. The news cycle is often dominated by national news, yet changes in election administration affect voters at the local level. Understanding which policies are local, state, or federal can add nuance and depth to reporting.

**American elections
are the embodiment
of the national motto
E pluribus unum: out
of many, one.**

Election administration looks vastly different in every corner of America, from New England town meetings to mailed ballots in the Pacific Northwest, and this book is not a compendium of all practices everywhere. All jurisdictions have similarities, and it is useful to acknowledge those commonalities. This is not a best-practices guide. We keep use of “should” to a minimum because the goal is to describe how elections are run, not steer election policy and practice. This book is most certainly not a political commentary, and politics shows up only in the context of bipartisan teams who are often tasked with running polling places and counting ballots.

We hope “Helping America Vote: Election Administration in the United States” will provide insight and add context to an iconically American institution.

Executive Summary

History is as much about the actions of millions of people whose names we will never know as it is about the bold actions of leaders whose names are emblazoned on the past. The same is true for elections. Hundreds of thousands of people across the United States work behind the scenes on elections in one capacity or another. While we might not know their names, their efforts sustain our right to vote, the fundamental lever of democracy.

“Helping America Vote: Election Administration in the United States” offers a wide view of election workers’ efforts and how elections are run in this nation. It offers an expansive review of issues from ballot design to the election workforce to recounts and court challenges. At the very least, we hope readers of this book will understand the varied and significant challenges faced by local election officials every day.

Election administration, like just about all aspects of state policy, can vary significantly from state to state. The goal of this book is to provide an overview of how elections are managed, not detailed information on any one state.

This book takes a before, during and after perspective on elections. Chapters 1-7 focus on the key issues before the election, chapters 8-14 deal with the actual casting of ballots, and chapters 15-19 look at post-election issues, the unique issues affecting military and overseas voters and considerations that come into play for presidential elections.

Each chapter is divided into five sections: policy considerations, implementation considerations, voter perspectives, practical considerations and resources. Except for the first chapter, all also include an interview with a local election official from around the nation who explains some of the key challenges they face in a particular area of election administration. These standard sections should make the book easy to use as a reference.

BEFORE THE ELECTION

The chapters dealing with what occurs before the election in many instances apply to year-round efforts by election officials.

The book’s introductory chapter on Governance explains the decentralized structure of elections in the U.S., who is responsible for elections in the states and the minimum standards imposed by federal law that affect several aspects of elections. The chapter also looks at who bears the costs for various aspects of elections.

The key building block or organizing principle of elections is geography. Election officials need to ensure voters receive the correct ballot by cross-referencing that voter's address with several other data points. The chapter on Geography and Elections (Chapter 2) explains how periodic redistricting and reprecincting are foundational to American elections and democracy.

The chapter on Candidate Filing (Chapter 3) deals with the first big event on the election calendar, when candidates submit paperwork to local or state election offices to officially become a candidate. While the process varies by state, it generally includes verifying that a prospective candidate meets the necessary qualifications for that office, signs the necessary affidavit and submits a filing fee and/or nominating petitions, if required.

While Ballot Design (Chapter 4) might not be the first thing people think about in an election, it's a critical task. Election officials must ensure ballots include the appropriate districts, contests, candidates and any ballot measures. All choices on the ballot must be presented in a way voters can easily read and understand.

Voter Registration (Chapter 5) is, of course, a crucial step in the voting process. States—except for North Dakota, which has no registration requirement—offer several registration methods such as online voter registration, voter registration at motor vehicle divisions and other state agencies, paper registration and Election Day registration.

While new registrations are verified upon receipt, Voter Registration List Maintenance (Chapter 6) is ongoing and systematic. State and local election officials use the maintenance process to ensure voter rolls are up to date. Federal law establishes a baseline of requirements and ground rules, but the frequency, scope and specific activities of list maintenance varies by state.

The final chapter in the before the election section deals with Voter Outreach and Education (Chapter 7). Voters can't vote unless they know when an election is coming, how and where to vote, and what they'll be voting on. Voter education can take many forms, such as the creation of voter guides, voter-centric websites and sample ballots. It's also an opportunity to invite the public in so they can see how the election administration process is run.

DURING THE ELECTION

The most common method of voting is In-person Voting (Chapter 8), either through Election Day voting or early in-person voting. To provide in-person voting, election officials must coordinate staff and temporary poll workers, find voting locations, procure and deploy voting equipment and ancillary technology, address physical security, navigate both federal and state law—and more.

Absentee and Mail Voting (Chapter 9) has grown in popularity in recent years but has roots dating back to the Civil War, when soldiers were first allowed to vote from the battlefield. Now casting a ballot by mail is common in many jurisdictions. Absentee/mail voting requires processes to identify who gets a ballot, how they get a ballot, how the ballot is verified, processed and counted, and security measures throughout the process.

Mostly Mail Voting (Chapter 10) also has risen in popularity in the last quarter-century. Unlike some methods of absentee voting, mostly mail voting often involves election officials proactively sending ballots in the mail to registered voters. Each state handles this process differently, but all do provide some opportunities for in-person voting for those who prefer or require it.

Voter ID requirements (Chapter 11) vary significantly from state-to-state. For example, some states specifically require a photo ID to confirm identity, while others do not or may use some other form of non-photo identification. Election officials must run elections in accordance with state statute to confirm identity prior to voting and ensure that every eligible voter who wants to cast a ballot has the opportunity to do so.

The Election Workforce (Chapter 12) presents several challenges that state and local officials who run elections face. Recruiting, retaining and training for both full-time and temporary roles in the election profession are crucial to administering accurate, trustworthy elections. This chapter discusses some common practices and issues relating to the election workforce.

Voting Technology and Certification (Chapter 13)—from mechanical ballot counters to complex lever machines to modern electronic ballot tabulators—is critical to ensure votes are counted securely and accurately. This chapter is specifically focused on the voting technology that is used to set up the election, record, tabulate and aggregate votes.

Many voters think of Election Night Reporting (Chapter 14) as the end of the voting story, but it is really just the start of the tabulating process. While election officials report results on election night, these early results are unofficial and can and likely will change as more ballots are processed in the next few days. Outcomes are official only when canvassing and certification have been completed.

AFTER THE ELECTION

Once the election is completed, most states employ Post-election Auditing Processes (Chapter 15) to check that the equipment and/or procedures used to count votes during an election worked properly. States vary considerably in their processes for post-election audits, including what methods are used, when an audit is conducted, what is audited, who conducts the audit, what happens if a problem is discovered, and who can observe the process.

Canvassing and Certification (Chapter 16) covers the canvass of the vote, the final count of all valid ballots cast in a given election, and the certification of that final vote. After certification, court challenges can delay certification and even delay the swearing in of an official winner. These steps take time, often two to three weeks, and are an essential part of every election.

As noted above, Recounts and Court Challenges (Chapter 17) do occur. When the outcome of an election is close, recounts may be conducted. Recounts can be initiated automatically based on the margin of victory in the machine count, by request of a losing candidate or through a court order. Also, court challenges or contests to certified results may also occur.

An important part of any election overview is the Election Timing and Dates (Chapter 18). While many people think of Tuesdays in November in even-numbered years as Election Day, in many jurisdictions Election Days dot the calendar throughout the year. Over time, there has been a slow shift toward reducing the number of small elections voters face by identifying in state law specific dates when elections at different levels of government can be held. This can extend to requiring that local elections run concurrently with federal elections in even-numbered years.

Finally, this book addresses the unique concerns of Military and Overseas Voters (Chapter 19). There are U.S. citizens living and working overseas, including absent members of the military, who cannot show up at a neighborhood polling place. These voters are handled differently under state and federal laws from other voters. This chapter looks at how that process works in accord with federal legislation.

1 | Governance

SUMMARY

Election administration in the U.S. is decentralized. In most cases, local jurisdictions conduct elections. However, in a minority of states, the state is directly responsible for managing voting and vote counting. In all states, state law specifies when and how voting takes place, along with setting standards for certifying and auditing results. Federal law sets minimum standards for several aspects of elections, including how registration lists are maintained, how military and overseas voters are served and what kinds of technology are certifiable under federal voluntary guidelines.

At the state level, there is one person identified as the chief election official. While in many cases the secretary of state is designated as that official, in some states it may be the lieutenant governor or a commissioner or director of a state board of elections. The election official at the local level may be a county clerk, auditor, registrar of voters, board of elections, city or town clerk, other local officials or any combination. Election duties may be carried out by staff that is appointed or elected, and this staff may serve independently or as part of a bipartisan team. Many election officials are affiliated with one major party, but all election officials are tasked with providing effective and equitable election administration for all voters.

The costs associated with elections are hard to pinpoint or compare. Some are one-time expenses, such as buying new voting systems, and others are ongoing, including paying personnel and much more. Just as most local jurisdictions are responsible for conducting elections, they are also most often responsible for paying for them. State contributions differ, and federal funding has been made available for technology and security in recent years through congressional appropriations.

POLICY CONSIDERATIONS

The first place to begin understanding how elections are governed (as opposed to administered) in the United States is with the U.S. Constitution:

“The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing (sic) Senators.” (Article 1, sec. 4.)

While this method of selecting senators was amended by the 17th Amendment, which calls for the popular election of senators, the rest is still true: States are responsible for elections both for their own offices and for federal offices.

The Constitution has been amended at least four times in regard to voting. The 15th Amendment gave African-American men the right to vote, the 19th Amendment gave women the right to vote, the 24th Amendment eliminated poll taxes and the 26th Amendment lowered the voting age for federal elections from 21 to 18.

Within constitutional limits, Congress can and has set requirements for the administration of federal elections. (See Appendix B for summaries of federal election laws.) States must work within these federal parameters.

Yet, it is rare that states actually conduct elections. It is local jurisdictions—counties, parishes, municipalities—that mostly run elections. Local jurisdictions operate within the structure set by state legislatures on all the key points of election administration.

But from state to state, variations in technology, funding structures, deadlines, who’s in charge and the processes do vary. In sum, the U.S. is characterized by a highly decentralized election administration system, and in that sense is unusual among modern democracies. While county or municipal officials typically do the actual functions of running an election, the state and federal government each have roles, too.

Governance structures for elections vary among states but are stable over time within any given state. Wisconsin is the only state to have changed the agency in charge of elections since 2000, and it has done so twice. In 2007, the legislature replaced an existing state-level elections board with the Government Accountability Board, overseeing elections and campaign finance. In 2015, the GAB was replaced by the Wisconsin Elections Board and the Wisconsin Ethics Board.

The result is that no two states administer elections in exactly the same way, and some variation exists even within states.

The diversity of election administration structures between and within states can be seen as a positive or a negative quality. Critics say local control can lead to mismanagement and inconsistent application of the law. The media and political actors may focus on how different the voting experience can be depending on where a voter lives.

On the other hand, decentralization allows for innovation, and successful adaptations can then spread. The dispersed responsibility for running elections adds an additional layer of security as there is no single point of entry into any election system or process.

Decentralized election administration is a given. At the same time, there is consistency across states, too. All states provide in-person voting on Election Day and offer absentee voting for at least some citizens. Forty-nine of 50 states require voter registration as a first step of verifying who can vote (North Dakota is the sole state without voter registration). All jurisdictions rely in part on community members to help staff their polling operations. All states provide clear guidance to local entities on how to count votes and for double-checking processes and results. All states know how to do their constitutional duty: Provide Americans with a secure and reliable way to have their voices heard.

Complexities

In the early years of the U.S., elections were a clerical responsibility handled by a county or city official, often just for their own jurisdictions. At the nation's start, there was no voter registration and thus no voter rolls to maintain. Likewise, there was no voting technology to deploy and no consistency across states or jurisdictions, or even from one election to the next.

And, with each entity conducting its own elections, they could overlap. Even the certainty that presidential elections would be held on the first Tuesday after the first Monday in November wasn't a given until 1845.

Over time, processes were improved and became more complex as well. Early on, an adversarial partisan model became the norm to secure transparency, accountability and public trust in election outcomes. The adoption of voter registration required election officials to develop standards for voter participation and to maintain lists of eligibility (these might be simply kept on cards in boxes on shelves). Next came the adoption of paper ballots designed by and under the control of election officials—not the parties. Voting machines, mostly lever machines, came into use toward the end of the 19th century. These machines were large and required dedicated storage space and specific knowledge to ensure they were operating correctly.

Over time, legislatures formalized election administration policy in statute, seeking to provide some degree of uniformity within their states. While local jurisdictions could interpret these laws on their own, state-level offices provided guidance and regulations in an increasingly complex elections environment.

The role of state election officials became even more important after the enactment of each succeeding piece of federal legislation. The National Voter Registration Act (NVRA) of 1993 and the Help America Vote Act (HAVA) of 2002 in particular put additional responsibilities on the states, including more uniform procedures for voter registration, centralization of voter records and disbursement of funds for the procurement of updated voting equipment and improvement of election administration procedures.

Even so, the structure of election administration in the states today is still largely decentralized and contains a great deal of variation, although far less so than a century ago.

Who Helps at the Federal Level?

While elections are primarily the responsibility of the states, the federal government has a stake in their implementation. While a number of agencies offer some assistance, the U.S. Election Assistance Commission (EAC) is the only federal agency solely dedicated to election administration. Established by HAVA, the EAC is an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines and serving as a national clearinghouse of information on election administration. The EAC also accredits testing laboratories, certifies voting systems and audits the use of HAVA funds.

Other EAC responsibilities include maintaining the national mail voter registration form and administering the 2022 Election Administration and Voting Survey (EAVS). HAVA established several advisory boards for the EAC, including the Standards Board, Board of Advisors and the Technical Guidelines Development Committee, which assists with the development of the Voluntary Voting System Guidelines (VVSG). The four EAC commissioners are nominated by the president and confirmed by the U.S. Senate.

Other federal agencies play a role, too:

- The National Institute of Standards and Technology (NIST) supports the work of the EAC as it develops standards and guidelines for current and future voting systems.
- The Department of Justice, through its Voting Section of the Civil Rights Division, enforces the civil provisions of the federal laws that protect the right to vote. These laws include the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, the Help America Vote Act, the Americans with Disabilities Act and the Civil Rights Act.
- The Department of Homeland Security oversees the security of critical digital infrastructure, including election administration infrastructure.
- The Federal Voting Assistance Program (FVAP), a part of the Department of Defense, provides service members, their eligible family members and overseas citizens with the tools and resources they need to vote successfully from anywhere in the world.
- The U.S. Postal Service maintains an election mail program specifically to ensure that all mail relating to elections—including absentee, or mail ballots, but also all voter information and education mailings from official sources—are delivered promptly.
- The United States Postal Inspection Service (USPIS) is the federal law enforcement agency that enforces federal laws relating to the postal system. In that capacity, it ensures security for election mail.

Who Is in Charge at the State Level?

The answer is—of course—it depends. The NVRA mandates that each state and territory designate a chief election official to oversee its elections. In 33 states, American Samoa, Guam and the Virgin Islands, voters elect the chief election official. In most of those states, the elected chief election official is the secretary of state, but in Alaska, Utah and the territories the role is held by the lieutenant governor. The remaining 17 states and Washington, D.C., have an appointed secretary, state board or commission that oversees elections in the state or jurisdiction.

In many states, a single office, often that of a county auditor or clerk, handles all local election responsibilities. In other states, duties are split between two or more entities. In Alabama, for instance, the sheriff, probate judge, clerk of circuit court and a board of registrars collaborate.

Appointments to election boards are usually made by the governor and confirmed by the state senate, and boards are most often structured to be bipartisan, with a certain number of members from both major political parties. The chief election official may be appointed by the state board of elections or

appointed by the governor and confirmed by the state senate. In a handful of states, the chief election official is selected by the legislature. And, in some states, duties are shared between an elected secretary of state and an appointed board of elections.

While the majority of state-level election officials are associated with a major political party, and often are elected on a partisan basis, the vast majority of the work they do is nonpartisan.

Duties of elected secretaries of state or election boards vary. Boards focus on elections—which may or may not include enforcing campaign finance regulations. For secretaries of state, their duties may include administering business filings and licensing, acting as the keeper of the state seal, archiving state records—but elections are often the majority of their work. The chief election official or state election board may also be involved in or facilitate the final certification of an election.

When both an elected individual and a board or commission are charged with elections, the division of duties varies. In Rhode Island, for instance, the secretary of state’s office shares responsibilities with a state board of elections and local boards of canvassers.

State-level responsibilities may include:

- Providing guidance on state policies and procedures to local officials statewide.
- Administering a statewide voter registration database, which is required by HAVA.
- Assisting local election officials by providing training courses or materials on running elections in the state.
- Providing a process for testing and certifying voting equipment for use in the state.
- Distributing Help America Vote Act federal grants or other state-appropriated dollars to localities or jurisdictions in the state.

For the purpose of the NVRA, the secretary of state or state election official will be designated the chief election official responsible for compliance with the federal statute.

Some state offices also provide certification programs for local election officials on election procedures and may also help pay for certain types of elections, or a portion of expenses.

Who Is in Charge at the Local Level?

Here, too, the answer is, it depends. Elections are usually administered at the county level, though in some New England and Midwestern states this duty falls to cities, towns or townships. All told, there are more than 8,000 election administration jurisdictions in the U.S. The size of these jurisdictions

75% of local election officials serve 8% of all voters—and 8% of local election officials serve 75% of all voters. That’s because most jurisdictions are small in population, and the large jurisdictions serve up to millions of registered voters.

varies dramatically, with the smallest jurisdictions having fewer than 100 registered voters and the largest jurisdiction in the country, Los Angeles County, with more than 5.8 million.

At the local level, elections can be run by a single individual, a board or commission of elections, or a combination of two or more entities.

In about two-thirds of the states, the responsibility for administering elections at the local level is unified within a single individual or entity. There can be some variability within each state, and this categorization reflects the most common situation in each state.

In 26 of those states, elections are administered at the local level by a single individual, usually a county clerk or county auditor. The election official is typically elected, but this can vary across the state.

In the other eight of those states, elections are administered at the local level by a board or commission. These are typically bipartisan, with appointments made either at the state or local level, or a combination of the two, and with input from political parties.

In the remaining 16 states, the responsibility for administering elections at the local level is shared between two or more individuals or entities.

When election duties are divided between one or more offices on the local level, the work is most commonly divided into voter registration and polling place operations, although there are many other ways to divide them.

As an example of divided responsibilities, in Arkansas an elected county clerk runs the day-to-day operations of registration and voting, including absentee and early voting. A three-member county board (two chosen by majority and minority parties and the third by the state board of elections from the majority party in the state) deals with Election Day procedures, including appointing election officials, delivering supplies to the polls, counting ballots and canvassing returns.

While most local election administration structures are uniform across a state, 16 states have varied structures within the state. Many jurisdictions have elected election officials—such as a county clerk, recorder, registrar or auditor—serve as the election official in addition to conducting other county duties. Some jurisdictions may have an elected election administrator or supervisor whose sole responsibility is the administration of elections. In Washington state, for example, all but one county has an elected county auditor who is responsible for elections, licensing, recording and finances. King County, Wash., the most populous county in the state, has an elected election director. Some states may also have an individual who administers elections in most jurisdictions, but an election board in larger cities.

Drilling down further, school districts, special districts and municipalities may still run their own elections, although the trend is toward having these smaller entities contract with their counties to provide election services.

Local election offices and duties, like those at the state level, are stable over time. Legislation may adjust responsibilities, but that is uncommon.

How Are Elections Funded?

Once again, it depends. Often funding follows authority: In states such as Alaska, Rhode Island and Oklahoma, where authority for nearly all aspects of election administration is centralized at the state level, the funding also comes nearly entirely from the state. In Louisiana, for example, the state purchases and maintains all the state’s voting systems.

In states with a strong tradition of local control, such as Texas and Kansas, it is the counties or other local entities that are responsible for paying for just about everything: buying and maintaining equipment; printing ballots and other election-related materials; hiring and paying poll workers; and much more.

Other states share costs between local jurisdictions and the state. In most states, there is at least some state contribution, if only for the maintenance of statewide voter registration databases and providing documentation on how laws are to be interpreted.

There may be more direct state contributions as well. For instance, based on statute, Maryland pays for 50% of the costs of new voting equipment. In other states, support from the state to local election offices may be dependent on federal funding, or the state may reimburse for some costs, including state-level races on ballots. School districts and other special districts may also pay for their share of the cost based on the number of items on the ballot or the number of precincts in the district.

Federal funding for election administration is not a given, and the federal government does not provide funding based on the portion of a ballot devoted to electing the president, U.S. senators or U.S. representatives. And yet, in 2002, federal funding was authorized for states under the Help America Vote Act for upgrading election technology and ancillary costs. In recent years, Congress has appropriated additional funding a number of times to support “election security” in particular, with a broad definition of the term that includes the general improvement of federal elections. These funds are typically distributed to the states according to a population-based formula, although in 2024, most states received a flat amount, with some adjustments made based on population.

States determine how these funds will be used, and there is no federal requirement that the funds be disbursed to local jurisdictions.

How Much Does it Cost to Run Elections?

No surprise: It depends. Not only does the cost of running elections depend on a number of factors, but there is also no agreed-upon way to measure election costs. One might think about per-voter costs, but with that approach, economies of scale favor larger jurisdictions.

Costs that might be considered may be one-time investments. That’s true for buildings and equipment in particular. Just as with investments in schools or firefighting, these basic infrastructure needs must be refurbished or replaced from time to time.

Other costs are ongoing. These include personnel, both permanent and temporary; paper and printing; rent for polling places; equipment purchases, equipment maintenance and equipment storage;

training and professional development; security provided by a law enforcement agency; cybersecurity; communications and more.

A small handful of policies may have an effect on costs, but often this analysis is hard to accomplish, especially without an election costs model.

In short: If you know one state’s election system ... you know just one state’s election system.

EAC Resources

- “Election Management Guidelines,” U.S. EAC

Other Resources

- “Administering Elections: How American Elections Work,” by Kathleen Hale, Robert Montjoy and Mitchell Brown, Palgrave Macmillan, 2015
- “Election Administration at the State and Local Levels,” NCSL

2 | Geography and Elections

SUMMARY

The most important organizing principle for American elections is geography. At its core, knowing which races should appear on a voter’s ballot depends entirely on where they live. Election officials ensure voters receive the correct ballot by cross-referencing that voter’s address with several other data points: the exact boundaries of districts for city council, county commission, school board, state legislature, the U.S. House of Representatives and all other electoral districts. Election officials do this by updating voter address files, with or without the help of tools like geographical information systems or GIS.

While election officials are not responsible for drawing districts, they are responsible for drawing the most basic unit of election geography: the precinct. Just as districts are redrawn on a recurring basis to make their populations nearly equal, election officials redraw precincts periodically. Redistricting and reprecincting are distinct concepts but share a common theme: They are foundational to American elections and democracy.

POLICY CONSIDERATIONS

Article I, Section 2 of the U.S. Constitution requires the federal government to count the population of the country every 10 years. That duty is carried out by the U.S. Census Bureau, and the enumeration is known as the decennial census. Conducted in years ending in 0, the most recent census occurred in 2020. Cases handed down from the U.S. Supreme Court have established that states must redraw legislative and congressional districts—if the state has more than one congressional seat—every 10 years following the census to comply with the doctrine of “one person, one vote.” This process is known as redistricting. States may require local jurisdictions to redistrict, too.

The key factor in whether an entity is legally required to redistrict is determining whether it is subject to the one person, one vote doctrine. In general, the doctrine applies to offices elected on a district-by-district basis (that is, a geographic basis) that serve a legislative function. For example, state legislative and congressional districts must be redrawn every 10 years, but a regional water board may not be required to do so. Municipal and county councils or assemblies that have districts are bound by one person, one vote, but they may not have a schedule for when to redistrict. Determining whether and when a governmental body needs to redistrict is a case-by-case analysis that may require assessment by legal counsel.

Even though Supreme Court precedent requires that states and localities redraw many districts every 10 years, there are few federal requirements governing how this process plays out. State and local laws

set the rules for redistricting. In general, most state-level redistricting is done by state legislatures, although a minority of states give this power to a separate commission. Regardless of who draws new congressional and legislative districts, states may require that districts comply with certain criteria. These could include requiring that a district be a compact shape, reflect the interests of a particular community or be composed of contiguous geographic units. These requirements can be found in state constitutions, state statutes, rules adopted by the legislature or commission, or federal, state and local judicial rulings. See NCSL’s “Redistricting Law 2020.”

Redistricting for state legislative and congressional districts is carried out by in-house staff or outside consultants. Local redistricting is more varied, and while local election officials are not responsible for drawing new districts for local governments, they are likely to be asked to provide input or technical guidance for the process.

After redistricting is completed, local election officials are responsible for updating precincts so that voters get the correct ballots.

IMPLEMENTATION CONSIDERATIONS

While redistricting and reprecincting are distinct concepts and only one—reprecincting—is the responsibility of local election officials, they are interrelated.

Reprecincting

Reprecincting is exactly what it sounds like: the process of election officials redrawing the boundaries of precincts, election administration’s core geographic building block. In decades past, knowing one’s precinct usually meant knowing where to show up to vote in person on Election Day. The definition of precinct has evolved with the field of election administration, and today precincts are mostly a geographic unit election officials use to organize voters by geography.

State and local laws and regulations may provide guidance on key questions around when reprecincting must occur, who gives final approval to new precinct maps and whether precincts must comply with minimum or maximum size requirements.

State law may require that precincts be redrawn either before or after state legislative and congressional redistricting occurs. If before, the redistricting entity will likely use the new precincts as the geographic units joined together to “build” new districts.

Using Street Files to Update Voter Records

After precincts are determined, voters are assigned to them based on their addresses. That precinct assignment determines which election contests voters will have on their ballots. Address information may be kept in an address file, street segment file, an address database or a GIS layer. These files include address information for each registered voter alongside information on the districts assigned to that address. For example, 123 Maple Street might be assigned to Ward 2 in city elections, State House

District 17 and State Senate District 22 in state legislative elections, and the 3rd Congressional District in federal elections. But one block away, 223 Maple Street may be in a different city ward and different state house district—Ward 3 and State House District 19—but likely in the same congressional district.

Depending on the size of the jurisdiction, street files can be quite large. To work with data at scale, street files are typically stored in ranges rather than as individual addresses. The following example from the U.S. EAC’s “Local Election Officials’ Guide to Redistricting” shows how this might appear in a data file:

Pine Street	Precinct	
100-198 even.....	41	District 2 Precincts 41, 42 & 43
101-199 odd.....	42	
200-300.....	43	
300-398 even.....	44	District 3 Precincts 44 & 45
301-399 odd.....	45	

Local election officials can use outside tools to increase accuracy when updating address files. For example, the U.S. Postal Service maintains a searchable database of addresses. This may be helpful if significant new development has occurred in a city or county in recent years. Next Generation Emergency Management System (aka NG911 or NextGen 911) files contain detailed address data that can further clarify any gray areas in an election official’s address file. This process of using other data sources to improve the quality of a separate database is known as “data cleaning,” and is a core part of the work in many local election offices.

Translating geographic data into a tabular address file can lead to errors. This could be human error, such as entering erroneous information into a spreadsheet, or systemic errors, such as squiggly lines or the occasional cul-de-sac mislabeled in districting plans. For that reason, several states, counties and cities with the resources to do so now use GIS to increase the accuracy of their data.

Using Geographic Information Systems (GIS) to Update Records

A growing number of localities use GIS to ensure accuracy when updating address files. GIS systems allow users to analyze and display data on every point on Earth based on latitude and longitude. This is known as geocoding. The information is displayed in a spatial format. (A common use of GIS is in map apps on smartphones.)

Local election officials using GIS can associate a particular place—where a voter sleeps—with a precinct and associated electoral districts to generate the exact type of ballot each voter will receive. Not all election offices with GIS use the software in lieu of address files. Some use GIS to update address files, which remain the governing source of voter information. Many companies sell GIS software to local governments and election offices. If an election office itself has not purchased it, GIS software may be

available through a license purchased by another government office. Many universities also have GIS tools that may be available to local election officials.

GIS software requires different kinds of data, known as “layers,” to create a database. Using the example of map software on smartphones, common layers include:


- The names and positions of roads.
- Real-time traffic data.
- Satellite images of the ground.
- Attractions, businesses or other notable locations.

The most important GIS layers for an election official are voter addresses and data on electoral districts. Other useful information may include roads, public transit systems and previously used polling places. If voters in a given jurisdiction frequently use absentee/mail ballots or tend to vote early, other layers could include the locations of ballot drop boxes and early voting locations. These data layers may be provided as part of the license to use the GIS software or may be sourced from other government agencies.

Even with GIS, updating voter files is a skill. Whether an election office does so with or without GIS doesn’t change the facts: Finding staff with expertise or training staff on how to translate spatial address and district data into a tabular index file while utilizing the election office’s tools is a prerequisite to completing this task successfully.

Local Redistricting

While local election officials are not responsible for redrawing state legislative or congressional districts, many are tasked with providing technical assistance to local government bodies who are responsible for redrawing wards and other local electoral districts. State or local laws may require that those responsible for local redistricting solicit input from the public, much as state legislatures



Using GIS to Design Ballots

The use of GIS, or geographic information systems, to ensure every voter receives the correct ballot is growing. This image from the Maricopa County Recorder’s Office in Arizona shows a GIS image of an apartment complex served by two school districts; voters in the lower half of the complex will receive ballots with different school board questions than voters in the upper half.

and commissions do when redrawing legislative and congressional districts. It may be helpful to reach out to other election officials to learn about their processes for completing local redistricting. State legislative staff or commission staff may also have tips.

VOTER PERSPECTIVES

Voters are generally not attuned to redistricting or reprecincting processes. They care most about the mechanics of voting—where and how they vote—and they want to feel confident that the system is secure and their vote will be counted. For election officials this means finding polling places that are on public transit lines and have adequate parking and placing drop boxes (if used) to optimally meet the needs of voters. GIS can help with these tasks, too.

PRACTICAL CONSIDERATIONS

Election geography requires a high degree of accuracy. Each residential address is tied to a specific set of districts and boundaries. When these boundaries change, it directly affects the contests and candidates that appear on each voter’s ballot.

Election officials follow state law on creating precincts. Some states prohibit changes in the run-up to the census or for a certain period after redistricting is done. Public input on new precinct maps may be required. And laws may dictate how many voters can be included in a single precinct and whether public input in reprecincting is required.

Geography Matters

Sometimes geography, and how it relates to precinct assignments, matters. A lot.

Following Virginia’s 2017 General Assembly Elections, the balance of power within the House of Delegates was left up in the air because the race for the 94th District was decided by 10 votes ... which led to a recount ... that ended in a tie ... which was broken by drawing lots. In the end, the then-majority party, the Republicans, won the tie-breaker and retained control of the chamber.

Behind the scenes, another story was unfolding. Voters in a nearby district, the 28th, had been misassigned to the 88th District, and that meant at least 147 voters cast ballots in some wrong races—and that error could not be corrected.

How can that happen? Lines drawn based on redistricting changes in 2011 and 2012 led to minor errors in the voter registration database, with street segment files wrongly assigned. Errors based on geography are hard to catch without GIS or manual audits of street segment files, practices increasingly used by election officials.

Beyond that, election officials may:

- Regularly update voter files to ensure each voter is assigned to the correct electoral districts at the federal, state and local levels. This may include identifying other data files that can be used to verify information.
- When available, use GIS to review data and look for potential errors. If GIS tools are not available within an elections office, officials may work with other units of government to access GIS services.
- Audit the address files to ensure they are assigned to the correct districts.

AN ELECTION OFFICIAL'S PERSPECTIVE



GARY BILOTTA is the GIS Director for the Maricopa County Recorder's Office. Maricopa County includes Phoenix and, with 2.4 million registered voters, is the second-largest voting jurisdiction in the country, second only to Los Angeles. Bilotta got into the election trade based on his geography skills—Maricopa needed a GIS manager in 2006, and Bilotta wanted to move from Chicago to the desert, so he was glad to take the job. He says,

“When I first got into it, I didn't know what I was getting myself into.”

Using GIS, like just about all aspects of election administration, varies from place to place. After nearly 20 years on the job, here are Bilotta's thoughts on how it works in his county:

- “Ensuring voters get the correct ballot—that's job #1. With our boundaries and addresses, we need to be sure our voters get assigned to the correct jurisdictions.”
- “When I first came here, we had tabular address ranges in a database, and GIS was not connected to it. That methodology is very time-consuming and invites opportunities for errors. Our GIS system is now fully integrated into our voter registration system.”
- “When we started the journey to embed GIS in elections, we talked about the transparency it could provide. Anyone can pinpoint on a map where they live, and that will determine all the boundaries they live in [such as school districts, legislative districts, and congressional districts].”
- “After the census, and after the districts are done [for congressional and legislative seats], we need to update precincts quickly. With a tabular system, that's really difficult to do. With GIS, there's so much efficiency and accuracy gained there.”

- “Historically, after each general election, we’d look at the precincts to see if they were too large in terms of the number of voters. Maybe a jurisdiction had annexed land, and we don’t want a precinct with two cities in it. People are always moving and shifting.”
- “For the last few years, we’ve been asking, how can GIS help in planning for polling locations and vote centers? One piece we added was the creation of heat maps based on where voters live today who voted in-person in recent elections.”
- “We are here to support the success of voter registration and elections, and GIS is a powerful tool to help accomplish this.”

EAC Resources

- “Getting Started with GIS,” U.S. EAC
- “Local Election Officials’ Guide to Redistricting,” U.S. EAC
- “Using Google Maps to Display Information,” U.S. EAC
- “What You Need to Know About Census Data,” U.S. EAC

Other Resources

- “Geo-Enabled Elections & Redistricting,” National States Geographic Information Council
- “Into the Thicket: A Redistricting Starter Kit for Legislative Staff,” NCSL
- “Redistricting Criteria,” NCSL
- “Redistricting Law 2020,” NCSL
- Video: “Redistricting Data 101,” NCSL

3 | Candidate Filing

SUMMARY

The candidate filing deadline is the final date when candidates can submit statutorily required paperwork to local or state election offices to officially become a candidate and be placed on the ballot. The process includes verifying that the prospective candidate meets the necessary qualifications for that office, signs the necessary affidavit and submits a filing fee and/or nominating petitions, if required. Election officials accepting this paperwork conduct a variety of checks and double-checks to ensure the candidate’s name can properly be included on the ballot per state law.

POLICY CONSIDERATIONS

The first step for a candidate who wants to appear on the ballot for a given office is to file candidacy documentation. To do this, the candidate must meet the minimum qualifications for the office, which often include being a U.S. citizen and a registered voter within the jurisdiction, and meeting length of residency and age requirements for the office. For some positions, a professional license or background may be required (a law enforcement background to be a county sheriff, for example, or an accounting background for state auditor). Depending on the state, the candidate may also provide the exact name they prefer to be placed on the ballot.

The minimum age to run for the state legislature in many states is 18 but a few states require a candidate to be at least 30 to run for state senate.

Many states provide “how to run” information to guide candidates through the process. Each state’s filing requirements are different, and requirements may vary within a state for certain offices. Most states require potential candidates to file a declaration of candidacy signaling the intent to run for office. Other common requirements include statements of financial interest/disclosure, opening of campaign account, and statements on criminal convictions.

In some states, potential candidates must either pay a filing fee or collect signatures on a nomination—or qualifying—petition. States may require one or both. *Bullock v. Carter* and *Lubin v. Panish*, two landmark U.S. Supreme Court cases decided in the early 1970s, held that filing fees were constitutional only when most candidates could afford them. Today, filing fees for legislative candidates vary, ranging from a few dollars to more than a thousand dollars.

States generally use one of two methods to decide how many signatures a potential candidate must gather: a defined number of signatures or signatures from a percentage based on past elections, often from the most recent race for governor or another statewide office as determined by state law. These requirements

vary depending on whether the candidate is a major party candidate, a minor party candidate or an independent candidate.

Candidates seeking a political party nomination may face additional requirements to appear on the ballot, such as being a member of their preferred party, signing a party pledge or statement of affiliation, or being nominated during a political party convention. Requirements may differ for candidates seeking a nomination from a minor party, as defined by state law.

Each state has specific filing requirements and deadlines. The window for filing as a candidate is as short as one week in some states, while in other states candidates have several weeks, months or even years to file their paperwork. (For example, in Michigan, a candidate can file for an office as soon as the current term for that office commences. For offices with four-year terms, a candidate could theoretically file more than three years in advance.)

Many states don't specify a date for the opening of the candidate filing period, but all states have a deadline by which paperwork must be filed. Candidates for local offices may be required to file paperwork within the jurisdiction they hope to represent, while candidates for statewide or federal offices may be required to file with the state elections office. Which agency handles the filing for which offices varies by state.

There also may be requirements for candidates who wish to run as a write-in candidate. In many states, after the candidate filing deadline has passed, a candidate can still opt to run a write-in campaign, which means the candidate's name is not printed on the ballot but can be written in on a designated line on the ballot. Some states count only votes for write-ins who have filed in advance, and in other states it isn't necessary to file ahead of time as a write-in candidate.

In states that require candidates to collect signatures for nomination petitions, some require a defined number of signatures ranging from 15 to 2,000 while other states require signatures equal to a percentage of eligible voters or a percentage of votes cast in the last election.

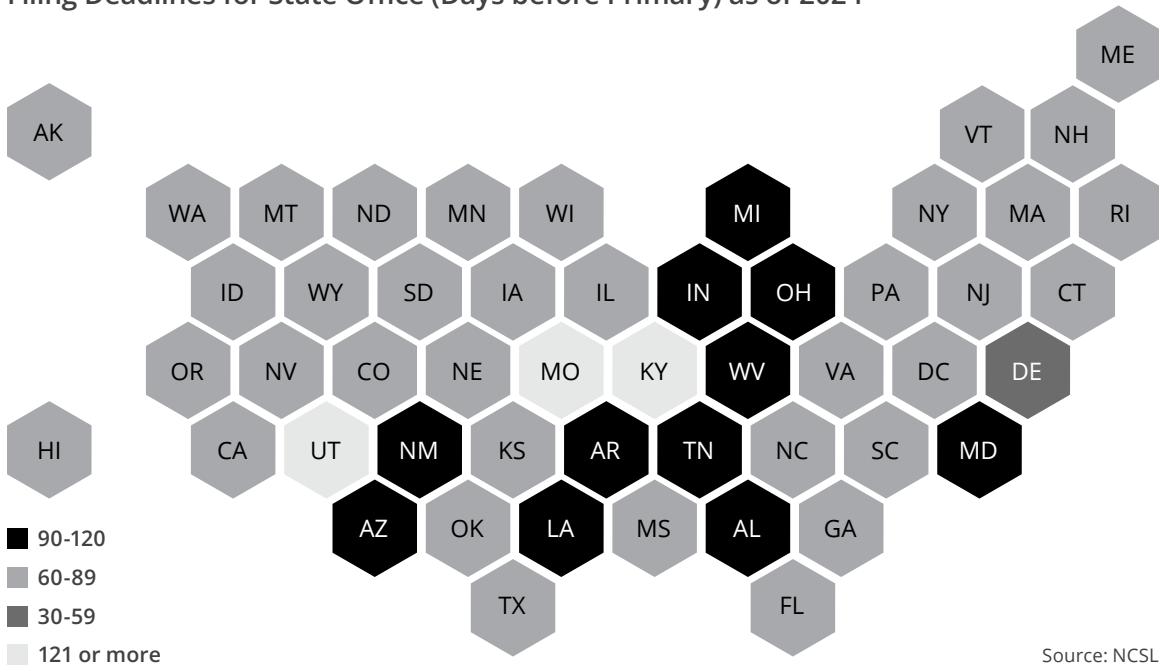
Hawaii has an online system for candidates to generate nomination papers that can be printed and used for collecting signatures, and Arizona allows candidates to collect nomination petition signatures by using an online signature-collection system.

IMPLEMENTATION CONSIDERATIONS

The candidate filing deadline is the first big date on the election calendar, kicking off many of the subsequent election activities for local election officials. Although there is usually a period of weeks in which candidates may file for office, many candidates file on the last day and often at the very last minute.

Election officials must check each candidate's filing paperwork carefully, often under pressure from the candidate and media who may be there to document the event. It takes a careful eye and consistent review of each line on each document. The most important task is to ensure everything on the candidate's statement is complete, accurate and exactly how it should eventually appear on the ballot. Some states and local jurisdictions may conduct additional checks, such as verifying the candidate's district and party

Filing Deadlines for State Office (Days before Primary) as of 2024



affiliation in the voter registration database. Some states that require candidates to disclose criminal convictions may conduct an independent check, while other states accept the candidate’s statement of no prior conviction without additional verification.

For offices that require nomination petitions, signatures may be verified to ensure the signers are registered voters in the district and the signatures match records accessed through the voter registration database. Signature matching may be conducted using a statistical sampling of signatures, or election officials may verify each signature on the nomination petition, depending on state law.

Checking candidate filings may be conducted at the local, county or state level. Some states are more bottom-up, in that local jurisdictions accept the bulk of candidate filings, while other states are more top-down and require candidates to file with the state election office, even for local offices.

After the filing deadline arrives, election officials may be required to allow candidates to review a proof of the ballot to ensure the proper spelling of their name and inclusion within the correct contest. Election officials may be required to mail a copy of a proof ballot and/or send a copy electronically.

VOTER PERSPECTIVES

Candidates themselves have a huge stake in the candidate filing process and take the process seriously. They are likely to want to proof all ballot styles to ensure that their name and district are represented properly, and they may rely on help from their political party or hired petition gatherers through the entire process. Ultimately, getting the correct candidates on the ballot will ensure voters’ choices count. Voters should be careful to follow all instructions in signing candidate petitions.

PRACTICAL CONSIDERATIONS

Most candidates file in person and many toward the end of the filing period. Once the filing period closes, it is not uncommon for candidates to face challenges in court based on the candidate's filing. These challenges may include the candidate's residence (someone claiming the candidate does not actually live in the stated district), qualifications for office or clerical errors in their filing paperwork. Challenges to candidates can affect the timeline for designing and printing ballots, and it is not uncommon for the status of candidates to change up until the last minute.

Providing prompt customer service to candidates that ensures the paperwork is error-free is key. Beyond that, election officials may:

- Temporarily reassign detail-oriented staff to the task of verifying candidate filing paperwork.
- Create checklists on what information needs to be verified for each required document.
- Double-check that a candidate's name is correct on the filing form and as the candidate wants it to appear on the ballot. Encourage candidates to double-check, too.
- Clarify any entries that are uncertain because of poor handwriting. It is easier to do this while the candidate is still present.
- Ensure the paperwork is complete.
- Make plans for any additional checks that need to be conducted at the time of filing. For example, staff may need access to the voter registration database to check a candidate's information on the spot.
- Have a plan for any additional checks that need to be completed after a candidate has filed, particularly if signature verification of nomination petitions is required.

AN ELECTION OFFICIAL'S PERSPECTIVE



PAM WARFORD is the elected county clerk in Jersey County, Ill., just north from St. Louis at a bend in the Mississippi River. Jersey County has 15,000 registered voters and Illinois' largest state park, a fact that matters to Warford, who had a 30-year career in Illinois' Department of Natural Resources.

In 2014 Warford ran against an incumbent and won. By doing so, she learned on her own what it takes to run for office—an experience she uses now to help others through the process.

Candidates for local offices in Illinois file their candidacy paperwork at the county level, and candidates for state offices file with the Illinois State Board of Elections.

Candidate filing, like just about all aspects of election administration, varies from place to place. Here are Warford's thoughts on candidate filing:

- “The signature requirements vary depending on the office a person is running for. We provide an information packet that candidates can pick up that gives them details on how the process works. We always include the advice that they seek legal advice elsewhere.”
- “There is a specific time period for filing. Typically, there is a date when you can begin circulating petitions; that's normally 90 days. The filing itself is an eight-day period. The start date is important because the ballot order is determined by the order in which candidates file. Normally people are in here, ready to file, when we open. If two are waiting, there's a lottery for who is listed on the ballot first. There's a lottery for last place too.”
- “I have staff here ready to accept the candidate's documents, date stamping them, giving them a receipt. We check off that yes, they filed their petitions and their statement of candidacy.”
- “It is not my job to determine whether that candidate is eligible, or whether their paperwork meets standards. That would be up to the opposing side. We check for basic compliance.”
- “We don't read the signatures or count them. Statute requires that the candidates number the pages they are filing with us, so we do verify the number of pages and that is noted on the receipt and we keep a copy and they get a copy.”
- “The deadline for filing objections is the following week. It's a formal process. This paperwork is available for public view during this period. People can and do ask to see the paperwork, and they can file a formal objection, like ‘I see people who signed more than once’ or ‘I don't think they're really of that party’ or ‘I don't see enough signatures.’ In ten years, I've seen two formal objections.”

EAC Resources

- “Write-in Voting,” U.S. EAC

Other Resources

- “Requirements to Run for the State Legislature,” NCSL

4 | Ballot Design

SUMMARY

By the time a voter receives a ballot, a great deal of thought has gone into its appearance. State law dictates much of what is required on a ballot, as well as how it is laid out. Yet election officials have some discretion, too. Most important, election officials must make sure ballots have the appropriate district information, contest information, candidate information and any required ballot measures or questions presented in a way voters can understand. Ballot design, done through ballot building software, encompasses all the above plus instructions for voters. In short, good design matters.

POLICY CONSIDERATIONS

A ballot design problem precipitated one of the most important moments in modern election administration. Election officials in Palm Beach County, Fla., originally designed the now-infamous “butterfly ballot” to make it easier to read the ballot. The county used punch card voting machines, which required the ballot to open like a book. Candidates were listed on the left and right with designated targets in the middle where a voter would punch through the appropriate position to select a candidate. The county had enlarged the text to make reading easier, but that meant it was not clear to voters which candidate belonged to which target. Using a stylus to punch through the ballot card was also imperfect, leading to “hanging chads” and “pregnant chads”—bits of paper that should have fallen away so the votes could be counted by machines. Thousands of butterfly ballots were scrutinized and hand recounted. That 2000 election put ballot design front and center for election administration.

The moral of the story is worth repeating: Good design matters. Design encompasses wording, images, color, layout, spacing, typeface, accessibility and usability. It makes ballots easier to understand, use and count and reduces mistakes—by both voters and election administrators.

No matter what types of voting equipment a state authorizes, county (or state) election officials need to prepare both paper and digital ballots. Paper ballots may be distributed to polling locations, mailed to qualified absentee/mail voters, or sent automatically to active registered voters in a state. In some states, digital ballots accessed through electronic voting machines at polling places are the primary method of voting, and in-person electronic voting is routinely available for voters who need accessible technology or audio ballots in languages other than English, as required by federal law. Either way, election officials use software to lay out the ballot to incorporate all the required data and instructions.

The information appearing on the ballot varies by state, but generally includes the following:

- District information
- Contest information
- Candidate information
- Ballot measures, questions or constitutional amendments
- Voting instructions

The EAC “Quick Start Guide on Ballot Building” has tips on getting started.

District Information

Precincts are the foundational building blocks of districts (See Chapter 2). Typically, each precinct has a distinct ballot style, meaning a set of contests that is unique to its voters. Some states may use partial precincts, also known as precinct splits, and therefore requiring even more ballot styles. Smaller jurisdictions may have a dozen ballot styles, while large jurisdictions may have thousands.

A voter’s physical address determines that person’s precinct, and that precinct dictates which ballot style that voter receives so the voter’s ballot contains the correct races for that geographical location. A paper ballot will usually contain precinct information somewhere near the top, and for digital ballots it is the selection of the precinct that “activates” the digital ballot. This is done by inserting an activation card or a slip of paper that indicates the precinct so the correct ballot style is pulled up on the screen. The first step for an election official building a ballot is to ensure the correct district and precinct information has been loaded in the ballot building software.

Contest Information

The next building block of a ballot is the contests, or races, that will appear on the ballot. This includes which races are on the ballot in the election and the total number of candidates to be elected for each seat. For example, is it a presidential election year in which the presidential race needs to appear on the ballot? Is there a U.S. Senate race this year or not? Are there municipal offices or school board races that need to be included? Some local contests are “vote for two” or more; this is common for school board races and other local contests. Some jurisdictions may use alternate voting methods such as ranked choice voting for some races (see Special Topic: Alternative Voting Systems), which need to be considered at this stage.

In addition to which candidates appear on the ballot, election officials must consider state requirements for ordering the contests. State law typically specifies which races should appear first, second, third, etc. on the ballot.

Candidate Information

When a candidate files for office they provide election officials with their name, the office they are running for, party affiliation (if applicable), incumbency status (if applicable), and any other candidate information that is legally required to appear on the ballot. Election officials need to ensure that the

candidate's information appears on the ballot in the way the candidate intends.

In some states, candidates are permitted to use a nickname on the ballot, within certain parameters. (See Chapter 3.) States may also specify or limit what characters can or cannot appear in someone's name on the ballot. Non-Latin characters may not be permitted, for example. States also specify whether slogans can be incorporated into a name on the ballot (John "Vote for Me!" Smith), and which designations or honorifics may be used (Jr., Dr., Rev., etc.). Some states specify that the ballot will indicate incumbency, prohibit listing incumbency or are silent on this point. The type of contest also may dictate whether the candidate appears with a party affiliation or not. Many local races are run on a nonpartisan basis.

Election officials must also consider the order in which candidates appear on the ballot. In some states, candidate names appear in alphabetical order. Other states list candidates by party first, often based on which party received the greatest number of votes in the last election. Some states randomize the order of candidates, and still others rotate candidates on different ballot styles so that no one candidate always appears first.

Some states permit nicknames on the ballot but specify that nicknames cannot include slogans or professional information about a candidate. So "William (Billy) Smith" may be permitted but not "Doc Smith" or "William (Vote for Me) Smith."

About one-third of states require ballot rotation (rotating the candidate name that appears first on the ballot) for certain races or elections to ensure no candidate has an advantage based on their order on the ballot.

Ballot Measures, Questions or Constitutional Amendments

In addition to candidates, many ballots also contain ballot measures, ballot questions or constitutional amendments. State laws vary on how much information on these should appear on the ballot. Usually, the ballot will contain a short title and summary of the question, rather than the full text. Some states have made efforts to ensure that these summaries are written in plain language and are as easy as possible for voters to understand. There may also be local questions that appear on certain ballot styles.

Design Requirements

Some states have statutory requirements on the font and size of text on the ballot and may even delve into the details of how the ballot should look, including whether the races are organized left to right or one below the other, and whether headings or other wording must be boldfaced. Ballots that are effectively designed should be easy to read and understand, and instructions should be written in plain language in an easy-to-read font.

Good design has changed over the years. What was state-of-the-art in 1920 may be hard to read now. A century ago, ballot designers had few options to make words stand out, so many states mandated by statute that large blocks of text be centered or that uppercase letters be used for candidate names or for the full text of various parts of the ballot. Research has since proven that centered text and uppercase

letters are harder to read than upper/lower case text that is flush left. There are a number of resources that can provide an overview of the current state of the art in ballot design. Election officials can work with legislators to review existing laws to identify archaic or overly prescriptive language and suggest potential improvements.

IMPLEMENTATION CONSIDERATIONS

While state law governs many aspects of ballot design, beyond those requirements design is in the purview of election administrators.

While ensuring compliance with state law, election officials design the actual ballots—paper and digital. The software and technology used will determine much of the design process, but election officials have some flexibility.

The ballot design process includes layout and how races appear. Races can be laid out in columns, rows, or blocks. Ideally races all appear on one side of a paper ballot (or for digital ballots, on one screen) so voters can see all possible candidates for a given race at once. If a race spills onto a second page, voters may not realize there are additional candidates to choose from. The “Checklist for Usable Ballots” from the Center for Civic Design provides more considerations.

Effectively Proofing Ballots

It is not uncommon for voting system vendors and ballot printers to play a lead role in the ballot design process and during testing. Even so, it is the election official’s responsibility to ensure the ballot is correct.

Both paper and digital ballots need to be proofed and tested before they are finalized. “Proofing” a ballot means double-checking for errors and consistency in how candidates are listed. The latter is important to avoid any complaints of favoritism. Proofing is best done with staff who weren’t involved in the design process. All candidates, political parties, ballot question campaigns and special districts that appear on the ballot should also verify any candidate names or ballot questions. Some states explicitly require political parties and candidates to review a ballot before it is final, but even in states without this requirement it is good practice.

A single election may include thousands of data points that need to be verified, including candidate names, ballot text, contest districts and more. Any error, from misspelling a candidate’s name to assigning an office to the wrong district, may mean reprinting or reprogramming every ballot. Election officials should also review every ballot style, even when there are thousands. A good resource for election officials engaging in this process is the “Ballot Proofing Guide” from The Elections Group.

Testing Ballots

Thorough usability testing can catch errors early in the process. Asking as few as a dozen potential voters to try voting a sample ballot can identify areas where a strange layout or unclear instructions is likely to lead to confusion when voting begins.

Ballots also need to be tested using ballot tabulation equipment to identify potential issues in accurate counting. An example: Folds that are required in mailed ballots may run through the middle of a target area or timing mark, causing tabulation errors, or these ballots may be flagged by tabulators as requiring manual review, slowing down the tabulation process. Other issues, such as incorrectly placed contests or timing marks, may not be caught if the proofing process only reviews the ballot data.

Most voting system manufacturers require a specific ballot stock be used in their tabulators. While exceptions may exist, requirements are likely to include paper size and thickness, and testing should be done using the actual stock that will be used in the election.

Language Requirements

Section 203 of the Voting Rights Act (VRA) requires jurisdictions with language minority populations to provide ballots and other electoral materials in different languages as defined in Federal Register notices every five years, in years ending in 1 and 6. The languages are determined by the VRA and focus largely on Spanish, Asian and Native American languages. Local jurisdictions may choose to provide language support in other languages as well.

Language requirements can affect ballot design and will require election officials to engage language experts to ensure translated materials are accurate. If only two languages are required, a bilingual ballot with both languages may work, or separate ballots in both languages can be printed. Jurisdictions with requirements for multiple languages may produce separate ballots in each language. See the EAC’s “Language Access Resources” for more information.

As of Dec. 8, 2021, jurisdictions in 30 states fell under section 203 of the Voting Rights Act language requirements for at least one language other than English. A new set of determinations will be released in December 2026.

Ballots for People With Disabilities

People with disabilities must be able to mark, cast and verify their ballots privately and independently. At a minimum, these accommodations must apply whether the voter’s disability is visual, auditory, cognitive, developmental or related to mobility or fine motor coordination. Support for those with visual impairments is provided through braille and audio ballots. The same expectation for accuracy and testing that other ballots receive pertains to these as well. Ballots on accessible voting devices may be displayed visually, auditorily or both, and voters may use a touch screen, keypad, sip and puff device, or another form of technology to mark and review their ballots.

Timing

Timing for ballot design is critical. Per federal law, ballots must be completed in time to send absentee ballots to military and overseas voters 45 days prior to any federal Election Day. Day 45 usually falls on a Saturday, therefore many ballots must be ready to be sent by Day 46 prior to Election Day. In some circumstances, the time between candidate filing and that date may be compressed, so there needs to be adequate time to properly design, review and print ballots. It’s not uncommon for last-minute court or legislative changes to impact ballot design. Quick turnarounds are more likely to result in increased costs.

Ballot Secrecy and the Australian Ballot

Secrecy was not always a given when voting. In the first years of the U.S., people voted out loud on the courthouse steps. Later, each party would have its own “ticket” and party operatives worked hard to get these ballots into the hands of voters, who would turn them in, effectively casting a ballot for all of that party’s candidates.

It was in 1859 that government-printed ballots, with all candidates on one ballot that could be marked secretly, was invented. Two Australian states were the first to use these secret ballots, and the name “Australian ballot” has stuck. All voters receive the same ballot. They vote them secretly, and they themselves put their ballots in the ballot box or, now, in an optical scanner. Secrecy ensures the voter cannot be coerced into voting, nor can they sell their vote.

Since cellphones are ubiquitous now, it is difficult to stop a voter from snapping a “ballot selfie” to proclaim to their social media followers how they voted. Some states prohibit this action.

VOTER PERSPECTIVES

Voters need to be able to easily navigate the ballot to find all contests and ballot questions and understand and follow instructions easily. In the 21st century, icons and graphics can be useful guideposts if used skillfully. While state law may prohibit their use on ballots, these may enhance voter comprehension for ancillary materials, such as ballot instructions and signage. A poorly designed ballot may cause confusion and voters may not mark their selections as intended. A well-designed ballot that uses good design principles reduces downstream issues for election officials and gives voters the confidence that their ballots will be counted as cast.

Good design extends to other aspects of the voting process as well. Using simple, direct language and graphics is good practice for signage in polling locations, on voter registration forms and absentee ballot envelopes, instructions on using voting machines, and anything else where information needs to be conveyed to voters.

PRACTICAL CONSIDERATIONS

How races and ballot questions are laid out on a ballot is largely a matter of state law. The voting technology in use may also affect design choices.

Beyond those constraints, election officials may:

- Ensure all district, contest, candidate and ballot question information is assembled and accurate when it goes into the ballot design software.
- When proofing ballots, ensure all materials are being proofed to primary source documents, including candidate filing affidavits and official sources of ballot question text. Good data in means good data out.

- Engage political parties, candidates and special election districts in the ballot-proofing process.
- Use checklists and standard operating procedures for designing and proofing the ballot.
- Engage voters, especially those from language minority and the disability communities, when testing ballots for usability. Be sure to test ballot data on accessible voting equipment, including audio ballots and hardware functionality.

AN ELECTION OFFICIAL'S PERSPECTIVE



JENNIFER DOINOFF is the appointed election administrator in Hays County, Texas, a fast-growing county southwest of Austin. Not all Texas counties use the same governance structure for elections. In many, an elected county clerk is responsible for elections. In Hays, Doinoff was interviewed for her position by a local election commission, and that commission recommended her to the county commission to hire.

Doinoff was, in the past, an elected member of the local school board, which means she's been “a candidate and I've been on the neutral side of things.”

Ballot design, like just about all aspects of election administration, varies from place to place. Here are Doinoff's thoughts on how it works in her county:

- “While our administrative structures are different, in Texas we work hard to make ballot design consistent. No matter what county you're in, you'll recognize the format.”
- “Ballots always start with federal races, then state races, then local races. In each section, candidates come before ballot questions and bond measures.”
- “Not only is the ballot titled with the name of the election and the date, but each race also has to be titled. It needs to be identified on the ballot if it is an unexpired term to fill, too.”
- “We can't use titles like doctor or minister—just the candidate's name.”
- “On November ballots, candidate order is based on the party of the governor who is in office—that candidate is listed first.”
- “For primaries, it's a drawing. Ballot order is different for presidential primaries. There, the order is determined on the county level, so a candidate could be last in one county and first in another. Things like that are hard to explain to people.”

- “As the election administrator, I have very little discretion. I’m just following the laws.”
- “My staff does the programming of the ballots so nobody can ever accuse me of putting my finger on the scale.”
- “We program the voter registration side, and then the election ballot and equipment side. It’s all collaborative.”
- “My assistant election administrator allocates polling locations, assigns the precincts that will vote on the offices, assigns the offices as single member or at-large races and assigns voters to precincts. My election technology coordinator does the ballot side. He adds the candidates, creates the ballots, records audio ballots in English and Spanish, programs the touch pads for voter check-in and assigns ballots for proofing.”
- “No matter what election it is, each jurisdiction, like a school district or city council, gets their own ballot to proof. It’s all public. Parties and candidates can see theirs, too. Some candidates come in to do logic and accuracy testing with us.”
- “In Hays we have two different styles of paper ballots to proof. One comes from our ADA-compliant in-person voting equipment, which looks different than the paper ballot for mail ballot voting. We proof both.”
- “We check that the dates are right, the names are spelled correctly, everything. One word missing in a bond measure can make a big difference.”
- “The last thing we want is a challenge in court because of an error we made. It may seem not possible, but it is possible for an error to change the outcome of an election.”

EAC Resources

- “Ballot Building,” U.S. EAC

Other Resources

- “Ballot Proofing: Ensuring Accuracy in Election,” The Election Group
- “Designing Usable Ballots,” Center for Civic and Design
- Virginia State Board of Elections Ballot Standards

5 | Voter Registration

SUMMARY

Voter registration is used to determine who is qualified to participate in the electoral process and is the first step in ensuring that only eligible voters can vote. In addition, voter registration identifies the precinct the voter lives in to determine what contests they can vote on. In all states except North Dakota voters must register before they can vote. States offer several registration methods such as online voter registration, automatic (or automated) voter registration at motor vehicle departments and other state agencies, paper registration and Election Day registration. Under the National Voter Registration Act (NVRA) of 1993, states are required to close voter registration no later than 30 days before a federal election. Within these requirements, states decide how soon before an election voters must be registered and whether otherwise eligible individuals can register before turning 18 (although they will not gain the right to vote until they meet the age qualification). While new registrations are verified upon receipt, keeping voter registration lists up to date is a continual process that includes adding new eligible voters, updating voter registration information when a voter moves and removing those who have died or are no longer ineligible. The process of adding, updating and removing voters is referred to as list maintenance. Voter registration list maintenance is outlined in Chapter 6.

POLICY CONSIDERATIONS

In the earliest days of our nation, voter registration was not required. It was assumed that local officials knew their town's residents—at least those who were qualified to vote based on property ownership. The first registration requirement was implemented in Massachusetts in 1800. Elsewhere, throughout the 19th century, registration was not commonly required.

Over time, as the nation urbanized, voter registration was instituted in more and more places, in part to stop repeat voting, where people might return to a polling place more than once to vote. For additional background on voter registration in the United States, see “Voter Registration,” from the MIT Election Data + Science Lab in the resources at the end of this chapter.

Now, federal laws set standards that states and territories must follow. The Voting Rights Act (VRA) of 1965 prohibits racial discrimination in voter registration. The NVRA set standards for voter registration, including that sign-up be offered at motor vehicle departments. The Help America Vote Act (HAVA) of 2002 required states to develop a centralized voter registration list.

Six states are exempt from the NVRA because at the time of passage these states either did not have voter registration (North Dakota) or had Election Day registration in place for federal elections (Idaho, Minnesota, New Hampshire, Wisconsin and Wyoming). While 17 states have implemented Election Day or same-day registration since then, this does not change their status under the NVRA. In North Dakota eligible voters are not required to register ahead of time but when going to vote must show identification and proof of residency. The state does maintain a list of those who have voted.

Voter registration is the state's first opportunity to confirm a voter's qualifications.

Voter registration is a prerequisite to citizens receiving a ballot and oftentimes to participate in election-related activities including petition signing, serving as a poll worker and running for office. Registration serves multiple purposes. It allows election officials to confirm if a person is eligible to vote. It provides the information needed for officials to assign

voters to precincts based on where they live. Registration data becomes the basis on which officials allocate resources such as ballots and poll workers. It is also where voter history—which elections a voter participates in, not how they voted—is kept.

The passage of the NVRA required most states to provide citizens with an opportunity to register to vote when applying for or renewing a driver's license at a motor vehicle department or other designated state agencies.

Methods of Registration

Over the past 30 years, voter registration has shifted from mostly paper-based forms to digital records. In fact, HAVA required all states to have a statewide voter registration system. Voters often have several ways they can register such as:

- **Registrations through transactions at motor vehicle bureaus:** In 2022, 55% of all registrations come through transactions completed at the motor vehicle department and other state agencies, an option required by the NVRA.
- **Automatic voter registration:** This is a variation on the NVRA-required “motor voter” process. AVR states have chosen to automatically register any customers or clients who are transacting business with the DMV or sometimes other governmental agencies. Information gathered from participating government agencies is electronically transmitted to election officials, who use it to either create a new voter record or update an existing registration. Individuals can opt out of automatic registration at the point of service (known as front-end opt out) or through a mailer that they can return to the states (known as back-end opt out). The method is determined by the state.
- **Online voter registration:** Most states offer eligible citizens the opportunity to fill out a voter registration form online. In 2022, online registration accounted for 14% of registrations received. The information on the paperless form is sent to election officials to review electronically. If the request is confirmed to be valid, the individual is added to the state's voter registration list. Validation is completed by comparing the information on the online registration form against information in

another state or federal database. A driver’s license number is most often used, but a Social Security number or date of birth may suffice. When the information does not match, the application is flagged for further review or action.

- **Paper voter registration:** Voters can print and fill out a paper registration form that they return to their local election office. States provide standardized forms, but there is also a National Voter Registration Form, maintained by the U.S. Election Assistance Commission. Any U.S. citizen residing in 47 states and the District of Columbia may use this form. Of the remaining three states, New Hampshire, North Dakota and Wyoming, one, New Hampshire, also accepts the form as a request for an absentee ballot. States have specific instructions or requirements included on this otherwise generic federal form. Of these registration applications, 9.1% are returned by mail, email or fax, and 5.9% are completed at an election office, according to the 2022 Election Administration and Voting Survey.
- **Third-party voter registration drives:** A third-party organization can offer registration applications to eligible individuals and return them to the state or local jurisdiction for processing. Third-party registration drives may also use a tablet that electronically sends the application to the state, a system that improves accuracy. Many states have laws that govern third-party voter registration drives, including training, restrictions on the number of applications a person or group can deliver and the timeline that must be honored.

The most common method of voter registration in 2022 was at state motor vehicle bureaus (55%), followed by online (14%), fax or mail (9%). The least common method was in person (6%).

Other Aspects of Voter Registration Administration

While the manner in which citizens can get registered is a key policy decision, it is not the only one. State policymakers also determine when voter registration applications are due; whether people can register right up and through Election Day; whether teens can preregister to vote even though they won’t become eligible to vote until they turn 18; and, to some extent, how statewide voter registrations are administered—either top down (the state maintains the list) or bottom up (the lists are maintained at the local level and data is regularly uploaded to the state).

Most states and some localities administer a web-based voter registration platform that allow voters to check their current voter registration status and update information, if necessary. The platform may provide additional information such as voting location addresses and voter history.

Voter Registration Deadlines

Voter registration deadlines are set by state statute. The NVRA requires that states set their voter registration deadlines for federal elections no more than 30 days before an election. Some states set their deadlines at this 30-day mark, while others permit voters to register through Election Day. States may also have different voter registration deadlines for applications completed online, by mail and in person.

There are pros and cons with the different deadlines: For voters, deadlines that are closer to Election Day allow them more time to get registered. For election officials, registration deadlines that are farther from Election Day allow them to turn their focus from voter registration to other tasks necessary to run an election such as programming poll books and testing voting machines when the deadline arrives.

Election Day and Same-Day Registration

Nearly half of states allow Election Day or same-day registration. Election Day registration allows voters to show up at their polling place on the day of an election and register to vote and vote at the same time. Same-day registration allows the same thing but during the state’s early voting period. For Election Day registrations, in many states election officials can access the statewide voter registration database in real time to confirm the voter’s eligibility. In other states, election officials require same-day registrants to sign an affidavit or swear an oath that they are eligible to vote and have not already voted in the election. In some states, Election Day voters cast a provisional ballot that won’t be counted until proper ID is supplied or until the voter’s application is fully verified.

Proof of residency is a key requirement in all states that offer same-day registration. In a traditional (non-Election Day) registration, election officials have time to send a nonforwardable mailing to the prospective voter to verify their residence before voting occurs. Because that isn’t possible with Election Day registration, in many states, the prospective voter must present proof of residency at the time of registration or soon after registering. Almost all states accept a current driver’s license or

Voter Registration Deadlines, Days Before Election as of 2024



Source: NCSL

state ID. In some states, documents such as a paycheck or utility bill with an address are acceptable for proving residency.

In a handful of states, same-day or Election Day registration may be allowed only at specific polling places or vote centers. To avoid voter confusion, election officials communicate the guidelines for same-day and Election Day registration, along with all other voter information, before early voting and Election Day.

Preregistration

Preregistration allows individuals younger than 18 years of age to register to vote so they are eligible to cast a ballot when they reach 18. Typically, a preregistrant will fill out an application and be added to the voter registration list with a “pending” or “preregistration” status. Upon turning 18, the individual is added to the voter registration list and able to cast a ballot.

Preregistration states vary in their registration age minimums. Some allow 16-year-olds to preregister, and others allow 17-year-olds to preregister. A handful of states allow preregistration for 17-year-olds who will turn 18 before the next election. The remaining preregistration states do not establish a specific preregistration age limit. Instead, these states allow youths to register to vote before 18, provided they will be of voting age by the next general election.

IMPLEMENTATION CONSIDERATIONS

When implementing voter registration policy changes, administrative considerations include staffing, the cost of systems and the amount of time it takes to implement a new system.

Election offices are usually staffed by only a handful of people, and implementing new voter registration policies comes on top of other tasks—and each change must be checked and checked again. Once implemented, some voter registration policies will reduce the workload. Each policy choice may have a different impact.

When any voter registration law is passed, implementation time is an issue. For instance, implementing same-day or Election Day registration likely requires more staff at polling places to assist with registrations as well as voting, and training for poll workers will need to be adjusted accordingly. In April 2020, Virginia’s legislature approved the use of Election Day registration, but included a clause delaying implementation until Oct. 1, 2022, to provide election officials with time to prepare.

The implementation of automatic voter registration and online voter registration most often takes place at the state level. These systems may need to be integrated into existing IT infrastructure, including motor vehicle office databases or state websites and local voter registration management systems, and they must be protected according to the state’s cybersecurity practices and procedures. Training is essential for any personnel throughout the state who may access the new system.

Once in place, these systems are likely to create efficiencies and reduce errors, since staff will no longer be deciphering handwriting and entering data into a database.

Election officials likely will devote resources to informing voters of new registration policies. Clarity for voters will lead to less confusion and concern about the registration process. This may include hosting voter registration events to encourage people to register to vote. A few states mandate this work, but even when not required, local election officials often are involved in planning and executing community events such as these.

Centralized Statewide Voter Registration Databases

HAVA requires that each state and territory’s chief election official implement a centralized, statewide voter registration list. This list must be defined, maintained, and administered at the state level and contain the name and registration information of every legally registered voter in the state, and be administered in a nondiscriminatory manner. Voter history is kept in the statewide voter registration database.

Voter registration systems use high-level standards of cybersecurity and data infrastructure maintenance. States usually use one of two approaches, or a hybrid of both:

- **Top down:** These systems are characterized by a central platform at the state level that connects to terminals in local jurisdictions. More than two-thirds of states used a top-down system, according to the 2022 EAVS.
- **Bottom up:** In these systems, voter registration data is aggregated on a regular basis, usually nightly, from data held by local jurisdictions and then uploaded into a statewide database.
- **Hybrid:** A state that uses a combination of top-down and bottom-up has a hybrid system, though specific characteristics of hybrid systems vary by state.

“Development of Registration as a Means of Determining Those Qualified to Vote,”
from *Registration of Voters in the United States*, by Joseph P. Harris, 1929.

“In the early days, when the bulk of the population lived in rural communities, when almost every voter was personally known to his neighbors, and when there was comparatively little movement of population from one locality to another, the problem of determining those who were entitled to vote in a given election district was comparatively simple. The doubtful cases could, for the most part, be handled at the time that attempt was made to cast the ballot. With the rise of large cities, the influx of new citizens through immigration, and the greater movement of population resulting from improved means of communication, these favorable conditions passed away. It became evident that, if elections were to be conducted in an orderly manner, if disputes giving occasion for disorder at the polls were to be avoided, and if there was to be assurance that only those entitled to vote were permitted to do so, steps must be taken in advance of an election to determine those entitled to vote. The means devised for securing such advanced determination was the establishment of the requirement that all voters should be registered prior to the election.”

Since centralized voter registration systems were implemented in the early 2000s, many systems are aging or becoming outdated. In some states, these systems were created and maintained by outside vendors, and in others they are “homegrown” solutions built by the state’s IT departments. In either case the systems require regular adaptations, whether to keep up with legislative changes or to modernize the ways voters interact with information. Eventually, older systems need replacing. When it comes time to upgrade or replace centralized voter registration databases, local and state election officials will consider the requirements of the system, how they use it, and the responsibilities of officials at the state and local levels. If available at the time, HAVA funds can be used for upgrades.

VOTER PERSPECTIVES

Voters need to know that voter registration is the first step in voting, except in North Dakota. Then they need to know the qualifications for becoming a voter, and how to get registered.

As for qualifications, prospective registrants must affirm three things: citizenship, age and residency.

In all states and territories, prospective voters must be U.S. citizens to vote in state and federal elections. Voters usually attest to their citizenship through a sworn statement or affidavit. Some states have laws requiring proof of citizenship. Some states allow municipalities to permit noncitizens to vote in local elections, but only U.S. citizens are eligible to vote in state and federal elections.

In 2020, more than 87% of the nation’s eligible citizens were registered to vote—higher than at any time since at least 2008.

A voter must meet the age requirement of the state—18 for all state elections. This is true in the states that allow preregistration at 16 or 17 years of age as well—those voters become eligible when they reach 18. In just two cases, people younger than 18 may vote (but not in state or federal elections). A handful of municipalities allow 16- and 17-year-olds to vote in local elections, and some states permit those who are younger than 18 to vote in primaries so long as they will reach 18 by the time of the general election.

All states require prospective voters to be residents of their state, and some require residency in the state for a certain amount of time before they are eligible to register. For states that have a durational requirement, the range is from 20 days to 30 days before Election Day.

Federal law requires that all first-time voters present some form of identification either during the registration process or the first time they show up at the polls. If registering in person, the ID will be presented during the transaction. If registering online or through the motor vehicle department, the applicant provides an ID number that will be checked against their state records, usually the motor vehicle department. When a voter registers by mail or through a third party on paper, they will be required to show their ID at the polls the first time they vote if they did not provide ID information when they submitted their registration. If a voter does not have an ID, they may be required to provide one or more identifying documents such as a Social Security card, utility bill, paycheck, or other document with their address.

When a person registers to vote, some of their personal information is legally required to be available to political parties, campaigns, candidates, and advocacy groups. (Exceptions can be made for people who have been victims of domestic violence or meet other requirements.) In some states, members of the public can request voter registration information. States have varied requirements on who is eligible to request a list of voters, what information the list contains, what information is kept confidential and how the information contained in voter lists may be used. Not every record or data field is publicly available. When registering, voters may be informed of the information that can be made public.

PRACTICAL CONSIDERATIONS

Voter registration is the process election officials use to establish and verify eligibility for voting. Election officials, whether at the state or local level, receive voter registration applications from voters for review. If an application is incorrect or incomplete, the election official reaches out to the applicant to correct the errors. If the applicant's eligibility cannot be verified, the registration application will be denied.

To do this work well, election officials may:

- Seek out training from their state's chief election official, their state's election administrators' association or other training programs.
- Compare their registration-checking processes with their colleagues and make improvements when possible.
- Store voter registration records and equipment securely. This may include keeping all technology in areas with cameras, security alarms and key-card locks, and regularly examining access logs to the facility and camera footage to ensure no unauthorized access.
- Provide cybersecurity controls for data, including using data encryption, firewalls, intrusion detection, malware detection, multifactor authentication, audit logging and regular patches. Some federal agencies and nonprofit organizations offer free or low-fee services to enhance cybersecurity efforts. See the EAC's "Best Practices for Election Technology" guide for additional details.
- Conduct voter list maintenance and other quality-control measures. Voter registration list maintenance is explained in depth in Chapter 6.

AN ELECTION OFFICIAL'S PERSPECTIVE



ANTHONY ALBENCE is the state election commissioner for Delaware. In Delaware, elections are conducted in the three counties under one centralized state system—the only state in the nation to run elections this way. Albence says Delaware is like “a big small town” in that everyone knows each other. Albence entered the elections world as many others have—by working on a campaign when he was young. His agency serves 775,000 voters.

Voter registration, like just about all aspects of election administration, varies from place to place. Here are Albence’s thoughts on how it works in his state:

- “The foundation of any good system is good data. Delaware was one of the first states to have a statewide voter registration database. Because of our size, innovation is possible here.”
- Our small size and the close collaboration between agencies help us to ensure the accuracy of the data we share and permits us to work with each other to ensure that this accurate data helps us all to deliver services to Delaware’s residents as effectively and efficiently as possible.
- “So much in the state is handled at the state level it makes it easier to coordinate. We use much of the same infrastructure for the voter registration database as the Division of Motor Vehicles uses.”
- “It is not just the relationships but the physical infrastructure.”
- “The overwhelming majority of our registrations, 80-90%, come from the DMV. Now that we have automatic voter registration, the numbers have jumped even more. After the DMV, our voter portal provides the next most registrations, and after that we get registrations from our organized voter registration programs [like the League of Women Voters] and from other state agencies such as the state’s Department of Labor’s-Division of Vocational Rehabilitation, or the state’s social service agency. We do get some federal forms from individuals.”
- “We’ve upped our efforts for the organized voter registration program. We had so many changes in the law we had to establish procedures to keep [election workers]

up to speed on how to fill out the forms, when to return them and how to document everything: We have very detailed provisions in our code. We have one person who trains them, maintains the records and keeps the communication channels open.”

- “With the advent of automatic voter registration, we invested a tremendous amount of time on the voter education piece and managing public feedback. Given how much time we spend with the DMV, it does really flow well. Nothing is foolproof, but this is as close to foolproof as it gets.”

EAC Resources

- “National Mail Voter Registration Form, U.S. EAC
- “Voter Registration (VR) Portals and Databases,” U.S. EAC

Other Resources

- “Access To and Use of Voter Registration Lists,” NCSL
- “Automatic Voter Registration,” NCSL
- “Legislative Approaches to Ensuring Only Citizens Vote,” NCSL
- “Online Voter Registration,” NCSL
- “Preregistration for Young Voters,” NCSL
- “Same Day Voter Registration,” NCSL
- “Voter Registration Deadlines,” NCSL
- “Voter Registration,” MIT Election Data + Science Lab

6 | Voter List Maintenance

SUMMARY

Voter list maintenance is the process state and local election officials use to ensure that voter rolls are accurate and up to date. Federal law establishes a baseline of requirements and ground rules, but the frequency, scope and specific activities of list maintenance vary by state. The mix of work done at the state and local level also varies greatly across the country. Maintaining accurate voter registration lists is an essential part of administering secure and efficient elections.

POLICY CONSIDERATIONS

Voter registration lists are constantly evolving. Every day in every jurisdiction voters move, die, turn 18 or otherwise have eligibility changes. The goal for election administrators is to ensure that this constantly evolving dataset is as accurate and up to date as possible.

The benefits of having accurate registration lists include:

- Ensuring only eligible voters can cast a ballot.
- Ensuring eligible voters are assigned to the correct voting districts.
- Informing Election Day planning by helping to accurately budget for ballots, voting machines, polling places and poll workers.
- Minimizing wait times at the polls.
- Simplifying post-election procedures by reducing the need for provisional ballots.

List maintenance is not a simple process, though, and there are several ways a voter’s registration may become inaccurate or ineligible. Voters can remove themselves from the rolls by communicating with their local election official when they move out of the jurisdiction, but they rarely do. State and local election officials are responsible for removing from the active voter list people who are deceased or who have moved outside the jurisdiction—but confirming that these voters are no longer eligible requires attention to federal law, state law and procedures set out in state regulations. Voters also may be removed from the rolls because of a felony conviction, adjudication of mental incompetence or other disqualifying factors.

The Federal Role in Voter List Maintenance

List maintenance practices are largely governed by state law, but two pieces of federal legislation provide a regulatory floor: the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act of 2002 (HAVA).

The NVRA specifies the reasons a state may remove a voter from the rolls—because of a felony conviction, mental incapacity, at the voter’s request or because a voter has died or no longer lives in the jurisdiction. The NVRA, also known as “Motor Voter,” explicitly prohibits states from removing a voter from registration rolls simply for a failure to vote. Before registrants can be removed, they must first be designated as inactive and either go through a process to be canceled or contact the election office to be moved back to active status. How an inactive voter and active voter is defined and the process by which a registrant can move from one status to the other vary by state. Nationwide, the NVRA requires states to conduct list maintenance in a uniform and nondiscriminatory manner in compliance with the Voting Rights Act. It also prohibits conducting list maintenance removal activities within 90 days of an election.

HAVA required states to develop a computerized, statewide list for voter registration (in the past, in many states local lists were the norm rather than a single, statewide list) and to coordinate voter records with data from state departments of corrections, vital statistics and other state agencies to keep voter records current.

But these federal laws are just the baseline. States can and do go beyond their requirements, and improving list maintenance processes is an evergreen topic for lawmakers.

Typical Voter List Maintenance Practices

Deceased voters

Federal law requires states to cross-reference their voter rolls with data from state death records and cancel the records of deceased voters. Some states use additional data sources to verify deaths, going beyond the federal requirements. See Table 3, State Practices for Removing Names of Deceased Voters, at NCSL’s “Voter Registration List Maintenance” webpage.

Voters Who Have Moved Outside the Jurisdiction

Moves within and across jurisdictions account for a great majority of voter record changes, so election officials use several sources to keep address information current. The most common is the U.S. Postal Service’s National Change of Address (NCOA) program, a dataset containing about 160 million change-of-address records. Thirty states require the use of USPS data, and another 15 states permit but do not require the use of the data.

Other commonly used data sources to detect invalid or outdated addresses are changes to driver’s license or state ID addresses, and election mail and jury summonses that are returned as undeliverable. Using commercially available data, such as that provided by private data services companies, is also an option in some states.

When election officials have reason or evidence to believe a voter has moved to a residence in a new jurisdiction, they are required to follow a confirmation process laid out in the NVRA before they can remove the voter from the registration rolls. While there is some variation across states on the details, in

Policymakers: Questions to Ask About Voter Registration List Maintenance

- What agencies do state and local election officials coordinate with to ensure the accuracy of their voter lists?
- How frequently do officials conduct checks against other agency databases? Are these checks automated or is this a manual process?
- What matching criteria is used when conducting voter list maintenance activities? In other words, when verifying voter information and determining if voters have moved or are no longer eligible, how are election officials making sure that they're in fact dealing with the right person?
- Does the state permit sharing of voter list information with other states to conduct voter list and voter history data checks between states?

general officials first mail a non-forwardable address confirmation card to the voter at the old address. If the voter returns the card verifying that they still live there, no change is made to the registration record. If the voter returns the card verifying a new address outside the jurisdiction, the old registration is canceled, and often election officials send information to the voter about how to register in the new jurisdiction. Jurisdictions have the option to designate a registrant who fails to respond to a notice and has not voted in recent elections as “inactive” in the voter rolls. If the voter shows up to vote, the registration can be reactivated.

Voters Convicted of Disqualifying Crimes

In 2024, in 48 states, felony convictions lead to the loss of the right to vote while imprisoned. In fact, in many states, disenfranchisement extends to incarceration in a local jail and through probation or parole. In some states, felony convictions result in permanent loss of voting rights in that state. Maine, Vermont and the District of Columbia are the exceptions—these jurisdictions allow people serving time for certain felony convictions to vote absentee while in prison.

HAVA requires states to coordinate their voter registration database with records from the state department of corrections, and the NVRA requires U.S. attorneys to report felony criminal convictions in federal court to state chief election officials. Most states require courts or the department of corrections to file a monthly report with the state’s chief election official, listing all disenfranchising convictions. That official may cancel the relevant voter registrations or may forward the information to county and local officials, who then cancel the registrations. In a few states (New Jersey, Oregon and Washington), registrations are marked as disqualified rather than canceled.

Voters Adjudicated Mentally Incompetent

In two-thirds of states, voters who are adjudicated mentally incompetent are disqualified from voting. In those states, the typical practice is to require the courts to notify election officials at the time of the adjudication, and election officials then cancel the voter’s registration.

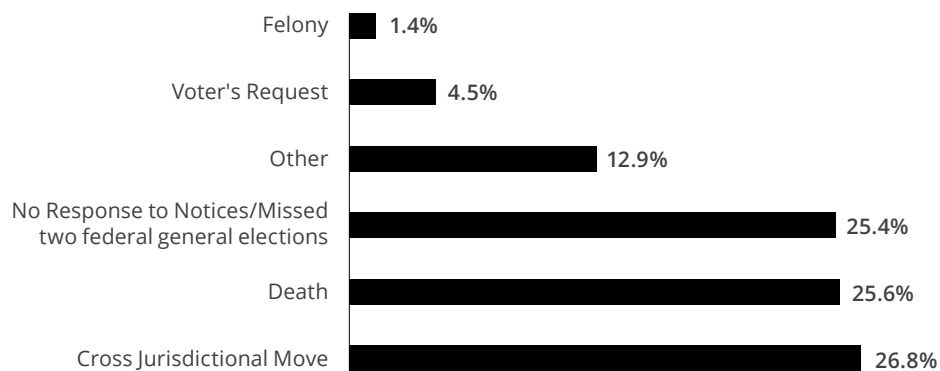
Non-U.S. Citizens

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act, a law that prohibits non-U.S. citizens from voting in federal elections. The law does not apply to state and local contests, although in practice no states make exceptions for state or local contests.

In recent years, a handful of municipalities across the country have passed measures allowing noncitizens to vote in local elections. At the same time, a growing number of states have amended their constitutions specifying that all qualified electors must be U.S. citizens, effectively prohibiting noncitizen voting not just at the state level but in local elections as well. As of 2024, 14 states have such constitutional amendments, and that number is likely to grow.

The U.S. does not keep a list of its citizens, but states can do a lot to identify citizenship for voter registration purposes. This effort starts at the point of registration. Voters may register to vote during the interaction with the motor vehicle bureau where they may have used a birth certificate or passport to get their driver’s license. For security purposes, REAL ID requirements implemented across the country have standardized the documentation necessary to prove identity and legal status within the country, thus confirming citizenship or other status of applicants at the motor vehicle bureau. If proof of lawful residency is used to get a driver’s license, then voter registration should not be offered to the applicant at that point. If a noncitizen becomes a citizen, they are likely to be registered to vote

Reasons Voters Are Removed from Voter Rolls



Source: 2022 Election Administration and Voting Survey (EAVS)

at the citizenship ceremony, and their naturalization documents will pertain. All voter registration forms—including federal forms—require the prospective voter to attest to their citizenship under penalty of perjury.

Inactive Voters

While voters may request that they be removed from the voter list, the NVRA explicitly prohibits states from removing a voter from the registration rolls simply for failure to vote. The NVRA does set forth a multistep process by which inactive voters can eventually be removed from the rolls.

The process begins with the mailing of an address confirmation card to an individual who has not voted for a certain period of time, which varies from state to state but is generally from two to four years. If the voter fails to respond within a specified period, he or she may be designated as inactive in the registration system. Once on the inactive list, if the voter fails to vote, update his or her address, or engage in other election activity such as signing a candidate or initiative petition for a period including two general elections, only then can election officials remove the voter from the registration rolls.

Cross-State Data Sharing

Each state makes its own determination about how best to maintain an accurate voter registration list—and some have determined to use information from other states.

A significant cross-state effort is the Election Registration Information Center (ERIC), a nonprofit interstate compact to which about half the states and the District of Columbia belong. Other efforts are under development, and individual states may make arrangements on their own with neighboring states.

IMPLEMENTATION CONSIDERATIONS

Voter list maintenance can be done yearly, quarterly, monthly, or even daily, as is the case in Colorado and some other states. The frequency and tools used in each state's maintenance program is up to each state to decide. In most states, voter list maintenance is a task shared between state and local election officials. The state is the keeper of the statewide voter registration database and maintains connectivity with state agencies that provide information on potentially deceased or other ineligible voters. Yet local election officials often do the voter-by-voter contacts and address updates. In Alaska, American Samoa, Delaware, the District of Columbia, Guam, South Carolina and the U.S. Virgin Islands, records are modified only at the state or territorial level.

Following state procedures for voter list maintenance can be a lot of work. In larger jurisdictions, a number of full-time staff may be committed to this work. In small jurisdictions, where election officials have many duties beyond elections, this job is one of many—and one that requires precision, especially if new processes are introduced. Often the chief election official's office (often the secretary of state) provides guidance and technical assistance.

Voter list maintenance is a behind-the-scenes activity. To broaden understanding among policymakers, the media and other audiences, state and local election officials may want to consider developing talking points, fact sheets and other materials explaining the importance of keeping voter rolls accurate and up to date, and how it's done.

VOTER PERSPECTIVES

Voters need to know how and when to vote, primarily, and are generally unaware of voter list maintenance efforts. If they have moved or have chosen not to vote for a few years, they may get a non-forwardable confirmation notice in the mail asking if they still live at this address and do they want to continue to be on the rolls. Some states send information notices out to all registered voters providing information on upcoming elections as well.

A voter who has been removed from the rolls will get another notice saying they have been removed; if the voter does want to continue on the rolls, it is a simple fix. If a voter is removed from the rolls and then shows up to vote, they may be asked to vote on a provisional ballot, with registration to be confirmed after the fact.

Voters can cancel their own registrations, but rarely do so. In many states voters can confirm that they are properly registered through an online portal.

PRACTICAL CONSIDERATIONS

Every day, some voters move into a jurisdiction and others move away. Newly eligible voters join the voter rolls when they turn 18, and individuals who are deceased need to be removed from the rolls. Voter list maintenance is the way election officials keep track of these changes and ensure the accuracy of their registration lists. These activities take place frequently and consistently to ensure that eligible voters, and only eligible voters, can be issued a ballot.

As a double-check, election officials may:

- Provide training to staff conducting voter list maintenance activities. Written procedures, including checklists or decision-making flow charts, serve as useful reference tools for staff and ensure uniformity.
- Audit voter registration data by checking for known voters who should be removed from the list, looking for unexpected birthdates and verifying that district information and election geography is correct.
- Ensure only authorized personnel have access to the voter file, and that all security features, including multifactor authentication, are turned on.

AN ELECTION OFFICIAL'S PERSPECTIVE



MARY HALL is the elected county auditor in Thurston County, Wash. Thurston is the sixth-largest jurisdiction in terms of registered voters, with 200,000 from Olympia, two other cities and unincorporated areas. Hall says she was meant for this profession: “Even in my 20s, I thought that if I won the lottery, I would just register voters.”

Thurston County goes beyond NVRA requirements to emphasize proactive voter roll maintenance. Thurston County uses active methods like email and direct mail to reach out to voters to update their voter registrations. This outreach, along with updates by election staff, lead to consistently up-to-date voter registration rolls.

Voter list maintenance, like just about all aspects of election administration, varies from place to place. Here are Hall’s thoughts on how it works in her county:

- “We go above and beyond what the National Voter Registration Act requires to clean up our rolls. We do additional mailings, we use LexisNexis. We have a lot of touchpoints with our voters.”
- “We’re getting a lot of voter challenges by election integrity groups. They brought us a list of about 2,000 names a couple years ago. The list was a little outdated because our transactions are daily. We went through every single one and really didn’t find discrepancies. We found that many of the voters they bring to us are Uniformed and Overseas Citizen Absentee Voting Act of 1986 [military and overseas] voters. We didn’t find any that were illegal or nonexistent; many had already been canceled or inactivated.”
- “We email military voters regularly to ask if they’re still in the military. The last mailing we did, we received over 1,100 mail responses and 249 emails saying they were no longer in the military or not in the state. We could take appropriate action.”
- “We mail to voters who have P.O. boxes or personal mailboxes regularly to ensure they still live where they said they lived. A lot of P.O. boxes and PMBs are in Seattle or elsewhere outside our county. That’s where they get their mail, but they still live here.”
- “For anyone, if we send a mailing, and it is undeliverable, we put them on the inactive list and send them a notice. If they contact us again and tell us where they do live, we’ll take whatever action is appropriate based on their response. Once they are inactive for two federal elections, then we can cancel those voters. Every January after an even-year election, we do a voter list maintenance.”

- “In Washington, if a voter did get canceled, we’ve got same-day registration so they can still vote.”
- “We have a statewide voter registration database now. It went live in 2019. Prior to that, to comply with the Help America Vote Act, the system was ‘bottom up,’ meaning the counties pushed all their data up to the state on a nightly basis. Now it’s real-time and it’s statewide, but the counties themselves are who maintain their records.”
- “We have full-time staff who are dedicated strictly to voter registration. We get registrations every day; most come in online or through Motor Voter [the state Department of Licensing.]”
- “The salaries for my voter registration staff get billed to the cities and towns in the county, and the county itself.”

EAC Resources

- “Best Practices: Voter List Maintenance,” U.S. EAC

Other Resources

- “Legislative Approaches to Ensuring Only Citizens Vote,” NCSL
- The National Voter Registration Act of 1993 (NVRA), U.S. Department of Justice Civil Rights Division
- “Voter Registration List Maintenance,” NCSL

7 | Voter Outreach

SUMMARY

Voters cannot vote unless they know when an election is coming, how to participate in the process and where to vote. By informing the electorate on all these fronts, election officials are also building community trust in the election process. Voter education can take many forms such as the creation of voter guides, voter-centric websites and sample ballots. On a more personal level, many election officials will welcome the public to their facilities, participate in community events and support election observation programs so the public sees how elections are run.

POLICY CONSIDERATIONS

Statutes in many states do not address voter outreach and education requirements, leaving this work largely to the discretion of state and local election officials. Even so, most states have some baseline voter education requirements for informing voters about where and when elections are held, options for registration and voting and providing sample ballots for voters to review in advance.

Like everything else in election administration, states vary in how they get the word out.

Election Voter Guides

At least a quarter of states have statutory requirements for election offices to prepare voter guides.

Voter guides most commonly are prepared by the secretary of state, although they may be the responsibility of the lieutenant governor, a legislative research office, the state's chief election official or local election officials.

In some states, guides may be a couple of pages long, whereas other states may prepare dozens of pages that are compiled into a pamphlet.

The information required in a voter guide varies by state. Common requirements include how to register to vote, polling locations, the date of the election, contact information for local election officials and options for voting—Election Day voting, early in-person voting or absentee (or mail) voting.

Some states, including California, Hawaii and Illinois, allow candidates for certain offices to submit statements or biographical information about themselves to be included in election voter guides. Sometimes these spots in the guide must be purchased by the candidate.

Some states may also include:

- Voter registration and absentee/mail ballot request forms the voter can tear out, complete and send to an election official.
- Information on what identification to bring to the polls, or how to vote an absentee/mail ballot.
- Statements by candidates or committees supporting or opposing ballot measures.
- Descriptions of the duties of elected offices.
- A sample ballot.

Every state with a citizen initiative process has a voter information requirement in statute. Ballot measure voter guides are often a stand-alone pamphlet, but some states combine their ballot measure information into their election voter guide. The guides typically include the text of the ballot measures and may include fiscal impact statements.

Many states also include information to help voters understand the effects of a ballot measure. Some do this by tasking a government official to write a summary of how the law will change. Others allow proponents and opponents to submit arguments for and against the measure, which are then reviewed by a government official.

How a voter guide is distributed depends on the state, with some requiring distribution through several means. One of the most common is a pamphlet. These may be mailed to all registered voters, sent to those who request one or made available for pickup at a public location. California specifically allows voters to opt out from receiving a mailed voter guide, since an online version is available.

Voter guides are likely to be available online in other states too. These may be interactive, allowing voters to easily find their polling locations, election officials or other information that changes based on the voter's address.

Local newspaper inserts created by election officials are also common. A few states have requirements to create braille and audio guides as well.

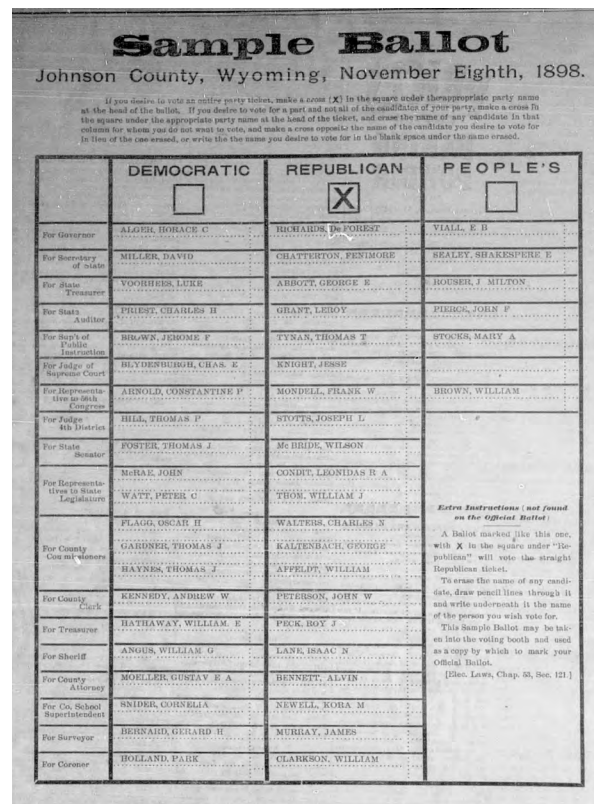
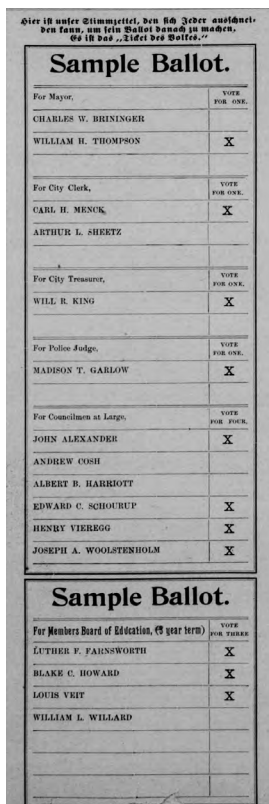
Other organizations also provide information. Political parties often provide guides, but these are intended to support a specific slate of candidates or issues. Civic organizations and media outlets may also produce voter guides. While some voters may find these materials helpful, these should not be confused with official voter guides with official information.

Sample Ballots

Several states require sample ballots to be made available to the public. If printed, sample ballots may be distinguished from official ballots by color, card stock or labels saying they are unofficial. Depending on the state, sample ballots may be posted online, mailed or posted at election offices. Some states also require sample ballots to be printed in newspapers, but most jurisdictions go beyond this requirement and make sample ballots available elsewhere as well.

Sample ballots have been an important part of election administration for a long time. The 1934 book "Election Administration in the United States" by Joseph P. Harris notes, "It is generally recognized [sample ballots] should be made to enable the voter to examine the ballot before the day of the election. It is a common experience for the voter to discover, in marking the ballot, the names of many candidates on it of whom he has never heard, to find that he is called upon to vote for a number of officers that he did not know previously were to be elected, and to find several referendum questions of which he had not heard."

Sample ballots are a good option to inform voters what offices and questions they'll be voting on in an election, and how the ballot is designed. For instance, some races require voters to make just one selection, while others, such as commissions, may ask voters to select several candidates. In jurisdictions that use ranked choice voting, some races will use that system and others are "winner take all." By studying the ballot, a voter can think ahead about their choices and understand the system. Some voters mark a sample ballot at home and bring it with them to transfer their choices onto the official ballot.



Sample ballots have been used throughout the U.S. in some form for over two centuries. Pictured here are two sample ballots printed in newspapers, one from an 1898 Wyoming general election and another for an 1895 Nebraska municipal election printed in a German-American newspaper.

IMPLEMENTATION CONSIDERATIONS

Providing information about where and when to vote is a responsibility of election officials. Election officials, however, differ in the type of voter education they provide. Providing information to the public about how elections are conducted has become an indispensable part of the job. Yet, most election officials do not have funding or staff dedicated to voter education efforts beyond those that are required by law. Moreover, the social media landscape is constantly evolving, requiring specialized skills and dedicated communications staff that most local elections offices do not have and cannot afford.

Despite having few resources available, most election officials view voter education as worth the investment. And research has shown that election officials who engage effectively on social media can improve the voting experience for voters while decreasing the workload on elections offices.

There is no one-size-fits-all method to educate voters. People of different ages, educational attainment and geographic placement may prefer or need different options. To reach the widest possible audience, communication should be accessible and use plain language. For more information on how to communicate in an accessible manner see the EAC's webpage on "Language Access and Accessibility."

When it comes to voter education and outreach, election officials consider:

- **Timing:** Information is best released when it's relevant: That is, information on how to register to vote comes early in the process, and how to cast a ballot comes later. If information is released too early, voters may not notice it. If information is released too late, voters may have too little time to meet deadlines. Designing an outreach campaign in advance may help.
- **Access to information:** Diversifying how information is distributed may broaden the reach of educational efforts. People consume information in a variety of ways, and voters receive unofficial, and perhaps misleading, information from unofficial sources. In the ideal world, official election information would be provided through all or most channels. For those who rely on mail, existing government outreach methods such as county newsletters can point to official sources as well.
- **Media relations:** The media always have been crucial to disseminating election information. Creating relationships with local news (print, online, radio or TV) can help ensure that accurate information about election dates, registration deadlines and election processes are being communicated effectively. Election officials also can work with their jurisdiction's media relations professionals, if available.
- **Credibility and verification:** To help voters identify credible information, official communications should make it apparent that they are, indeed, official. For online communications, election officials can establish a "dot-gov" (.gov) domain name by contacting the federal Cybersecurity & Infrastructure

Some jurisdictions have youth voting experiences where people under 18 can go through the steps as if they were actually voting. Third-party organizations such as Kids Voting USA also support mock elections and other youth-oriented content.

Security Agency. This domain is provided free of charge to jurisdictions at every level. When using mail, election officials can use the U.S. Postal Service’s election mail logo. These are both indicators available only to official sources.

- **Community events:** Many local election officials participate in community fairs, sporting events and the like. It’s not uncommon for them to visit schools either to share voter education as part of civics classes or to run a mock election, possibly on real equipment.
- **Artificial intelligence:** Election officials are still weighing the positives and negatives of AI as a tool for educating voters. For example, using AI tools may help voters get personalized answers and thus free up election officials’ time spent answering common questions. AI tools, however, rely on enormous amounts of data, and instead of querying a database, they generate sentences that seem plausible but may lack accuracy or be out of date. Inaccurate statements from chatbots are often referred to as “hallucinations”—invented statements that have no basis in reality. Voters may seek publicly available AI tools as sources of election information and as a result may receive wrong dates or information. Notifying voters ahead of the election that AI chatbots can be unreliable may alleviate some concerns. AI tools cannot yet replace the need for election officials to provide accurate information through existing channels, including on their websites, social media feeds and local media.
- **Election office tours:** Providing tours of an election office allows the public to get a sense of what goes on behind the scenes. During a tour, election officials often describe their procedures, the equipment (and perhaps allow voting on the participants’ favorite superheroes or ice cream flavors), and other administrative steps that help ensure smooth and accurate elections. Experience shows that once visitors have seen the operations, they feel more confident that the election is indeed well-run.
- **Small vs. large jurisdictions:** Larger jurisdictions may have greater access to advertising resources and dedicated communications staff. In smaller communities, election officials may invest more time themselves in engaging on social media and building relationships with community groups. Strategies depend on resources and the unique needs of each community, and sometimes strategies can be shared with other jurisdictions.
- **Costs:** All voter education efforts require resources, such as staff time or advertising costs. To cover these costs, election officials may incorporate outreach efforts into tasks that are already taking place, such as adding election messaging to jurisdiction-wide mailings or inviting the public and local media to observe logic and accuracy testing. Additionally, partnering with neighboring jurisdictions on outreach efforts can minimize these costs and potentially create a larger reach.



VOTER PERSPECTIVES

Voter outreach can reduce friction in the voting process. The more information people have on how to register, how to vote and when the election is, the easier it is for them to do so.

While election officials have always worked year-round, election administration didn't grab headlines except around the time of the election—until recently. In recent years, election processes have been the topic of new stories year-round. Consistently educating the public on how election processes work can counteract false or misleading information.

PRACTICAL CONSIDERATIONS

All official election information, including voter guides or other voter-facing materials, must be accurate. If an election office provides incorrect or confusing information to voters, this may result in a decrease in trust or disenfranchising some voters. Any public-facing information from an election office must be thoroughly vetted before being published.

To provide accurate information to the public, election officials may:

- Have multiple individuals proofread any public-facing content, including voter guides, websites and social media posts. For materials created by a third party, such as a communications firm, election staff should proofread all materials before publication.
- For materials that include candidate or other ballot information, such as voter guides, send copies to any relevant external stakeholders. These may include candidates, political parties or other government agencies (such as taxing authorities or special districts) that are responsible for placing language on the ballot.
- Use clear and consistent language. For example, any information that is mailed to voters should be consistent with information provided on the election office's website.
- Monitor social media to respond to voters' questions and concerns. When possible, have a communications professional monitor social media activity and be prepared to respond to emergent issues.



AN ELECTION OFFICIAL'S PERSPECTIVE

MARY CLARK is the elected clerk for Delta Township, Mich., and its 27,000 registered voters. Delta is just west of Lansing, the state capital, and has a mix of rural, industrial and residential lands. Clark has long been drawn to policy and service—she worked previously as a policy analyst for the Michigan State Legislature before moving to this position. While appointed at first, she has run (and won) elections in 2012, 2016, 2020 and 2024.

Voter outreach, like just about all aspects of election administration, varies from place to place. Here are Clark's thoughts on how it works in her township:

- “Personally, I see voter education as a critical component of my job. It’s just what you do. I’ve only met one clerk who didn’t feel their responsibility was to get more people to vote.”
- “When I train my election workers, I tell them, ‘You’re the face of the township. I need you to be warm and welcoming, so voters feel you’re excited that you’re there.’”
- “Two years ago, I ran a class, Community Elections 101, many times before the August primary and the November general. People did have to sign up, but there was no cost. We’d spend an hour taking them through what happens on the front end of an election. Then we’d have an hour of Q&A. I’ll answer any question they have.”
- “They need to know an election starts 90 days before Election Day. They should understand that testing of equipment happens, and they can be part of the public test. They can experience what we do. Often it gives them great comfort. They may say, ‘Oh, wow! There’s a lot that goes into this.’”
- “The only way I can combat bad information is by making good information available. Twice a year Delta sends small-print magazines to all residents. We’ve had one focus on elections, and especially highlighting that early voting is new to Michigan.”
- “I have four school districts in Delta Township. One of my school districts has brought me in every year to help students understand elections and get them to register to vote.”

- “Of course, our webpage has all the explanations. On social media, we post deadlines and reminders.”
- “By law, we send a postcard to every voter about early voting. We are required to have nine days of early voting, with eight hours of availability every day. I’ve varied our hours so people can vote in the evening.”
- “It all adds to voter awareness, comfort and trust.”

EAC Resources

- “Building Community Partnerships,” U.S. EAC
- “Language Access and Accessibility,” U.S. EAC
- “Quick Start Guide Voter Education,” U.S. EAC
- “Voter Education Design Toolkit,” U.S. EAC

Other Resources

- “Policies for Election Observers,” NCSL
- “Use Voter Guides and Sample Ballots to Learn About Candidates,” USA.gov

8 | In-Person Voting

SUMMARY

In-person voting is the traditional and most common method to vote if both Election Day voting and early in-person voting are included. To provide in-person voting, election officials must coordinate staff and temporary poll workers, find voting locations, procure and deploy voting equipment and ancillary election technology, address physical security and accessibility, navigate both federal and state law—and more.

In-person voting takes place throughout the nation on Election Day, but most states also have a designated early voting period. These range from three days to 46 days, with an average of 20 days. In 2022, more than two-thirds of voters nationwide cast their ballots in-person, whether by early voting or on Election Day. Rates, however, vary greatly by state. The variation in use of in-person voting is determined in part by variation in state policies and practices on early voting and absentee voting and in part on voters' choices. (See Chapter 9 for more information on absentee voting.) Terminology among states varies, with many using “early voting” and “in-person absentee voting,” and others using their own variations such as “advance voting” and “one-stop voting.”

Early in-person voting was available in a dozen states before 2000. By 2024, it was available in 47 states.

POLICY CONSIDERATIONS

Many features of in-person voting are determined by state law and are uniform for the most part within each state. Policymakers, for instance, may pass laws or regulations that outline what kinds of polling places can be used, where they can be located, the hours they must be open and the equipment to be used. However, some laws may offer flexibility to local election offices on the number of days or hours early in-person voting is offered. Other aspects of in-person voting are determined by election administrators. See below for more on implementation.

Polling Place Types

On Election Day, most voters must go to the polling place designated for their precinct. However, a growing number of jurisdictions consolidate polling places, where several precincts vote in one larger location, or use vote centers, where any voter can vote in any location throughout the jurisdiction. More specifically, options include:

- **Election Day precinct-specific polling places:** Each precinct is assigned its own polling place, and voters must vote at their assigned polling place. Often the polling place is in or near the precinct, although this is not always required.

- **Election Day consolidated precinct polling places:** Two or more precincts are assigned to the same location. These polling places may have a single combined voting precinct, or, despite being housed in the same facility, voters must vote in their assigned precinct at the shared polling location, with their own poll books, ballot styles and voting equipment. Deciding to consolidate polling places is often based on several factors, including the number of voters in each precinct, the size and location of available facilities and expected voter turnout.
- **Election Day vote centers:** Rather than voters assigned to specific polling places based on their precinct, voters can vote at any vote center in the jurisdiction. On Election Day, vote centers are strategically located throughout the jurisdiction.

Early in-person voting often follows the Election Day vote center model. One or more early voting locations serve all voters, and any voter can vote at any early in-person voting location. If there is just one location, it is likely to be at the central election office.

In most states, in-person absentee voting can be distinguished from early in-person voting.

In-person absentee voting may require voters to place their ballots in an absentee ballot envelope, following the same instructions as any other absentee voter. That envelope may not be opened until ballot processing begins for other absentee ballots, as defined by state law.

Early in-person voting looks similar, in many states, to in-person Election Day voting. The voter votes their ballot and most likely runs the ballot through a scanner to cast it or hits the “cast vote” button on an electronic voting machine. While some states will allow preprocessing of early voting ballots, early voting election results are not available until the polls close on Election Day. Early votes, however, may either be included in the in-person voting results or reported separately as votes cast during early in-person voting.

Whether the voter places their ballot into a scanner or an envelope, early in-person voters vote before Election Day.

Polling Place Locations

State law sets requirements on what kinds of facilities can be used as polling place locations, hours of operation, and may determine the number of polling places that are to be provided. Local governing bodies may also have discretion or approval authority to identify polling place locations to meet the needs of the community.

49% of ballots cast in the 2022 midterm elections were in person on Election Day, and 22.2% were cast early in-person.

In urban areas, polling places are usually situated near heavy traffic areas, large residential areas, major employers and public transportation routes. In rural areas, they are often located in easily recognized civic centers within the community.

When locating polling places and vote centers, election officials often rely on government buildings, libraries, community centers and schools. Locations with large residential populations such as nursing homes or universities may be good choices for polling places. If there are not enough locations

officials may rent space in churches, storefronts, residential buildings or any other space that satisfies requirements. All polling places will need plenty of parking, ADA-compliant accessibility features inside and outside the building and a large open space to set up voter check-in stations, voting booths and tabulators, if using precinct-based equipment.

States reported using 94,793 physical voting locations in 2022.

The EAC has a comprehensive guide to polling place and voter center management to assist election officials with site selection, and the U.S. Department of Justice has an “ADA Checklist for Polling Places.”

Technology at Polling Places

Election officials have come to rely on technology beyond the voting equipment itself for in-person voting. Electronic poll books, commonly referred to as e-poll books, are used to check a voter’s identity in an in-person voting location. E-poll books have revolutionized the monitoring of election polling places, allowing the central election office to communicate or receive real-time data on voter check-in and voting activity in the polling place.

E-poll books replace paper poll books (although paper copies are often still available as back-ups) and are typically stored on laptops or tablets. Election workers use them to look up a voter’s information (sometimes by scanning a driver’s license), and in some cases voters sign in electronically. E-poll books provide access to much more information than paper poll books since they can be connected to the voter list for the entire jurisdiction, or even the entire state. Moving to e-poll books can reduce errors and streamline the voting process. For example, if a voter is in the wrong polling location, poll workers can use the e-poll book to identify the correct polling location based on the voter’s address and potentially provide directions.

Forty states reported at least one jurisdiction using e-poll books, according to the 2022 Election Administration and Voting Survey (EAVS). In total, 35.1% of jurisdictions that responded to the survey reported using e-poll books. In general, larger jurisdictions are more likely to use them.

Some states have established functionality and security standards for e-poll books or instituted a certification process similar to those established for certifying voting equipment. Others have implemented statewide policies for their use or provided procedural guidance for jurisdictions.

If e-poll books are used, they may be connected to the voter registration database to allow for real-time updates of voter history. Particularly in states that permit voters to register and vote on the same day, this feature serves as an extra security feature to ensure that a voter has not already registered and voted elsewhere in the jurisdiction or state. E-poll books are never connected to voting equipment itself.

Other states specify that e-poll books cannot be connected to the internet. They may be pre-loaded with a point-in-time copy of the voter registration database, and at the end of the day, the voter history recorded at the polling place is uploaded to the voter registration database.

Either way, e-poll books require cybersecurity and physical security measures, including chain-of-custody procedures. For more information about e-poll books, see EAC’s “Electronic Poll Book Report.”

IMPLEMENTATION CONSIDERATIONS

While the line is not distinct between choices made by policymakers and those left to election officials, below are common tasks that are mostly determined by local choice. Staffing is key. (See Chapter 12.) So is voting equipment. (See Chapter 13.)

Beyond these two core responsibilities, election officials focus on interior arrangements, exterior requirements, the processes for setting up and taking down the polling place—and plans for emergencies.

Place Arrangements (Interior)

When possible, each polling place is arranged inside so that voters follow a clear path through the stations and exit in a different place than they entered, ensuring a one-way flow. An efficient flow will keep voters moving through the polling place and reduce wait times.

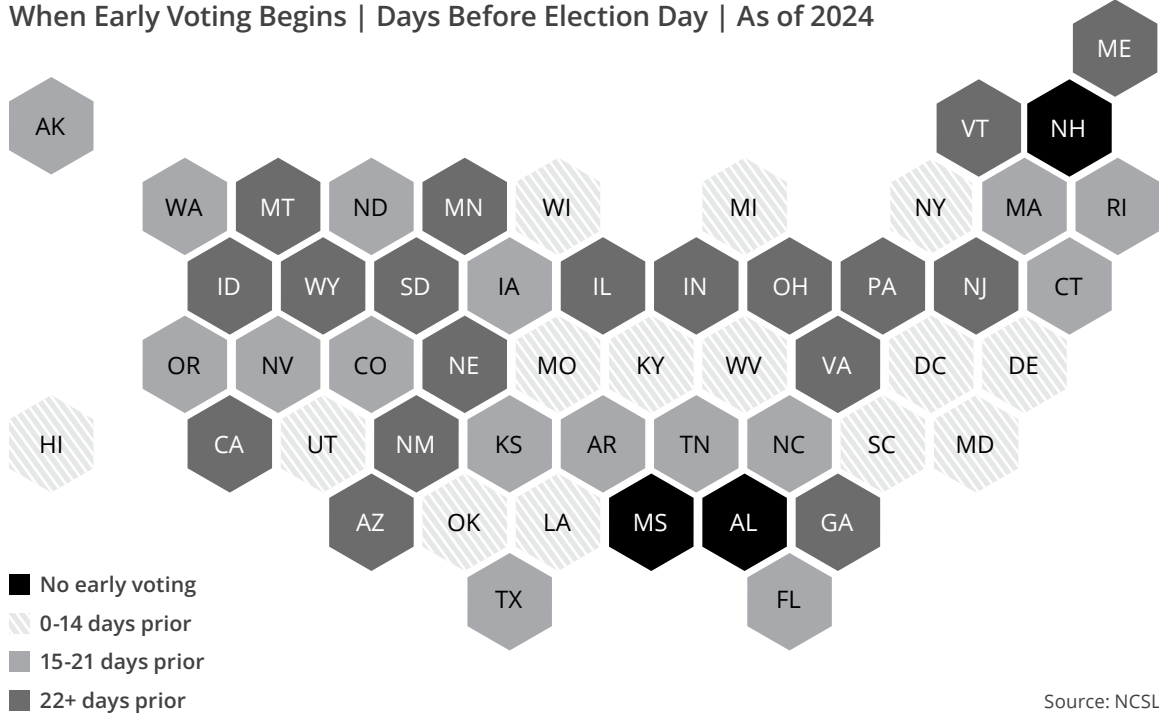
Each polling place will need one or more voter check-in station, a table for handling any voters where checking in is not routine and several private spaces for voting secretly. Local election officials may use online tools to design their polling places, like the Center for Civic Design’s field guide on polling place layout, MIT’s calculators for polling place optimization, the University of Rhode Island’s polling place diagrams and simulation modeling, or the EAC’s Election Processes simulations.

If using e-poll books, election officials will consider how many e-poll books are needed in each location for voter check-in and what backups are available should there be malfunctions or connectivity issues. Election officials should also work alongside their e-poll book designer (whether commercial or in-house) to conduct training for all authorized users, with particular attention to poll workers. Training should address the basic functions of the e-poll books and troubleshooting procedures for technical issues.

When ordering ballots, local election officials determine in advance how many to order for each ballot style and polling place. The total number of ballots ordered includes a certain percentage of registered voters, as well as additional ballots to account for fluctuations in turnout, spoiled ballots or, where applicable, same-day registration. Some states are explicit about how many ballots must be ordered. These rules typically require that enough ballots be printed for a certain percentage of active registered voters. Alternatively, some jurisdictions use on-demand ballot printers, especially in polling places that serve more than one precinct. These on-site printers use blank ballot stock instead of pre-printed ballots. Because of this, they may have a higher cost per ballot than bulk orders, but don’t require printing ahead of time. Election officials will also determine the number of provisional ballots to be provided to precinct officials for use by voters not on the official list of voters or those voters whose eligibility cannot be determined at the polling place.

Both voted and unvoted ballots need to be secured throughout the election process. States may have specific laws regarding how ballots are stored during early in-person voting, before Election Day and after Election Day. More information about chain-of-custody procedures can be found in in the EAC’s “Best Practices: Chain of Custody.”

When Early Voting Begins | Days Before Election Day | As of 2024



State law or regulations may require posting a voter’s bill of rights, a sample ballot and voting instructions inside polling places. Section 203 of the Voting Rights Act requires covered jurisdictions to provide ballots and all voting materials in specific languages in addition to English.

In addition to voting equipment and ballots, every polling place requires a set of supplies: voting booths, voter registration lists, printed instructions, pens, paper and other office supplies. Chairs will be needed for poll workers and any voters who cannot stand for long periods.

The volume of supplies may require election officials to work with commercial trucking companies or coordinate with other government departments to take advantage of government-owned vehicles. State law may require additional security measures when transporting voting machines and ballots, such as escorts by law enforcement, especially once votes have been cast.

Every voter has the right to vote privately and independently. To preserve this right, federal law requires that that voters, including those with disabilities, be provided the option of voting in an accessible manner. Paper ballots, marked by hand, present challenges to voters with low vision or who have difficulty with writing. In federal elections, all voters have the option of using accessible voting machines to mark their ballots. These machines can read audio ballots to voters and provide accessible controls for making selections on the ballot. Under the VRA, voters also have the option to receive assistance when they vote at the polls. Voters may bring someone of their choice to assist them, with the exception of their employer or an agent of their employee union. Some states may place additional requirements on individuals who assist voters at the polling place.

Polling Place Arrangements (Exterior)

Outside the polling place, “Vote Here” signs may need to be numerous and placed outside of the polling place to direct drivers to the entrance.

Where voters wait is also an important consideration. Rain can dampen voter participation, so election officials plan where lines may form and aim for a polling place that will enable a line to be protected from inclement weather, if possible. Lines also need to be accessible for voters with disabilities.

Election officials plan for electioneering prohibitions. Electioneering is broadly defined as attempting to influence voters directly. State restrictions on electioneering generally prohibit more specific conduct, like displaying campaign signage or distributing literature at a polling place. Most important, states will typically ban electioneering within 50-200 feet of the polling place. Ensuring that this boundary is clearly and accurately marked will benefit both poll workers and campaigners. See NCSL’s webpage on “Electioneering Prohibitions Near Polling Places.”

Although not federally required, some states allow voters with disabilities or voters over a certain age as specified in state law to vote curbside outside of a polling place. This generally involves parking in a marked location and having a ballot or ballot-marking device be brought by an election official. The ballot will then be marked in the presence of the election official, who will return it to the polling place to be counted. Curbside voting needs to be conducted in a clearly marked area that enables voters to cast their ballot privately while remaining close enough to the polling place for workers to serve them quickly.

Emergencies

Security issues at polling places need to be handled carefully to ensure voting can continue or quickly resume. To plan for such emergencies, election officials likely stay in close contact with local law enforcement starting months before the election. Poll workers or local election officials at each polling place should be able to contact law enforcement quickly and directly. Many states prohibit law enforcement from being present at polling places to avoid a chilling effect on some voters.

Elections often need to continue during local or national emergencies. To be prepared for those emergencies, election officials need a continuity-of-operations (COOP) plan for every part of the election effort. This should cover everything from flooding in a single polling place to a broad emergency like the COVID-19 pandemic.

Setting Up and Taking Down Polling Places

Preparing for in-person voting starts well ahead of time. Often equipment and supplies can be delivered the day before the polling place opens. Every day during early voting it is likely that vote tallies will be brought to a central location. At no point will voted or unvoted ballots be left unsecured. On Election Day, staff are likely to arrive at least an hour before polls open. A major worry for most election officials is that staff won’t be ready on time, so they will be prepared with backups for technology and people.

“I Voted” Stickers

For years, “I Voted” stickers have been a way for election officials to offer a thank-you to their voters and for voters to show pride in voting. During elections, these stickers remind us of our important right to vote. Many people proudly wear the sticker to show their commitment to shaping their communities through voting. They are displayed on items like clothing, laptops, water bottles and social media profiles, serving as a powerful symbol.



Additionally, many counties take pride in the artwork that goes onto the stickers. Often, the artwork featured is the result of fun and creative contests held in schools for students. Within the contests, students can both showcase their art skills and become civically engaged. These contests are also open to the public. In Coconino County, Ariz., contest officials have encouraged artists to portray artwork that incorporates “I Voted” in Spanish, Navajo and Hopi languages. Although the stickers might seem simple, they are an important gesture that brings together people from different backgrounds with the common goal of expressing their democratic voice.

After the polls close, the work continues. Often, state law requires that results be posted publicly outside of each polling place. Ballots must be secured, supplies must be packed and all must be securely transported to a central counting center or storage facility.

Once all post-election activities have been completed and results are certified, voted ballots are stored in a secure location. Federal law specifies that all voted ballots in federal elections must be maintained for at least 22 months after Election Day.

VOTER PERSPECTIVES

For voters, priority No. 1 is knowing how to participate in the process. For in-person voting, that means knowing where and when to vote. Once at the polling place, a voter can ask a poll worker for assistance if needed.

Once there, a voter’s good experience at a polling place is the product of good planning on the part of election officials. If voters experience short lines, clear signage, adequate supplies and equipment, and especially well-trained poll workers, they will be satisfied. Since polls are usually open for 11 or more hours on Election Day, allowing voters to choose a time that is convenient for their schedule is important. Fortunately, most voters do have good experiences, and that (plus getting an I Voted sticker) bolsters their confidence in elections.

PRACTICAL CONSIDERATIONS

Voting in person, whether before or on Election Day, is the most common way for American citizens to vote, and evidence suggests that voters’ trust in elections is in part dependent on their personal

experiences at polling places. How polling places are organized and managed makes a difference to the overall voter experience.

To help make in-person voting a positive experience, election officials may:

- Prepare checklists for each polling place, and train poll workers to use the checklists when setting up and administering the election.
- Prepare equipment well in advance and double-check all security and chain-of-custody procedures.
- After the election, review the polling place setup procedures and make adjustments before the next election. Some states conduct post-election procedural audits to ensure required processes were properly followed and to inform future training.
- Track the number of voters in each polling location using electronic poll books or other voter data. These figures may provide helpful information about which locations and times are the busiest, which can then be used to adjust staff or equipment allocated to each location.



AN ELECTION OFFICIAL'S PERSPECTIVE

JULIE FREESE is the county clerk in Fremont County, Wyo. Her county has 14,700 registered voters and is home to the world's oldest paid rodeo: the Pioneer Days Rodeo.

Freese came up through the ranks, working for the county almost since college: "I fell in love with elections. For the most part I still love it."

In-person voting, like just about all aspects of election administration, varies from place to place. Here are Freese's thoughts on how it works in her county:

- "People feel voting is their time to see people and connect with their community."
- "A lot of people like to see their ballot go through the machine and know that it is done. Early voting is convenient, and they can still see their ballots go through."
- "We've got one shot at an election. You don't get a dress rehearsal."
- "We've gone to vote centers because we couldn't find enough election judges for all my precincts. We had to go to electronic poll books to do that. Wyoming has same-day registration, and we can now do HAVA checks on-site [checks on residency], and we can check for felons or others who aren't qualified to vote."

- “I stay awake at night worrying about making sure all our machines are working and that we don’t have any huge problems on Election Day, and that we have backup plans. When we beta-tested our new system in 2022, the e-poll books were down for an hour. That caused lines and even for an hour, some people chose not to vote, and they were skeptical.”
- “Wyoming has been working on uniformity and chain of custody [for equipment and ballots] for the last couple of years. I was surprised to realize recently that some states are still struggling with that.”
- “When we deliver equipment to the vote centers, our building maintenance guys get qualified to do that. There are check-off sheets for deliveries and we have game cams—like cameras used to detect wildlife—on all the time except while people are actually voting.”
- “We have couriers—usually off-duty police officers or election judge managers—bring back a locked bank bag with USB sticks, tapes and reports from the vote centers. We unlock those bags and upload the results from the USB. The ballots themselves are locked in the ballot box, which is sealed, and then the voting machine itself is locked and sealed.”
- “We’ve had a great run here in Wyoming, and we’ve had no fraud cases, but the fear is still here.”

EAC Resources

- “Election Supporting Technology Evaluation Program—ESTEP,” U.S. EAC
- “Election Administration and Voting Survey (EAVS) Comprehensive Report,” U.S. EAC
- “In-Person Voting,” U.S. EAC

Other Resources

- “Early In-Person Voting,” NCSL
- “In-Person Voting,” MIT Election Data + Science Lab
- Rapid Architecture Based Election Technology Verification Program—RABET-V, Center for Internet Security
- “Voting on Election Day,” USA.gov

9 | Absentee and Mail Voting

SUMMARY

Absentee voting has a long history in the United States, and is available in every state. Despite its long history, absentee voting was relatively rare for most of the 19th and 20th centuries. Today, however, casting a ballot by mail is a more common feature of U.S. elections, and many voters prefer the option of voting at home early or when they do not believe they will be in the jurisdiction during in-person voting. Known as advance voting, mail voting and other names, absentee/mail voting differs from in-person voting in many ways. In fact, some election administrators see their absentee voting operations as running a separate election alongside in-person voting, and some jurisdictions even split the duties between two different offices. Absentee/mail voting requires processes to identify who gets a ballot, how they get a ballot, how the ballot is verified, processed and counted, and security measures throughout the process.

POLICY CONSIDERATIONS

Use of Absentee/Mail Ballots

All states have some form of absentee voting, and the use has been growing. The MIT Election + Data Science Lab found that in 1996 absentee/mail ballots accounted for 8% of all votes. By 2018 this number had risen to 23%. This increase can be attributed to both voter choices and shifting policies, including the fact that well over half the states have adopted no-excuse absentee voting that allows any voter to cast an absentee/mail ballot without providing an explanation or reason. As of 2024, eight states plus the District of Columbia have transitioned to mostly mail voting as the primary method offered to voters. (See Chapter 10 for more on mostly mail voting.)

The COVID-19 pandemic likely accelerated the trend of increased absentee/mail voting, with 43% of voters using it in 2020. Post-pandemic, 32% of voters used it in 2022, according to the 2022 Election Administration and Voting Survey (EAVS).

As more people opt to vote by mail it becomes much more important to clarify all the processes involved, from who can apply and when, how ballots may be returned and when they can be processed.

Applying for a Ballot

In states that allow no-excuse absentee voting as an option—as opposed to the mostly mail states—before an absentee ballot can be sent to a voter, the voter must complete a paper or online application. (In states that use mail voting as their primary method, an application is not required.)

Federal law requires states to allow military and overseas voters to apply for an absentee/mail ballot for federal elections. In most states, any voter can apply for an absentee/mail ballot. In a minority of states, some reason is required for voters to apply for an absentee ballot. Acceptable reasons for requesting an absentee ballot vary by state, but common reasons include age, disability status, traveling outside the jurisdiction on Election Day or having an illness.

The increase in the use of absentee/mail ballots is partly due to legislative policy choices (permitting no-excuse absentee voting, creating permanent absentee lists, creating online portals to request absentee ballots). Another factor is the choices of individual voters who may prefer the convenience of absentee/mail ballots.

How people apply for an absentee/mail ballot varies. One option is through a paper application. Voters either show up to an election office or print out an application and mail or hand-deliver the application to the election office.

Who can complete and return an absentee request can vary across states. Some states restrict or prohibit this practice and allow only the voter, a close family member or caregiver to complete and return an application while other states allow members of the public to assist.

In addition to paper applications, over a third of states have online application portals for requesting absentee/mail ballots. Often, these portals are linked with portals for online voter registration. Electronic requests can save time and reduce errors.

Most states set deadlines for the return of absentee/mail ballot applications, often requiring applications to be received more than a week before Election Day. This is to give election administrators time to process and mail out the blank ballot. Some states allow applications to come in as late as the day before the election. In those cases, the request would have to be made in person and the ballot delivered to the person on the spot. Emergency circumstances allow voters in many states to apply for an absentee ballot on Election Day.

To streamline processing, a third of the states have established permanent absentee lists. Voters on these lists may be sent a ballot or a ballot application for every election for a year, two years or permanently. Permanent absentee lists are a convenience for voters who may prefer mail voting on a regular basis. They also reduce the time election administrators spend processing absentee ballot applications. Since people rarely let their election officials know when they move, having permanent lists does mean some ballots or ballot applications will be printed and mailed to people who are no longer in the jurisdiction. Returned election mail can help election offices conduct voter list maintenance activities.

Distributing Ballots

After the voter applies for a ballot and their information has been verified, the blank ballot is mailed. Every state has a different time frame when mailing can begin, some several weeks before the election, but more commonly mailings begin about a month before the election. Ballots for voters covered by the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) of 1986 must be mailed or made

electronically available at least 45 days before the election, as discussed below. (See Chapter 19 for more on military and overseas voters.)

When a mail ballot is sent to the voter, instructions on how to mark selections and a return envelope are included. Well-designed voting materials can reduce voter errors in ballot marking. Over a third of states require a secrecy sleeve to be included with an absentee ballot to separate a voter's ballot from their identity and other personal information. Sometimes the ballot instructions double as a secrecy sleeve, as is the case in Colorado.

Although mail is the most common way to send a blank ballot to a voter, some voters may request and pick up an absentee/mail ballot in person.

For military and overseas voters, absentee ballots can be distributed electronically per the Military and Overseas Empowerment Act (MOVE Act). A handful of states have extended this option to request and receive a blank absentee ballot to additional voters including those with disabilities or first responders who have been called away from home. Electronically delivered ballots avoid the risk of having mail lost or delays in the postal service especially when sent to other countries or to remote areas. However, electronically delivered ballots require additional processing steps such as securely duplicating ballots or otherwise ensuring these ballots are accurately reflected in the final vote totals.

Returning a Ballot

After the voter marks their ballot, they return it to their election office. Ballots can be returned by mail, in person or to a drop box. Some states require ballots to be postmarked by Election Day but received by a certain date while others require ballots to be received by Election Day. This means that if there

Even if the voter does not affix postage to a ballot, the postal service will deliver it. The jurisdiction may be charged for the delivery, but that comes after the ballot is delivered.

is a delay in the postal service, a ballot may not be received in time to be counted. To mitigate this concern, the U.S. Postal Service makes many services available to election officials, including Intelligent Mail Barcodes, special tags and logos, and more to ensure that every possible ballot is delivered to the jurisdiction on time. The Postal Service also projects the average days necessary for the timely return of election mail or ballots and this information should be shared with voters to consider the best course of action.

Some states provide postage-paid return envelopes. Most do not, so voters must affix adequate postage to return their ballot by mail.

To avoid uncertainties related to the postal service, some voters may opt to return their ballots through other means. In about half the states, dedicated drop boxes are an option. Many states have laws requiring that these receptacles have security features such as 24/7 surveillance and requirements that ballot drop boxes be securely mounted to the ground. Ballot boxes may be distributed around the locality, in or outside election offices or other government facilities, or placed at early voting sites or polling places.

Depending on state law, ballots are collected from drop boxes by teams of election workers either daily, as needed, or when the polls are closed. Some states require the use of drop boxes and set the number to be provided in each jurisdiction. Others authorize drop boxes as a local option with flexible guidelines, and still others are silent in statute on drop boxes. Some states have prohibited the use of drop boxes.

Some states track the use of ballot drop boxes and others do not. According to the 2022 EAVS, for the 24 states that were able to report data, nearly 13,000 drop boxes were reported to be in use. Overall, 39.7% of mail ballots (as opposed to all ballots) were returned to drop boxes. That amounted to 20.9% of all ballots.

Voters can often deliver their ballots directly to an election office, and, depending on the state, they can give their ballot to another person for hand delivery. Who may deliver a ballot on a voter's behalf depends on the state. Some allow anyone to return a ballot for another person while others may restrict that right to only family or household members. In recent years, states have been fine tuning their laws on "ballot collection"—who can return voted ballots and how many. At the high end, Vermont permits an individual to return no more than 25 ballots on behalf of others, and at the low end, a number of states are explicit that only the voter can return their own ballot.

Voters who are overseas cannot always get their ballots mailed back on time, given processes in both foreign and domestic mail services. Because of this, half the states permit certain voters to return their voted ballots electronically. A few states allow voters with disabilities to do so as well. These ballots may be returned as a fax, an email attachment, or, in a smaller number of states, through an online portal. These ballots must then be processed by election officials so they can be read by voting equipment—most often through a process known as ballot duplication.

Additionally, military and overseas voters have the option of returning a Federal Write-In Absentee Ballot (FWAB). In many states, this form serves as a voter registration form, absentee ballot application, and

History of Absentee Voting in the U.S.

Absentee/mail ballots are not a new phenomenon. During the Revolutionary War, there is an account of Continental Army soldiers sending a letter to their town hall in New Hampshire wanting their votes counted while they were deployed. Ultimately the soldiers were allowed to have their choices counted.

The more formal version of absentee voting came about during the Civil War where ballot stations were brought to areas where soldiers were stationed, and after they voted, the cast ballots were returned to states by trained personnel. Most Union states allowed remotely located soldiers to vote while in service for the 1864 presidential election between Abraham Lincoln and George McClellan.

an emergency backup ballot. Military and overseas voters can use this form to write in their preferred candidates for federal office, and these choices will be counted if their official absentee ballot is not returned in time to count for the election.

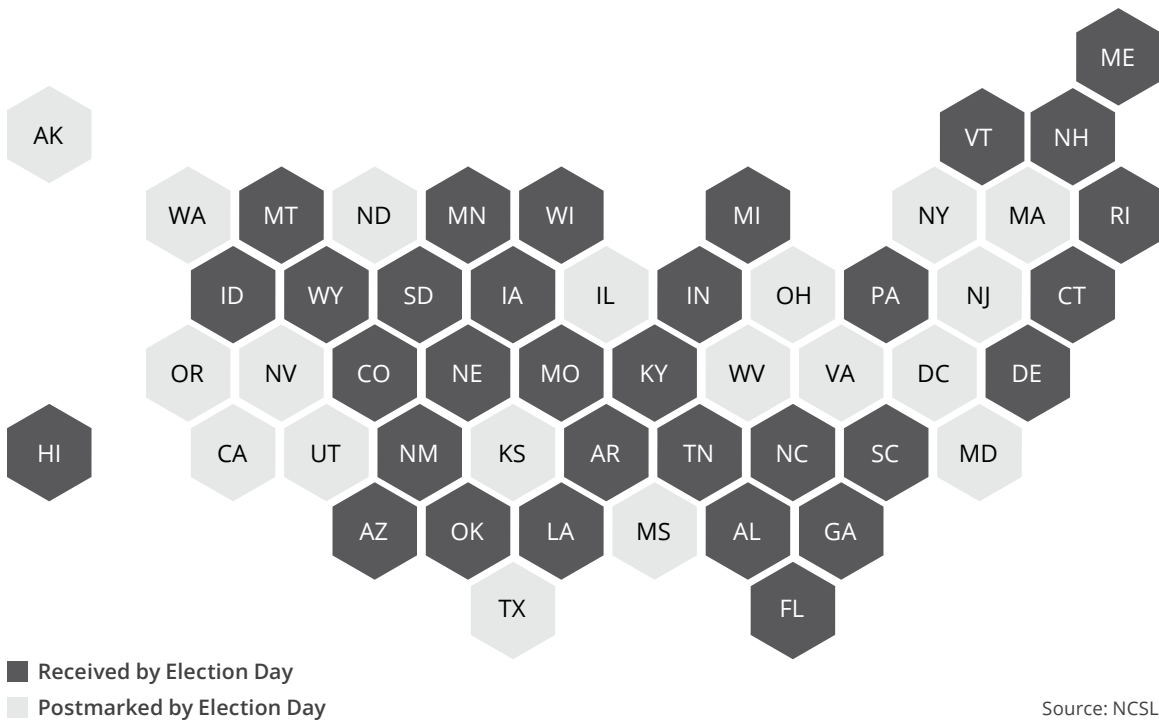
Processing and Counting Ballots

Once ballots are received by the elections office, voter verification and processing may be able to begin depending on state law. Some states allow election officials to begin processing voted mailed ballots as soon as they are received. Others require election officials to wait to open ballot envelopes until a specific time, such as Election Day, or a specific day before Election Day. Ballot processing involves removing the ballot from the envelope and secrecy sleeve (if there is one), unfolding and flattening it and, in many states, running it through a scanner. It is common practice not to tabulate or count and release vote totals until the close of polls. Many states explicitly require this. Most states allow processing to begin a few days or even weeks prior to the close of polls. By doing so, absentee/mail ballot results can be released more quickly when the polls close.

Many states have established online ballot tracking systems that allow voters to see when their cast ballots have been received at an elections office. These ballots are tracked through the use of the postal service’s Intelligent Mail Barcodes.

States set requirements for verifying that the right person voted an absentee/mail ballot. Most commonly

Receipt and Postmark Deadlines for Absentee/Mail Ballots as of 2024



Source: NCSL

this is done by comparing the signature on the outer envelope to a signature in the voter file. A dozen states ask for witness signatures, notarized signatures or other ID for verification purposes. Some states also require additional information to be properly completed on an envelope before the ballot is processed.

States follow different procedures when the signature on the ballot envelope does not match the signature in the voter file. Often, voters have an opportunity to “cure,” or remedy, the inconsistency. In this case, election officials reach out to a voter to request that they appear in person to verify their ballot, or otherwise submit documentation to verify. Some jurisdictions permit this “cure” process to occur over the phone or by text. Some states also allow voters to track their ballots, providing voters with immediate confirmation that the elections office has received their ballot and whether it is eligible to be counted.

Results are released to the public on election night. (See Chapter 14 for more on election returns.)

IMPLEMENTATION CONSIDERATIONS

Absentee/mail ballots pose different implementation challenges than in-person elections. In states that have a high volume of absentee/mail voting, local election officials create a second set of procedures in addition to their in-person voting procedures.

- **Hiring and training:** Absentee/mail ballots require many processes that differ from traditional polling, such as collecting ballots from drop boxes, verifying signatures, contacting voters for ballot curing, processing the ballots, etc. Election workers are likely needed for a few weeks, not just a day or two, to manage absentee/mail voting. They require specific training so the ballots are handled efficiently and in accordance with state statutes.
- **Handling absentee/mail and in-person ballots:** When absentee/mail ballots are returned, election officials have additional batches of ballots they must store and handle. Voted absentee/mail ballots may come in days or weeks before Election Day, often well before many states allow them to be processed and counted. This requires cast mailed ballots to be stored in a secure location for that period, during the election and beyond.
- **Additional equipment:** In jurisdictions with low volumes of absentee/mail ballots, these ballots may be processed using polling place-based scanners. As volume grows, high-speed centralized equipment may be required. This may include mail sorting machines, equipment to open envelopes and high-speed scanners.
- **Additional printing and mailing costs:** In addition to ballot printing costs, absentee/mail ballots require the printing of outgoing envelopes, security sleeves (if required), return envelopes and instructions. Some states require postage to be paid for the return envelope, an expense usually borne by the local jurisdiction.
- **Ballot-marking errors:** Errors in marking ballots do occur. These errors can include selecting too many candidates for a particular race (an overvote) or not voting the maximum number of selections they are allowed (an undervote). When errors are made while voting at home, voters cannot be prompted by the voting equipment to correct their ballots.

- **Bipartisan teams:** When transporting ballots from drop boxes, processing envelopes, or tabulating ballots, elections offices rely on teams—usually bipartisan teams—to ensure that all ballots are handled securely and accurately.

VOTER PERSPECTIVES

Whether voting in person or at home, the clearer the process the better. For some, voting absentee/mail is a deviation from what they see as the norm: Voting on Election Day in a polling place.

For many, the ability to vote absentee is a convenience. A survey conducted by the Pew Research Center found that 66% of voters stated convenience as one of the top reasons they voted by mail in 2020.

While voters may not be aware of this, mail ballots have higher rejection rates compared to in-person ballots. While still small, any variation in rejection rates is significant. The national rejection rate for mail ballots in 2020 was around 0.8% for all ballots, with some states having rejection rates of 5% or more. Ballots may be rejected because of missed deadlines, signatures that cannot be verified, or voters casting a ballot in person (resulting in their mail ballot being replaced by their in-person ballot). Voters should be aware of the average number of delivery days to send mail to determine the best course of returning an absentee/mail ballot to the election office.

Rural Voters

In many parts of the country, voters may have to travel long distances to a polling place, especially in lightly populated areas. Research has found that those who live farther away from a polling place are less likely to vote. Absentee/mail voting may mitigate this issue. Notably, several Western states with geographically large jurisdictions have mostly mail policies.

Nontraditional Mailing Addresses

Some rural voters, especially voters who live on Native American reservations, may have nontraditional mailing addresses and have difficulty receiving or returning mail. According to the EAC's report, "Voting Access for Native American Voters":

Addresses on tribal reservations are assigned by tribal governments, not cities, counties, or other non-tribal agencies. Because each tribal entity has its own governance structure, tribes may not have adopted local ordinances to name roads, assign numerical addresses, put up road signs, or other conditions to assign a situs address to every residence. Although the National Mail Voter Registration Form provides the opportunity to physically describe where a voter lives using a map, it can be difficult for both the voter and election officials to determine the exact place of residence if the information provided is unclear or unfamiliar. In addition, tribal members often receive their mail at post office boxes or other locations besides their residence address because of the lack of home delivery. This can lead to delays in the voter registration process and receiving or sending election materials by mail.

Voters With Disabilities

A report produced by the EAC found that in 2022 around 42% of voters with disabilities voted by mail compared to 35% of voters without disabilities. However, voting by mail may be inaccessible for voters with disabilities that affect their ability to read a paper ballot or manually mark their selections. More information about serving voters with disabilities who vote by mail can be found in the EAC’s “Checklist for Accessible Voting by Mail.”

UOCAVA Voters

UOCAVA protects voting rights for those in active duty and citizens living abroad. This law was later amended by the MOVE Act, which, among other things, established that absentee ballots for UOCAVA voters must be sent 45 days before an election and that electronic transmission of blank ballots must be available. There is no requirement for states to permit voted ballots to be returned electronically. The act also allows these voters to register to vote through a Federal Post Card Application (FPCA), which in most states also serves as an absentee ballot request. It also allows these voters the opportunity to fill out a Federal Write-In Absentee Ballot (FWAB) that acts much like a FPCA but additionally allows voters to write in their choices for federal offices. The FWAB serves as a backup ballot in case the official ballot is not received by the voter. (See Chapter 19 for more on military and overseas voters.)

PRACTICAL CONSIDERATIONS

As absentee and mail voting has become more common, the methods used for managing mailed ballots have adapted to this increase. While state laws and procedures vary widely, mailing voting materials can serve as helpful touch point for voter list maintenance and other customer service activities.

To help with managing absentee and mail voting, election officials may:

- Review their state’s rules regarding ballot curing. Communicate these rules clearly and consistently, especially for voters whose ballot envelopes cannot be validated.
- Conduct regular voter list maintenance, including reviewing contact information when possible for voters. Having up-to-date contact information—including phone and emails even though these are not required by law—may be helpful if a voter needs to be contacted to cure their ballot.
- Provide ballot tracking options for voters, depending on state law and procedures. These tools allow voters to track when ballots are sent and received by the elections office, and some systems allow voters to track their ballots as they travel through mail. Ballot tracking also provides election officials with data they can use to ensure all ballots are accounted for.
- Provide signature verification training to staff.
- Consider technology needs, especially tools that may decrease long term costs as mailed ballot volumes increase. Folding machines, mail sorters, and envelope openers may make financial sense when compared to the staff time needed to complete these tasks.

AN ELECTION OFFICIAL'S PERSPECTIVE



ERICA JOHNSRUD is the elected auditor/treasurer in McKenzie County, N.D. McKenzie County was the fastest-growing county in the nation between 2010 and 2020, due to the Bakken Formation oil field and the workers it attracts.

Johnsrud sees about 5,000 voters for each general election—but has no registered voters. That’s because North Dakota is the only state where voter registration isn’t required. Instead, to be eligible to vote a person needs to be a U.S. citizen, have a valid form of North Dakota identification, be 18 years of age or older, and have resided in their precinct for 30 days. (Counties do keep lists of those who have voted and do get information from state records on others who may be eligible.)

Johnsrud found her way into elections as so many people do—by accident. She has a Ph.D. in cell biology and anatomy. After 13 years in that field, she shifted to government service and found “my familiarity with numbers and all the things I learned in science applied really well. I love it. Every day is different.”

The administration of in-person polling places and mail voting operations simultaneously, like just about all aspects of election administration, varies from place to place. That’s especially the case in North Dakota. Here are Johnsrud’s thoughts on how it works in her county:

- “We’re a transient community—we are near the oil fields—so we went to vote centers, where any qualified voter in the county can vote at any location. About 40% of our voters vote by mail, and 60% vote in person.”
- “We only send ballots to qualified electors who request one. Voters have to apply to receive an absentee, or vote by mail, ballot. We do, though, send a blank application to all our active voters. When they return the application, we verify who they are through personal identifying information and their signature, and we match that to our records in the statewide Central Voter File. Only when all of the information matches do we send a ballot.”
- “Anybody can vote by mail or by absentee ballot—no reason is needed in North Dakota. Voting by mail and voting by absentee are the exact same process in North Dakota, so often those terms are used interchangeably. Voters can come to the desk counter for an application, we post the application in the newspaper, and applications are

available online from the county or the state. A voter can request to vote by mail or by absentee for one calendar year at a time.”

- “When an absentee ballot gets returned to us, we go into our system and mark that it’s been returned. This ensures the voter is marked as having already cast a ballot for that election. We then check the signature against the signature on the application for a ballot, put those two things together, and set them aside until our Absentee Election Board begins their work. North Dakota law allows this board to begin processing these ballots three business days prior to the election but results aren’t available until the closing of polls on Election Day. This board of election judges [poll workers] work at the courthouse and go through every single ballot and application, verifying the signatures and making sure all information matches. This ensures in the Election Day poll pads that those voters have been marked as already voted/cast their ballot and are not able to vote a second time. Once the board accepts the ballot, the affidavit envelope is opened and the ballot (inside the secrecy envelope) is removed and placed together with other ballots within their secrecy envelopes. The application is then placed inside the affidavit envelope for retention. Then the election judges mix the ballots, still in their secrecy envelopes, before removing the ballot and initialing it. That makes them official ballots and they are ready to count on Election Day.”
- “Only official (initialed) ballots are able to be counted in the event of an automatic or demand recount, which makes that a very important step of the Absentee Election Board. This process is different than if a person votes in person on Election Day, where the judges initial the ballot making it official just before they hand the ballot to the voter.”
- “If we get a ballot anytime during the absentee ballot process and the signatures don’t match, we reach out to the voter and the voter has until the canvass board meets to come in person and do what they need to do to fix or cure the problem. We send them letters, call them, or whatever we can do to let them know this needs urgent attention.”
- “Financially, it’s a wash for expenses when we moved to being a vote-by-mail county rather than precinct-based. Being able to cast ballots in any polling location is a benefit to our citizens. There is more postage and printing for the mailings, but we need to recruit fewer poll workers, which continues to be a challenge.”
- “It’s absolutely the voter’s choice to vote by mail, by absentee or in person. As long as people get out and vote, I’m happy with whatever option they choose is best for them.”

EAC Resources

- “Election Administration and Voting Survey (EAVS) Comprehensive Report,” U.S. EAC
- “Voting by Mail/Absentee Voting,” U.S. EAC

Other Resources

- “Absentee Voting in the Civil War: Ohio Cover,” National Postal Museum
- “Absentee Voting or Voting by Mail,” USA.gov
- “Ballot Drop Box Laws,” NCSL
- “Voting by Mail and Absentee Voting,” MIT Election Lab
- “Voting for Military and Overseas Voters,” NCSL
- “Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options,” NCSL
- “Voter Registration List Maintenance,” NCSL

10 | Mostly Mail Elections

SUMMARY

In the last quarter-century, a handful of states have adopted a previously unused method of holding elections: Mailing ballots to all active, registered voters. While this system goes by many names, including all-mail elections, vote-by-mail and just plain mail voting, here we are referring to it as “mostly mail elections.” Why? Because even though all voters receive a ballot in the mail, in-person voting remains available to varying degrees in mostly mail states.

One way to think of mostly mail elections is as absentee voting for all voters. Regardless of whether all voters or only voters who request an absentee ballot receive a ballot by mail, the process for handling them is the same. (See Chapter 19 for more on absentee and mail voting.) While turnout is influenced by many factors, some studies show that mostly mail elections increase voter participation, especially for small elections such as special elections or local elections. At the same time, there is also evidence that the rate of uncountable ballots increases with mail voting when compared to in-person voting. Mostly mail elections require frequent and thorough voter registration list maintenance to ensure that ballots are mailed only to addresses of active voters.

POLICY CONSIDERATIONS

The trend toward mostly mail elections began when Oregon made this shift in 1999. By 2023, eight states, plus the District of Columbia, had adopted mostly mail elections, nearly double the number in January 2020.

Using mostly mail elections was a Western phenomenon until Vermont and D.C. became the first jurisdictions east of the Mississippi River to make the shift in 2021 and 2022 respectively. (Vermont’s system does not include running primaries or town elections by mail.)

All states that have made the shift to mostly mail elections had adopted no-excuse absentee voting years earlier, and the percentage of voters who were already choosing to vote by an absentee, or mail, ballot was growing. The clear trend is states that made the shift to mostly mail did so when a significant number of voters already had made the choice for themselves.

Exactly how mostly mail elections are run varies by state. For instance:

- How much in-person voting is provided? In Oregon, voters can go to the county office but not to satellite facilities to vote in person. Colorado has multiple voter service and polling centers in

each county that are open before and on Election Day. These centers allow people to update their registration, request a replacement ballot or vote on an accessible electronic ballot marking device.

- Is implementation always statewide? Some states allow each county to determine for itself whether to use mostly mail elections or polling place-based elections. That was the case in Utah, where, in 2012, the legislature permitted counties to choose whether to move to mostly mail elections. By 2018, all but one county had done so, and in 2019 the legislature began requiring all counties to use mostly mail elections (see sidebar). Nebraska and North Dakota also allow counties to decide.
- What kinds of elections can be conducted mostly by mail? Some states permit at least some elections to be held this way. For instance, four states—Idaho, Minnesota, New Jersey and New Mexico—permit mostly mail elections for certain small jurisdictions, whether these are sparsely populated counties or special districts. Smaller elections, such as special elections or local elections, may be conducted by mail in Alaska, Arizona, Florida, Kansas, Maryland, Missouri, Montana, New Mexico and Wyoming.

When states choose to adopt mostly mail elections, the workload shifts from staffing many polling places for in-person voting to using temporary staff in large, centralized ballot-processing facilities.

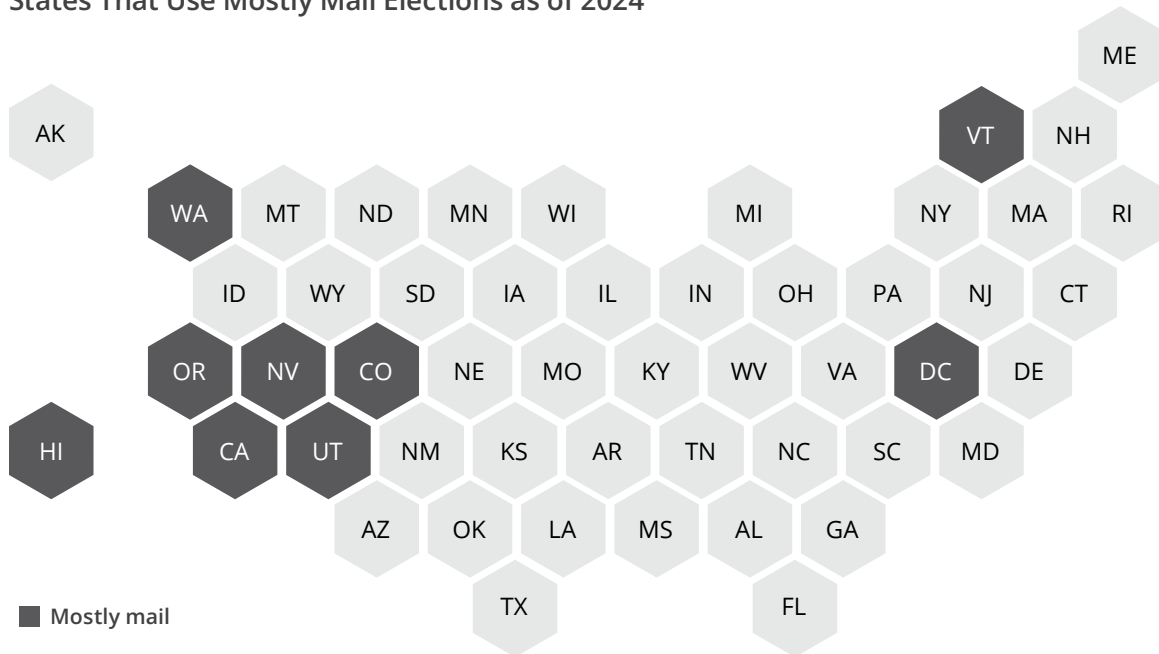
Moving to a mostly mail voting system often follows several other policy shifts that may lead toward more voters using absentee/mail voting. As noted above, the state that adopted mostly mail elections already had adopted no-excuse absentee voting, giving voters the choice of whether to vote in person or by mail. Some of these states had already created permanent absentee voting lists, by which voters chose to receive an absentee/mail ballot for all future elections. They've also instituted ballot tracking so voters and election officials can know where each ballot is throughout the process.

IMPLEMENTATION CONSIDERATIONS

Shifting from running in-person elections to mostly mail elections is often an evolution over several election cycles, although during the COVID-19 pandemic in 2020, California, Vermont and D.C. made the move in a matter of months. Once the policy shift has been made, election officials adapt. For instance:

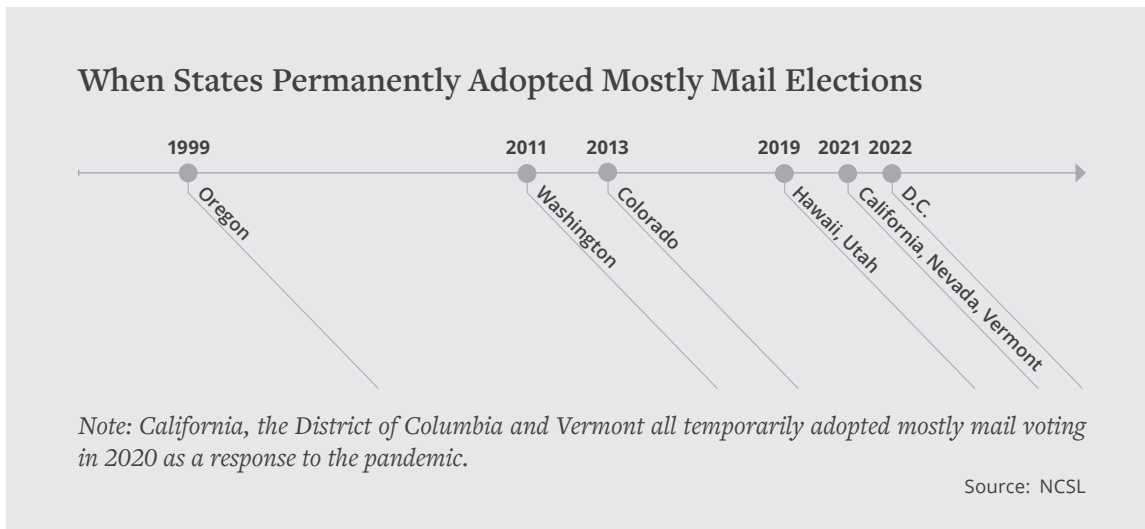
- Making the shift will probably increase costs. While some election administrators who use mostly mail voting believe they see long-term cost savings, transition costs can be significant. For instance, new ballot-processing equipment to accommodate the shift in policy and procedures may be required.
- Local election officials will require fewer poll workers on Election Day, which translates to a savings in time and money spent recruiting, training, managing and retaining these vital workers for that single day. But because the Election Day work spike is spread over weeks as mail ballots are returned, administrators will often need to hire a group of temporary workers who will work over the course of several weeks to process ballots as they are received, as opposed to a larger one-day workforce of quasi-volunteers.

States That Use Mostly Mail Elections as of 2024



Source: NCSL

- While paper ballots are used in most elections in the U.S., using mostly mail elections increases the total bill for printing. The cost of printing the ballot may be the same, but additional printing includes an envelope to mail the ballot to the voter, an envelope for the voter to mail the ballot back, voter instructions and sometimes a secrecy sleeve or secrecy envelope. (These additional printing costs are required for any absentee ballot, but when the entire system is based on mail voting, the cost increases.)
- Facilities management needs change, too. Instead of finding many pop-up polling places for Election Day voting, officials will focus on establishing facilities where ballots can be processed en masse. Sometimes election officials need different processing and storage spaces.
- Officials also focus on precision handling of ballots. This starts with printing and mailing, services often provided by a vendor. Mostly mail states often track the ballots as they go through the mail to the voter and back. Also, processes for verifying and processing the voted ballots must be fine-tuned to manage a larger volume.
- Communicating with voters about how to vote is always essential, but particularly with mostly mail elections. Since there are no in-person interactions between election officials or poll workers with voters, all communications and instructions must be especially clear. Election officials may find that additional time spent designing and testing voting instructions, including screening for clarity and using visual cues, becomes more important. Many states or jurisdictions create videos to help explain the process. As the voting population becomes accustomed to voting by mail, the communication gap diminishes—but never goes away.



- Election officials are faced with more uncountable ballots with mostly mail elections than with in-person voting. For instance, when marking a ballot outside of an in-person voting location, a voter can potentially mark more selections in a contest than the maximum number allowed, called an overvote, or mark fewer than the maximum number allowed, including marking nothing for one or more contests, called an undervote. Voting equipment at in-person voting locations will notify voters if this happens and allow the voter the opportunity to correct any mistakes. When returning an absentee/mail ballot there is no similar mechanism to inform voters if there are any overvotes or undervotes. (This is true for all absentee/mail ballots, but the effect is magnified when elections are run mostly by mail.)
- Mostly mail elections require precision in voter list maintenance and procedures for ballot-handling.**
- One way that some states address the small percentage of ballots that can't be counted is to offer "ballot curing." In jurisdictions that authorize it, if a ballot is returned that does not have the correct information on the return envelope, the voter can be notified. If the voter follows instructions that confirm the ballot is indeed theirs, it can be counted. If not, the election official can refer the matter for investigation, if appropriate.
 - While not inherently essential to mostly mail voting, the use of ballot drop boxes is more prominent in mostly mail states than in other states because of the volume of ballots being returned. Some voters may be more confident dropping off their ballot at an official ballot drop box than putting it through the mail—and doing so means the voter doesn't have to buy a stamp, in the states where postage is not covered. Ballot drop boxes often require high security, such as placing them inside buildings or using 24-hour CCTV.
 - Because the U.S. Postal Service is a partner in getting mail ballots to voters, and sometimes back again, connecting in advance with the local post office and election mail coordinator can be helpful. The Postal Service has many resources about election mail.

VOTER PERSPECTIVES

While many see mostly mail elections as increasing convenience for voters, as with everything else about elections, it depends.

All voters in states with mostly mail elections can still decide to vote in person if they prefer. If they do choose to vote on the ballot mailed to them, they then decide whether to return the ballot through the mail, while considering if there is enough time for it to be received before the deadline. Otherwise they may return it to an election office in person or use a ballot drop box where permitted. Voters may also choose to track their ballot either online or through an app.

Overall turnout does show a modest increase, but mostly mail elections may have disparate effects on various populations.

Voters With Disabilities

Voters with disabilities of many varieties (mobility, vision, communication, dexterity, cognitive and others) may find voting by mail to be an advantage or they may find voting by mail to be difficult.

According to a 2020 survey conducted by Rutgers University, voters with disabilities are more likely to vote by mail. For people with mobility issues, cognitive challenges or immunity disorders, voting at home is an advantage. For those with dexterity or visual impairments, voting at home may be preferred, if they have adaptive equipment to support their needs.

For some people with disabilities, handling the paper itself at home may be difficult. Some states offer various forms of electronic ballot return for people with disabilities (which would then avoid the need for printing and mailing) but these methods can introduce security challenges.

In-person voting is always an option for people with disabilities. Federal law requires jurisdictions to provide accessible and private voting at every polling location. However, advocacy groups for people with disabilities say that if other voters have a choice of voting by mail or voting in-person, then absentee/mail voting must be equally accessible for them.

Rural Voters

Rural voters may face challenges distinct from those faced by others. Those include poor residential mail delivery and more. Rural voters may also face issues with delay in postal service and the digital divide.

All states that use mostly mail elections also provide opportunities for voters to vote in person, such as at a central election office or at designated vote centers.

Other Voter Concerns

Keeping addresses current can pose problems for low-income citizens, people who are unhoused and others who move more frequently. Literacy can be an issue for some voters, as well, since election materials are often written at a college level. (Literacy can be a problem for voters at traditional polling place locations, too, but in-person explanations of how to vote are possible.)

PRACTICAL CONSIDERATIONS

Voter list maintenance is a key feature of mostly mail elections. Accurate voter rolls increase accuracy and reduce costs by ensuring that ballots are prepared for and mailed to only eligible voters.

To assist with voter list-maintenance tasks in mostly mail elections, election officials may:

- Increase their contact with voters to ensure that ballots are mailed only to correct addresses.
- Follow state laws on how to verify each returned ballot. Most often a signature from the voter on the return envelope is compared to signatures on record, but some states require other information.
- Review state laws and requirements on signature matching. Many voters' signatures change over time, and more voter registration records include signatures gathered from electronic signature pads or other devices. Some states allow voters to update their signatures on file or use more accessible means of verifying their ballot.

AN ELECTION OFFICIAL'S PERSPECTIVE



TRACY SHAW is the elected county clerk in Tooele County, Utah. She serves 38,500 voters in this geographically large county: 7,286 square miles west of Salt Lake City. The job fits her well, she says, because of her “passion for paperwork.” Before running for the office, she was in leadership for the Republican Party in her county and ran the party’s elections for a decade or more.

Utah has run its elections by mail since 2019.

Mostly mail voting, like just about all aspects of election administration, can vary from place to place. Here are Shaw’s thoughts on how it works in her county:

- “With our system, you’re shifting the costs for the equipment from finding and paying poll workers to envelopes and postage. It’s costly up front for the county to send a ballot to every single person whether they’re going to vote or not, but it is far simpler to implement from a logistics standpoint.”
- “In municipal races, 30% return their ballots. Where are our voters? Why aren’t they engaging?”
- “Signature verification is needed. We have a mesh of manual verification and machine verification. Newer voters might not have a lot of signature images on file for us to reference, so sometimes we have to tell them, ‘We’re sorry, the signature on your ballot doesn’t match what we have on file so you’ll need to go through some extra steps to ensure the ballot you submitted can be counted.’”

- “I’ve got the ballot cure system pretty well automated. We’re pioneering cure by text, and voters who are in that process like that they can cure their ballot in a matter of seconds.”
- “I really love that in our system a voter only gets one ballot, and it is specific to them and to the current election. If it’s undeliverable, we’ll ‘spoil’ that ballot and we’ll send them a new one and only one ballot has an active ballot ID at any given time.”
- “I text my voters personally from my line. I take joy and satisfaction in doing that. I like that they can connect with me as their elected county clerk.”

EAC Resources

- “Voting by Mail/Absentee Voting,” U.S. EAC

Other Resources

- “Election Mail,” U.S. Postal Service
- “The Evolution of Absentee/Mail Voting Laws, 2020 through 2022,” NCSL
- “Voting by Mail and Absentee Voting,” MIT Election Lab
- “Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options,” NCSL

11 | Voter Identification

SUMMARY

State laws regarding voter ID vary. Some states require a photo ID or one of a list of acceptable IDs, while others may require only a voter ID or affidavit from the voter to confirm their identity. Some laws require only that election officials ask a voter to show an ID or identify themselves, while others make it mandatory. States with stricter laws usually have options for voters without an ID to cast a provisional ballot and confirm their identity during a legally set period of time after the election. Changes to voter ID laws can be complex. Election officials and voters must follow state and federal laws to ensure that all eligible voters can vote. Litigation over voter ID laws has been extensive in the last 20 years. Reviewing these cases can provide guidance for policymakers who are considering changes to voter ID laws.

States have separate verification procedures for absentee/mail voting. (See Chapter 9 for more information.)

POLICY CONSIDERATIONS

As of 2024, 36 states have laws requesting or requiring voters to show some form of identification to vote in person. The remaining 14 states and Washington, D.C., use other methods to verify a voter's identity.

The acceptable forms of ID for voting differ by state. Some states ask or mandate that voters present a photo ID, such as a driver's license, state-issued ID card, passport, military ID, tribal ID or other valid photo identification. Certain states also accept concealed carry permits, other firearms permits or student IDs if they meet specific criteria. Some states allow non-photo IDs such as a bank statement or utility bill (sometimes needing two forms of ID if one lacks a photo) with the voter's name and address.

A strict voter ID state mandates that voters present an acceptable form of identification to cast their vote. If they cannot produce the required ID, they must use a provisional ballot with a requirement to provide required documents by the end of a period of time under state law for the vote to be counted. Most states with strict voter ID requirements make some exceptions. In some states, for example, exceptions may exist for people who:

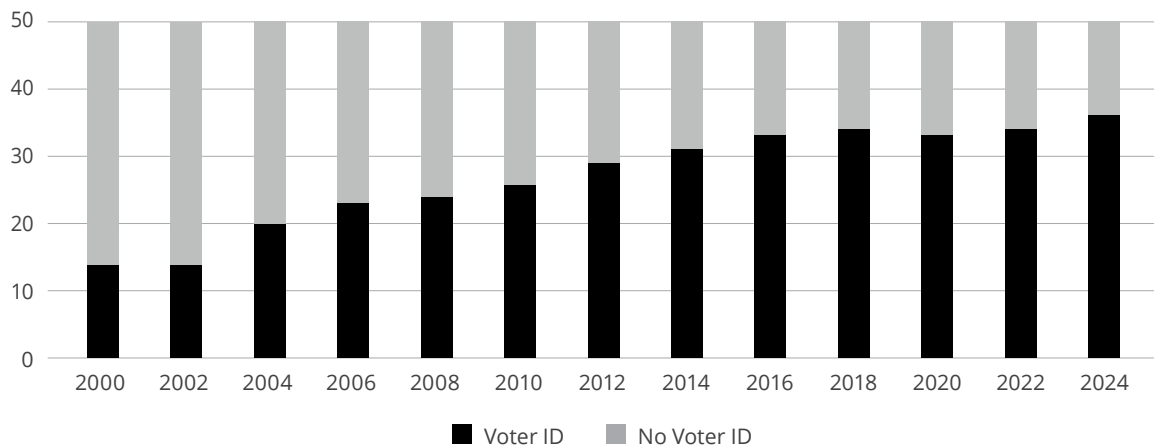
- Have religious objections to being photographed.
- Are indigent.
- Have a "reasonable impediment" to getting an ID.
- Do not have an ID due to a recent natural disaster.

States that enforce strict voter ID laws also provide free state-issued IDs for those without one. This could be a state identification from the driver’s licensing agency or a separate ID specifically for voting. Because obtaining these IDs may involve costs related to necessary documents like a birth certificate, many states will provide a mechanism to provide a free ID if the individual needs one.

In non-strict voter ID states, voters without acceptable identification may be able to cast a ballot that will be counted without further action on the voter’s part. For instance, a voter may sign an affidavit of identity, or poll workers who know the voter may be permitted to vouch for them. This is the case in Alaska, where poll workers can waive the state’s voter ID requirement if they personally know the voter (Alaska Stat. §15.15.225). Additionally, in Minnesota, voters who register to vote on Election Day may have a registered voter vouch for their identity in lieu of providing a document for proof of residency (Minn. Stat. § 201.061).

Just as a state may choose to adopt voter ID policies, it may also choose not to require voter ID. The 14 states and Washington, D.C., without voter ID requirements have “nondocumentary” ID requirements. This means voters must verify their identity in other ways. In some states, voters must sign an affidavit under penalty of perjury attesting to their eligibility to vote and/or their awareness that falsely claiming eligibility is a criminal offense. In other states, voters must provide election officials with a signature before casting a ballot that may be compared with the signature on file with the election office. In still other non-voter ID states, voters may be asked to provide personal information, either verbally or in writing, at the polls. In most cases, voters are asked to give their names and/or addresses. This verbal statement of names and addresses is a long-standing practice; in addition to signing in voters, the practice allows poll watchers from political parties to report to get-out-the-vote teams on who has already voted.

States with Documentary Voter ID Requirements, 2000-2024



Source: NCSL

Federal Requirements

In every state except North Dakota, which has no voter registration requirement, voter registration serves as a first identity check. The Help America Vote Act of 2002 (HAVA) includes requirements for first-time voters to provide identification when they register by mail. If the voter does not provide an acceptable form of ID, or if the state cannot verify the information, then the voter must provide ID before they can vote in person or by absentee ballot.

Under HAVA, individuals who register to vote by mail must provide a driver's license number or the last four digits of their Social Security number.

HAVA also identifies “current and valid photo identification” or “a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter” as acceptable forms of ID. These requirements are for confirming the registration to vote. However, as many citizens register by mail, first-time voters may have to show one of the acceptable forms of identification under HAVA at the polling place or before receiving a mail ballot. States may also require voters to present certain forms of identification to be issued a ballot.

The United States is unusual among peer nations in that it does not provide a federal ID card that can be used for voting. While the U.S. requires citizens to provide an ID to register to vote, state law determines whether an ID is required for voting itself. Therefore, voter ID laws are not uniform across the nation.

IMPLEMENTATION CONSIDERATIONS

When voter ID requirements change, so does the voter check-in process, and poll workers must be carefully trained on changes to procedure. For example, in addition to asking a voter to state their name or sign in, a poll worker in a state with a new ID requirement may also need to review the ID to determine if it meets the requirements under law, check the voter in and provide the appropriate ballot.

Voter outreach and education is central to ensuring that voters come to the polls prepared with an acceptable form of ID. It is also important that voters who did not understand the requirement still have a way to obtain the proper identification to have their ballots counted. Because election officials are often on the front lines of communicating with their communities about elections, they can provide voters with voter ID information leading up to the election and during in-person early and Election Day voting. Most often, election officials will rely on explanations provided by the chief election official (often the secretary of state) or local election officials. Options for communicating with voters might include:

- Social media campaigns to get voter ID information out to voters.
- Information or graphics in local online and print news publications explaining ID rules.
- Interviews with local papers or news stations.
- Including voter ID information on election mailers that are sent to voters.
- Signage at polling places, election offices, or in other public spaces such as motor vehicle bureaus or community bulletin boards.

Election officials and poll workers must be familiar with their state’s voter ID requirements and procedures for smooth implementation.

They need to know:

- What type of ID voters must present, whether expired ID will be accepted, and if so, for what length of time the ID is valid.
- What alternative types of ID, such as a utility bill or paycheck, are acceptable. For example, some states accept gun licenses, tribal IDs or student IDs, if they meet state-specific standards.
- How to review and accept an ID.
- What type of ballot—provisional or regular—a voter without proper ID can use to vote.
- How the cure process works for provisional ballots. HAVA requires states to inform voters of the deadline to count provisional ballots, their right to provide information to the election officials and ways to check whether their provisional ballot is counted. Election officials and poll workers must also be familiar with these processes and able to explain them to voters.
- Where voters who do not have the proper form of ID will go within the polling place. Moving such voters to a different table, perhaps with a specially assigned poll worker, where they can finish their voting process without other voters waiting behind them can be more efficient, and perhaps more private, for the voter. This may be an especially important consideration for jurisdictions that handle a large number of voters and could therefore see long lines or wait times at the polling place on Election Day.
- What affidavits or other forms voters who are exempt from ID requirements must fill out and how to explain the forms to the voter.
- How many provisional ballots to have at polling places for voters who do not have an ID.

Some states request or require voters to show an identification document that has a photo on it, such as a driver’s license, state-issued identification card, military ID, tribal ID and many other forms of ID. Other states accept non-photo identification such as a bank statement with name and address or another document that does not necessarily have a photo.

Election officials need to have an in-depth understanding of all these rules and procedures and will likely provide this information through their poll worker training programs.

Election officials might also benefit from being familiar with, or even training poll workers on, the basics of how voters can secure acceptable IDs. Some states can provide a free ID card for voting purposes. In other states, election officials should consider having information or voter education materials available to voters if they need to acquire an ID. Providing this information is ultimately a best practice for customer service. Election officials can improve outcomes for voters by making sure they have access to the information they need to successfully cast a ballot. This may also improve the process at the polling place. Voters without an appropriate ID may be required to take additional steps to cast or cure their ballot.

Voter registration was used a century ago as a form of voter ID. A person had to take steps to be registered and added to the voter rolls before they could vote.

To make the identity-confirmation process more efficient, some jurisdictions use scanners that can read bar codes or data contained within magnetic strips included on driver's licenses and other forms of ID. This allows poll workers to quickly locate the voter's registration information, especially when using e-poll books that may have a built-in scanner. In this case, election officials may weigh the benefit of efficiency gained by using such scanners against

the cost of buying the equipment. Smaller jurisdictions may be less likely to use electronic poll books and related scanners. For these jurisdictions or any others without those devices, IDs are checked entirely by hand, necessitating specific training processes for poll workers who check IDs.

VOTER PERSPECTIVES

It is important that voters are properly educated about what ID to bring to the polls so they can successfully comply and be able to vote without delay. Providing voters with information about how to get the requisite forms of ID can help voters prepare ahead of the election or get a form of ID that will allow them to cure a provisional ballot after the election. Election officials can also partner with community organizations that can provide their members with information about voting preparation and help distribute this information. Providing a free ID card specifically for voting purposes can be helpful for voters who otherwise do not have any acceptable form of ID. The availability of free voter ID cards is typically enacted in statute in the states that offer it.

PRACTICAL CONSIDERATIONS

It is critical for election workers to be fully trained and up to speed on their state's voter ID laws. As part of the voter check-in process, ensuring that these laws are implemented properly and efficiently can improve voter experiences at the polls.

With that in mind, election officials may:

- Provide easy access to lists of acceptable ID for poll workers to consult in every polling place. This can be displayed for both voters and poll workers to consult.
- Include voter ID training in all training for poll workers and election staff. It is critical for the voter to interact with well-trained people who can assist if a voter doesn't have an ID. That training is likely to include exemptions that exist to the voter ID law and information about how voters can obtain ID.
- Update materials and training as often as their state's voter ID laws change.
- Consider providing poll workers with a one-pager or quick guide on voter ID to have on hand at the polls, in addition to regular training materials.
- Include in poll worker training a role-playing exercise that provides workers with the opportunity to practice checking a voter's ID and explaining the process of filling out an affidavit or voting a provisional ballot.

- Think through in advance how voters without the required or requested ID will be handled. It may be that poll workers call on an election employee, or that the voter is asked to move to the line for people needing provisional ballots.
- Asking voters for ID is part of a customer service transaction and voters may respond in different ways to this requirement. Training poll workers to be empathetic and helpful when voters have concerns about this requirement may increase voter satisfaction with the voting process.

AN ELECTION OFFICIAL'S PERSPECTIVE



NICOLE BROWNE is the county clerk in Monroe County, Ind., where the county seat, Bloomington, is home to Indiana University. Browne was first recruited to serve in a managerial role by the previous Monroe County clerk. She has since run (and won) in two county elections. She says she always hoped to work in a role where she could make a difference, and this fit the bill—she’s helping voters and citizens.

Indiana was the first state to have what is commonly referred to as strict voter ID laws, requiring an in-person voter to show a government-issued photo identification card that meets certain standards to obtain their ballot.

Voter ID requirements, like just about all aspects of election administration, vary from place to place. Here are Browne’s thoughts on how it works in her county:

- “Everything in elections is about education. As election laws change, we have to educate ourselves. Voter ID is no different. We have to be educated about what kinds of IDs are acceptable and what kinds of IDs are not.”
- “In Indiana, 92 county clerks oversee elections. We all participate in training and roundtables where experts come to us and advise us on the parameters. It is the responsibility of all 92 clerks to impart that knowledge to our voters.”
- “We train our poll workers, and we put the word out to the public, before the voters come to vote, about what identification we can accept and what we cannot. We do a good job of getting that message out, and so do our partners such as the League of Women Voters, our party chairs, the candidates themselves, and other organizations that support a quality election.”
- “We do not turn voters away. If a voter shows up and does not have the right kind of ID, we allow them to vote what we call a provisional ballot. We explain it’s not a regular ballot. The ballot is printed on green paper and once voted, placed in green envelopes. They vote it as they would any other ballot, but they put it in the special envelope. We then provide the voter with paperwork explaining what to do next.”

- “To vote a provisional ballot in the polling place, we have a special table where we still offer privacy for voting. They seal their own ballot in the envelope. It is then placed in a special bag that comes back to Election Central where it stays sealed until noon on the 10th day after the election. You can only access that ballot room in a bipartisan fashion. No single person is ever left alone with a live ballot.”
- “With a provisional ballot, whether it is for voter ID or any other issue, the voter has 10 days to come to our local office to show their valid photo ID or otherwise ‘cure’ their ballot. We make a photocopy of their identification or proof offered that they were eligible to vote in the election. On the 10th day, once the ballot is accepted by the Election Board, we can then open those provisional ballots and scan them.”
- “A voter for whom English is not their first language but has attained U.S. citizenship, and they have been given a voter registration application at their citizenship ceremony, may come in to vote for the first time as a U.S. citizen. They’re excited to exercise their new right but, on Election Day, may not have an updated government-issued ID. They, too, would be given a provisional ballot. If communication is a barrier, we can use phone apps to translate. We apologize profusely, practice patience and get the app out to be of assistance if there isn’t anyone who can communicate with the voter in their native language.”
- “In Monroe County we use electronic poll books. They look like tablets and have a tray in the back. We can scan the barcode on a driver’s license and the voter’s information pops up. If the scanner is not working, the poll worker can manually enter the voter’s information from the driver’s license.”
- “What is heart-wrenching on Election Day is to see those who haven’t planned for voting. Make sure you are registered in the community where you live! Make sure your registration is active and valid, and you have that ID!”

EAC Resources

- “Help America Vote Act (HAVA),” U.S. EAC

Other Resources

- “Election Data & Science Lab Voter ID Report,” MIT
- “Voter ID Laws,” NCSL
- “Voter Verification Without ID Documents,” NCSL

12 | Election Officials and Election Workers

SUMMARY

Across the country, elections are run by state and local election officials, their permanent staff and temporary poll workers. Recruiting, retaining and training for all these roles is crucial to administering accurate, trustworthy elections. Funding poll workers' pay and training can be a significant part of the costs of administering elections. This chapter discusses some common practices and issues relating to the election workforce and provides considerations for developing and maintaining a strong team.

POLICY CONSIDERATIONS

Expectations for election officials have evolved over the past three decades. Before the 2000 presidential election, election administration was largely a manual process, with the procurement, testing and administration of voting equipment happening outside the glare of the national spotlight. After the passage of the Help America Vote Act (HAVA) in 2002, election officials had to become virtual IT specialists, managing new voting systems and technology, often housing more individual pieces of technology than most other local governmental departments.

Since 2016, election officials have faced changes at an ever-accelerating pace. For example, election systems were designated as critical infrastructure by the U.S. Department of Homeland Security in January 2017, and at the same time election officials became more familiar with cybersecurity requirements and physical security resources and best practices available to offices. Today, the information environment continues to evolve. While increasingly voters look online for information about elections, the information ecosystem has become more fragmented. Additionally, election officials are facing harassment and threats more frequently, often stemming from false information or conspiracies about election administration. As a result of this and other factors such as increased workload and responsibility, there has been a significant turnover of election officials due to resignations and retirement.

More than 775,000 poll workers across the nation helped run the elections in November 2020.

Finding and retaining qualified election workers has long been a major concern for election officials. The increased expectations regarding election officials have exacerbated this concern.

The people taking on this massive—and massively important—workload make up the backbone of elections across the country. These workers fall into three categories: election officials, office staff and poll (or election) workers.

Every state has a person designated as its chief election official. That person is often the secretary of state, and, sometimes, the lieutenant governor or the executive director for state boards of elections. There is also often a state election director who works with and for them in providing oversight and uniform guidance on state election law requirements. In most states, the day-to-day work of elections is done at the local level. Top election officials may have titles such as county clerk, county auditor, supervisor of elections, registrar of voters or elections director. Terminology varies by state.

How Legislators Can Support the Election Workforce

Recruitment and retention of poll workers is an evergreen problem in election administration. While local election officials can do much to encourage community members to serve and make it a good experience for them so they will return, legislators can look for policy options that can make recruitment and retention easier, too.

- Some states set the pay for poll workers. Offering higher base pay may increase the pool of applicants.
- Allowing poll workers to serve on a voluntary basis may also help. People with government pensions may find their pensions are reduced by the income earned as a poll worker, and the increase in paperwork makes serving unattractive.
- Electronic delivery of pay—a change many local jurisdictions may be unequipped to make without state assistance—may reduce costs and increase poll worker retention.
- Paying for training, travel or other expenses may increase the pool of applicants.
- Since most states have requirements for poll worker teams to be bipartisan, allowing independent voters—not just voters from the two major parties—may ease election operations.
- Allowing poll workers to serve outside of the jurisdiction in which they vote may improve the ability of officials to recruit balanced, bipartisan teams.
- Creating a statewide poll worker application—a one-stop site for anyone to apply as a poll worker—may increase the pool of applicants and assist recruitment in smaller jurisdictions in particular.
- Providing greater protections against harassment and intimidation could help prevent the loss of experienced poll workers, reducing training and recruitment costs.
- Legislators can also help maintain a healthy pool of poll workers by simply voicing support and appreciation for them. Like law enforcement and military servicemembers, poll workers fulfill a necessary and patriotic function in ensuring American freedom.

Local election officials are elected, appointed or hired to work year-round to conduct elections—although many have additional duties as well. Election officials help maintain voter rolls, prepare training materials, secure voting equipment, recruit poll workers—everything necessary to prepare for elections. Permanent staff are the local government employees who report to the election official, if the jurisdiction is large enough for additional staff. Like chief election officials, their work may focus entirely on elections, or they may provide other governmental functions as well, often depending on the size of the jurisdiction and duties of the position.

Hundreds of thousands of poll workers are hired each election cycle, and they often serve as the face of elections for most voters. Also known as election judges, ballot clerks, poll commissioners or other titles, they are the temporary staff brought on to do hands-on work for every election. These positions typically have an oath of office and mandate participants to follow all legal requirements. Their duties may include preparing the polling place, greeting voters, checking in voters, helping voters who need foreign-language interpretation or help using the voting equipment, managing voter registration in jurisdictions that have Election Day registration, assisting voters with unique circumstances and many more specialized jobs.

In jurisdictions that rely heavily on absentee or mail ballots, temporary election workers may send out the ballots and process the returned ballots. Poll workers are essential staff. In some places poll worker compensation makes up 70% of election office budgets.

- In most states, poll workers must be qualified or registered voters, meaning they must be a U.S. citizen, at least 18 years old, meet their state’s residency requirements and have no criminal history that would prevent them from voting.
- Geographic requirements vary by state. Depending on the state, poll workers may be required to serve in a polling place within their own district or they may be able to serve elsewhere in the state as well.
- Youth worker programs, available in some states, allow people under 18 to serve at the polls. Besides assisting with staffing, these programs are often intended to encourage younger citizens to engage in their communities.
- Many states require certain numbers of poll workers to be members of each party. Bipartisan teams are critical to ensuring no unintentional errors or misdeeds take place in the administration of the election. Knowing that they had a seat at the table can help each party—and its voters—feel confident that the election was administered fairly and legitimately.

Pay

Election officials and their permanent staff are salaried or sometimes hourly employees. When it comes to poll workers, anecdotal accounts suggest they are retirees who serve primarily out of civic interest. But poll workers may depend on their pay, and pay may be a significant attraction to the job. That pay can vary widely among states and even within one state. State laws vary as well, some dictating specific pay structures and others setting a minimum rate that local governments can choose to exceed with their own funds.

Security

Harassment of election officials, staff and poll workers saw a sharp rise after the 2020 presidential election. From secretaries of state to temporary poll workers, those who staff elections have been the recipients of violent threats including letters, phone calls and online messages.

Suspicious substances have been mailed to elections offices; bomb threats have caused elections offices and state capitols to be evacuated; and individual election officials have been the targets of doxxing and swatting. Doxxing involves publishing private or identifying information, usually online and usually with some harmful intent. Swatting refers to falsely reporting a disturbance at an address, causing a SWAT team or other law enforcement to report to the address.

Local election officials report that this has caused experienced poll workers to quit and potential new recruits to view working at the polls as potentially dangerous. In response, some states have enacted laws creating or broadening protections or privacy of personal identifying information (PII) for election officials and workers. Election officials have also developed relationships with local law enforcement through local efforts.

Recruitment and Retention of Election Officials and Professional Staff

Few election officials or election staff come to their positions with an academic background in election administration. Some are recruited from within larger county-level government offices, and most learn on the job. Few academic programs focus on election administration, and some of the students in these programs are current practitioners working toward advanced degrees or professional certification. While other local government functions may require an academic background in accounting, criminal justice, urban planning or public administration (although election administration can be seen as a subset of this field), election officials often have eclectic professional backgrounds.

Election administration also requires proficiency in many areas, including event planning, logistics, procurement, warehouse management, human resources, physical security and cybersecurity skills. Election officials often have other responsibilities in addition to elections. A county's chief election official may also serve as the county's auditor, clerk, land records recorder, or even (in Alabama) probate judge. These additional responsibilities come with unique funding and staffing challenges.

Despite these responsibilities, election offices are often in need of more resources and understaffed. This can create challenges when recruiting new staff, and turnover rates for election officials have climbed since 2000, according to "Election Official Turnover Rates from 2000-2024" from the Bipartisan Policy Center.

Recruitment and Retention of Poll Workers

Historically, recruiting poll workers has been a significant problem for many local election administrators. Even with 2020's COVID-19 pandemic challenges in the rearview mirror, recent data continues to reflect these challenges.



Standards of Conduct for Election and Registration Officials

I **uphold** the Constitution of the United States and of my state, and the laws, policies, and court decisions of federal, state and local jurisdictions.

I **strive** to conduct elections in a fair, efficient and accurate manner and I am accountable for maintaining public confidence in honest and impartial elections.

I **dignify** voters by promoting equal opportunity to participate in the democratic process; I strive for fair and equitable treatment of the general public, elected officials, and members of my profession.

I **am accessible** and receptive to both individuals and groups and aspire to build positive relationships within the community.

I **endeavor** to protect the public office from manipulation for personal or partisan gain.

I **am resourceful** and responsive to changing conditions within the framework of the law in carrying out my duties on behalf of the public's interest.

I **conduct all fiscal duties** with integrity, and I am responsible in allocating all funds and resources entrusted to my office.

I **maintain a productive** and efficient operation through a well-managed elections environment.

I **strive to maintain** the highest level of integrity in performing all duties of my profession.

Source: National Association of Election Officials

In some jurisdictions, local election officials can recruit plenty of willing poll workers but struggle to find enough from both political parties to meet political balance requirements intended to bolster election integrity and confidence.

A typical poll worker's day starts early as they arrive at the polling place an hour or more before the polls open to make sure everything is ready. When the last vote has been cast, the workers must conduct a thorough check of voting materials to make sure everything is accounted for before packing out. This can include producing and retaining machine tallies and transmitting vote counts to central count stations. This can be a 15-hour workday, which can pose a challenge for poll worker recruitment. With that in mind, at least 18 states allow workers to work part time or in a split shift. Even when split shifts are allowed, some elections offices struggle to provide part-time options due to a lack of qualified poll workers.

Even once a poll worker is recruited and trained, many cancel before Election Day or simply don't show up. With many jurisdictions seeing cancellation rates as high as 30%, election officials may hire more workers than needed despite facing recruitment challenges. Additionally, high cancellation rates can cause wasted expenses on training and materials.

Vast differences exist between election offices that serve the largest and smallest populations in the United States. Election officials in large jurisdictions may have large staffs, and in smaller jurisdictions election officials may have many duties in addition to elections.

Retaining poll workers across multiple elections is essential. Experienced poll workers serve as supervisors, trainers and in other specialized positions. Poll workers who return for every election can help connect election officials with the community of voters they serve.

To help address these challenges, the EAC has established two civic holidays: Help America Vote Day and National Poll Worker Recruitment Day. These events are dedicated to raising awareness of the need for poll workers nationwide. As part of these efforts, the EAC provides tools and resources to support state and local efforts at recruiting poll workers.

For more information about these civic holidays, see the "Poll Worker Resources for Voters" webpage on the EAC's website.

Training

Like any profession, election officials and staff benefit from continuing education and professional development. Election officials often collaborate and help each other, whether through more formal mentorships in state associations or through day-to-day interactions with their peers in other jurisdictions. Government agencies at the local, state and federal level may also provide direct training or professional development opportunities. Sometimes, these training programs are part of a state accreditation or other continuing education program. Other election officials may participate in certification programs. The National Association of Election Officials (also known as the Election Center) offers a certification in election and registration administration in partnership with Auburn University. The University of Minnesota has an election administration certificate in its public administration program. Poll worker training requirements vary by state and across the country and often give local election officials considerable discretion.

Training hundreds (and sometimes thousands) of people who work no more than a few times a year is a major undertaking. States may provide training materials, but local election officials are tasked with producing jurisdiction-specific materials that must be updated with every legislative or technical change. Typically, poll worker training must cover several complex topics and can take several hours to complete. Some election officials even design day-long hands-on training programs to prepare poll workers for potential Election Day scenarios. This is another area where collaboration across jurisdictions can be helpful. Sharing training materials or ideas with neighboring election officials can provide valuable resources and prevent every election official from having to reinvent the wheel when designing their own training programs. Online training is being used to supplement in-person hands-on training and refresh the training of experienced poll workers.

IMPLEMENTATION CONSIDERATIONS

Countless factors influence election workforces, from new voting policies and systems that require implementation and procedural changes, to the challenges of recruiting and training temporary poll workers. Keeping in mind how much all these things vary by state—and even by size of jurisdiction within each state—considerations for election officials or policymakers may include:

Nebraska is the only state that permits counties to “draft” poll workers in the same fashion as courts select jury members. In the counties that make use of this statutory permission, the election officials draw from a randomized pool of registered voters and send out notices for those people to appear.

- In some cases, there is no one individual in the jurisdiction who can devote all of their time and effort to elections. Sometimes one election official may be tasked with overseeing all election matters or these tasks will be split between officials who oversee the registration process separately from voting processes. Other times, an office may have a team of people devoted solely to elections. In still other cases, county election officials may also serve as the clerk to their county boards, maintain court records and record land transactions. City, town or village election officials often wear multiple hats and typically have five or fewer employees.
- Funding needs vary among jurisdictions with the number of registered voters, polling places and poll workers. Different training programs, office supplies and even snacks for poll workers also affect costs.
- Funding sources for everything from the cost of training materials to poll worker wages vary. States might provide some funding to each county or set a floor for poll worker compensation, or all expenses might have to come out of the local budget.
- Needs differ based on how elections take place. In states with all or mostly mail elections, fewer poll workers are needed, and with that comes a reduction in related expenses. However, temporary workers will be needed to process ballots as they are received over the course of several weeks.

When it comes to recruitment, election officials must first and foremost recruit the minimum number of poll workers necessary to run an election, within the requirements allowed by state law. These considerations may include:

- **Location:** Some states permit any registered voter in the state to serve as a poll worker in any community, while others restrict eligible poll workers to those who live within the county, jurisdiction or precinct.
- **Age:** While most poll workers are required to be registered to vote, some states allow an exception for 16- and 17-year-olds to serve. Any workers under 18 are limited in the number of hours they may work in a single day.
- **Party balance:** Because voters often live in areas that are politically homogenous, in jurisdictions where balanced party affiliation is required, it may be challenging to find poll workers who meet these requirements.

- **Independent voters:** Also referred to as unaffiliated or no-party voters, independents are the largest group of voters in the U.S. While some states allow independent voters to serve as poll workers, these workers are typically not considered when filling partisan balance requirements.
- **Additional considerations:** Election officials often focus their recruitment efforts on communities that are representative of their voters overall. To name only a few examples, these efforts may focus on:
 - Local tribal members to work at polling places that serve Native American communities.
 - College students who might be assigned to work at campus polling places.
 - Community members who speak a language other than English that is commonly spoken in the area.
 - Other communities who have typically been underrepresented as poll workers.
 - Government employees from other departments who may be recruited to serve.
 - Political parties to provide poll workers who meet statutory requirements and provide party representation in the polling places.

VOTER PERSPECTIVES

Election officials and poll workers are often the face of democracy from the voter’s perspective. A voter’s only interaction with the election system may be when they go to the polls on Election Day or when they contact their local election official with a question about their voter registration. Positive and polite interactions can leave voters with a satisfied, trusting impression of how elections are run. A bad experience, on the other hand, can erode trust.

PRACTICAL CONSIDERATIONS

Staffing needs vary from state to state and jurisdiction to jurisdiction. This variation stems from wide-ranging differences in voting methods, jurisdiction size and budgetary resources. There is no one-size-fits-all standard for election workforce recruitment and training.

Election officials may do the following to address these challenges:

- Collaborate with neighboring jurisdictions to share resources, ideas and training materials.
- Participate in state and national associations. Most states have election official associations that meet regularly and have a formal governance structure, while a few state associations have dedicated full-time executive directors. Additionally, the National Association of Election Officials, National Association of Counties (NACo), International Institute of Municipal Clerks (IIMC) and other organizations also provide training and resources to election officials.
- Establish mentorship opportunities between new election office staff and veterans in the field. Several state associations provide mentorship frameworks that help election officials and staff gain much-needed expertise.

- Develop relationships with organizations in their communities to get out the word that serving as a poll worker is an option and that training is provided.
- Take advantage of federal resources, including grant funding and security services. Federal agencies have provided physical and cybersecurity evaluations for free or on a low-cost basis. These include walk-throughs of polling places and ballot-storage facilities and testing of security software. These consultations provide election officials with lists of potential risks and ways to mitigate them.
- Establish and maintain relationships with local law enforcement agencies and communicate with them about the needs of the election staff, and any applicable state laws on elections that law enforcement may need to know about.

AN ELECTION OFFICIAL'S PERSPECTIVE



KATHY MONTEJO is the appointed municipal clerk for Lewiston, Maine. Lewiston has 28,000 registered voters. One claim to fame: The Farmer's Almanac has been published there since 1818. Montejo was appointed in January 1999 by the city council. In Maine and several other states, elections are run at the municipal level. "This is the only career I've ever had," says Montejo, who began working in city management as an intern while in college.

The challenges related to hiring and retaining an election workforce vary from place to place. Here are Montejo's thoughts on how it works in her city:

- "We are administering six elections in the current 12-month cycle. We had a mayoral election in November followed by a mayoral runoff in December. Now we have four this calendar year: the presidential preference primary in March, a school budget election in May, state primaries in June along with county elections and then the general in November. It's the most I remember ever doing."
- "We hire about 150 citizens for seven polling sites on Election Day. Many are long-time workers. We're trying to get a younger group interested. We are working with the young professionals' group at the Chamber of Commerce. Some of those people want the exposure, especially if they work on commissions, like insurance brokers."
- "We go to the Rotary Club, the Knights of Columbus, churches—anywhere. We try to let them know how great it is working at the polls. You get to see so many people—your colleagues and neighbors. People do love the sense of community and camaraderie."

- “They are paid, but honestly, I don’t think anybody is working for the money. They do it because they believe in the cause and they want to give back to the community.”
- “We mail out a training booklet and do in-person and Zoom-based trainings, but what I tell people is that so much of it is on-the-job training. And it’s repetitive—once you’ve processed 10 voters, you’re a pro. We have an informal buddy system for newer folks.”
- “I think every election administrator worries about not having enough poll workers. We try to recruit year- round. If someone comes in to register a dog or get a business license, and they seem like they have the right attitude, I’ll say ‘Would you consider working the polls? How about your spouse?’ ”
- “I also reach out to all city boards and retired city employees. When anyone retires from the city, I send them a congratulatory card and include a filled-out application to be a poll worker. These people are already familiar with customer service.”
- “Our clerks association went to the legislature to get one thing changed. We had to have bipartisan teams—a D and an R—for many tasks. Yet, we have more and more unaffiliated voters so a D or an R can be paired with an unaffiliated voter. We still have the balance for transparency, but it can be a third, a third, a third.”
- “Locally, I have not heard from our regular poll workers about the national rhetoric about fears and safety—yet. I’m curious to see what we’ll hear heading into this presidential election. Maine, being rural, we are isolated, but we’re expecting that issue may come up.”
- “Generally, there’s a lot of trust from our residents. Everything is open and transparent. I keep reminding the public that the people who run the polls are their neighbors. It is their fellow community members who are running the election for them. That gives average voters peace of mind.”

EAC Resources

- “Election Administration and Voting Survey (EAVS) Comprehensive Report,” U.S. EAC
- National Poll Worker Recruitment Day / Help America Vote Day toolkits, U.S. EAC
- “Observers & Transparency Resources,” U.S. EAC
- “Poll Worker Resources for Election Officials,” U.S. EAC

Other Resources

- The Committee for Safe and Secure Elections provides resources for election officials and law enforcement to prepare for safe and secure elections.
- “Election Official Turnover Rates from 2000-2024,” Bipartisan Policy Center
- The EVIC Survey of Local Election Officials, Election and Voting Information Center
- “Finding—And Keeping—Qualified Poll Workers,” NCSL
- “Poll Worker and Election Official Policy Toolkit,” NCSL
- “Poll Worker Training,” NCSL
- “State Laws Providing Protection for Election Officials and Staff,” NCSL

13 | Voting Technology and Certification

SUMMARY

From mechanical ballot counters to complex lever machines to modern electronic ballot tabulators, election administrators in the U.S. have used technology for more than 100 years to ensure citizens' votes are counted securely and accurately. Modern voting technology assists voters by providing systems that are easy to use and alert voters when there is a mistake on the ballot. They also produce election results accurately and quickly. Additionally, voters with disabilities rely on technology to assist them in voting privately and independently. At the same time, new technologies put security—and cybersecurity—considerations front and center. Election administrators are responsible for purchasing, deploying, operating and maintaining voting systems. States set standards for voting technology that usually rely on federal voluntary voting guidelines in whole or in part.

This chapter covers only the voting system itself: The technology that is used to set up the election, record, tabulate and aggregate votes. Peripheral to the voting system are many other technologies that support voter registration, electronic poll books, ballot printing, election results reporting and more.

POLICY CONSIDERATIONS

The use of “voting technology” started long ago when dropping colored marbles in a box replaced oral yeas and nays. In the mid-1800s, secret ballots and paper ballots became common. Then population

Lever voting machines were invented in the 1890s and while they are now prohibited for use in federal elections, New York used them as recently as 2013 for local elections.

growth, the expansion of cities and the advancement of technology led to the invention of the nation's first lever voting machine where large numbers of votes could be mechanically tabulated. This technology was especially beneficial in the U.S. because of the large number of local contests on each ballot. While many nations vote using paper ballots, ballots in other countries may have only one choice on the ballot: Which political party the voter prefers to represent them in the governing body, often a parliament. In the U.S., a single ballot may contain as many as 40 different contests, from president to local school board

member and state and local ballot measures. By tallying votes throughout the day, lever machines allowed election administrators to report the results of every contest in an election shortly after the polls closed.

Voting technology continued to evolve throughout the 20th century, and by the 2000 presidential election, the country had a patchwork of punch card voting machines, direct-recording electronic (DRE) touchscreen machines, lever machines and optical scan machines that tabulated paper ballots. Some smaller jurisdictions continued using hand counting. After the vote-counting controversies of the 2000 presidential election, Congress passed the Help America Vote Act (HAVA) in 2002.

HAVA mandated:

- Replacement of all punch card voting machines in the country.
- Deployment of at least one accessible voting machine at every polling station to allow voters with disabilities to mark, cast and verify their ballots privately and independently.
- A set of minimum standards that all voting systems must meet.

HAVA also established the U.S. Election Assistance Commission (EAC) to administer grants for equipment replacement with funding authorized under HAVA, provide voluntary voting system guidelines and testing, and serve as a clearinghouse for best practices in election administration.

Before passage of HAVA, voting systems were assessed and qualified by the National Association of State Election Directors (NASED), a nonpartisan association consisting of state-level election directors nationwide. These voting systems were tested against voting system standards set by the Federal Election Commission (FEC).

The first voting systems that were submitted by vendors for review under the new VVSG 2.0 were submitted at the end of 2023. Additional systems are expected to go through the official EAC Testing and Certification process soon, with 2.0 certified systems available for purchase thereafter.

HAVA established minimum standards for voting systems used in federal elections, which included functionality for voters to verify the votes selected and the opportunity to correct any errors before casting the ballot, the ability to produce a record with a manual audit capacity, accessibility for voters with disabilities and alternative language needs, and compliance with error rate standards. From there, the responsibility for developing future voting system standards was transferred from the FEC to the EAC. The 21st century iterations are known as the Voluntary Voting System Guidelines (VVSG). The VVSG are developed with the help of the National Institute of Standards and Technology (NIST). The first version of the VVSG (version 1.0) was adopted in 2005. Since then, the VVSG has been updated twice, with

version 1.1 released in 2015 and a full revision, version 2.0, adopted in 2021. HAVA has broad voting system requirements that apply to all systems used in federal elections, whether or not those systems are VVSG certified.

Certification under previous versions of VVSG remain valid and that equipment can continue to be used. Separate from the VVSG, the EAC also has a process for decertifying much older voting systems and for vendors to withdraw systems. The decertification process is triggered when the EAC receives information from a source that has used, tested or observed that a voting system may be out of compliance with the

VVSG. A formal inquiry is launched and, if the results of the investigation demonstrate noncompliance, the manufacturer is given an opportunity to fix the defects. If a voting system is decertified it is treated as any other uncertified EAC system. This action is rare.

The EAC's certification program and standards are voluntary, and states rely on them in a variety of ways. State law may require voting machines used in the state to be fully certified through the EAC, may require testing to "federal standards," or require any equipment they use to be tested by an EAC-accredited laboratory. States usually have additional requirements for voting machines that may be specific to the state and how they run elections. These requirements may be in statute or administrative rule or outlined as part of the procurement process for new voting systems. These additional requirements may, for instance, call for a voter-verifiable paper trail, or that all candidates for a given contest appear on one screen.

Terminology for Federal Voting System Guidelines

NIST | National Institute for Standards and Technology: NIST is the federal agency tasked with assisting in the development of voting system standards. NIST develops and maintains standards for a wide array of technologies. NIST scientists assist the EAC in developing testable standards for voting systems.

TGDC | Technical Guidelines Development Committee: The TGDC is a committee that assists the EAC in developing the VVSG. It is composed of 14 members appointed jointly by the EAC and the director of NIST. The chairperson of the TGDC is the director of NIST.

VSTL | Voting System Test Laboratory: VSTLs are privately owned laboratories that test voting systems (and other election systems) for conformance to the VVSG or to other requirements, including individual state requirements. VSTLs are periodically reviewed for conformance to National Voluntary Laboratory Accreditation Program (NVLAP) administered by NIST.

VVSG | Voluntary Voting System Guidelines: VVSG are a set of specifications and requirements against which voting systems can be tested to determine if they meet federal standards. Some factors examined under these tests include basic functionality, accessibility and security capabilities. While HAVA mandates the EAC to develop and maintain these requirements, adhering to the VVSG is voluntary except in select states where it is required by their own state law.

In 2017 elections were designated as critical infrastructure by the federal government. Along with other critical infrastructure sectors such as energy, financial services and water, the new designation recognizes that elections are a high national-security priority. This designation does not change the role of the EAC or the federal guidelines on election technology itself but does provide federal assistance to states and local jurisdictions to bolster their protections against cybersecurity threats. In 2018 Congress also made funding available to states through grants administered by the EAC to bolster their cybersecurity. Similar grants have been made available most years since then.

IMPLEMENTATION CONSIDERATIONS

“Voting systems” refer to the machines that facilitate the casting and counting of votes. As defined by HAVA, this includes the equipment used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information.

While a handful of states select and purchase voting equipment at the state level, generally it is up to local jurisdictions to select, purchase, maintain and operate voting equipment. That means in many cases county clerks, county auditors or county boards of elections decide. The choices they make may be constrained or influenced by state law on voting system requirements, whether the state requires voting systems to be federally certified, and processes for state certification of voting systems.

While there is variation in the voting technology used across the U.S., the types of equipment can be broken into these categories:

- **Ballot marking devices (BMDs)** allow voters to use a touch screen or accessible device to mark their ballot. After the voter marks the ballot on a screen and confirms their selections, it is printed. The voter reviews the choices and, if satisfied, places the voted ballot in a ballot box or precinct count scanner. BMDs do not store or tally votes—they merely mark paper ballots.
- **Direct recording electronic (DRE)** voting machines also allow voters to mark their ballot using a touch screen or electronic interface or accessible device. Unlike a BMD, these devices both record individual voter selections and aggregate vote totals. Totals from individual DREs, often stored on a removable memory device for easy transfer, are then combined to create the final tally. Many DREs use a Voter Verifiable Paper Audit Trail (VVPAT) that allows voters to confirm their votes and election officials to audit results without relying solely on the electronically stored results. An ever-shrinking portion of the voting population casts their ballots on a DRE that does not have a VVPAT. Over time, these systems are being replaced and no new DREs without a paper record are on the market.
- **Precinct count scanners** are used in many polling places. With these, voters mark paper ballots that are then tabulated on optical or digital scanners. The scanner can provide feedback to the voter about any detected errors on the ballot, such as voting for more candidates than permitted or leaving races blank. The voter is free to choose not to vote on all races, but a precinct count scanner will give the voter a chance to redo their ballot if they choose. Once the polls are closed, ballot scanners can produce both a printed totals tape and an electronic record of the ballots cast on that device.

- **Central count scanners** are similar to precinct count scanners, in that optical or digital scanning technology records the votes cast on paper ballots. They differ in that they are much larger and therefore can handle larger volumes of ballots, which are often run in batches. These are used for absentee/mail ballots in many jurisdictions. Depending on the location, central count scanners may be used to tally results from early in-person voting sites as well. Voters do not feed their own ballots into these scanners. After verifying and processing each ballot, election workers feed stacks of ballots through the central count scanner, which scans the ballots at high speeds. While central count scanners can detect overvotes and undercounts, voters do not have the opportunity to redo their ballots.

Many jurisdictions have a mix of voting equipment. For instance, they may use some ballot marking devices or DREs along with precinct count scanners and central count scanners. Ballot marking devices and DREs provide assistive features that many voters, including people with disabilities, may need, such as audio ballots, large fonts or sip-and-puff device inputs.

Regardless of state requirements that may guide which type of equipment will be purchased, there are a number of things to consider when deploying voting systems:

- **Ensure adherence to any voting system requirements and standards.** Voting system standards are typically set in state law or by administrative rule. The most common issues that voting system standards are likely to address are security, functionality, privacy, usability and accessibility.
- **Testing and certification.** Most states use some or all parts of the EAC’s voluntary testing and certification program and also conduct additional state-specific testing. Some states partner with local universities on this work or have a board of voting machine examiners that includes technology experts.
- **Procurement and contracting.** The first step for obtaining a new voting system is often writing a request for proposal (RFP) on the state or local level. This is the best way to get the systems requirements right, which includes the functionality of the system and how voters in the state or local jurisdiction will interact with it as well as the security elements of the system. Responses to the RFP will ultimately shape the contract with the voting machine vendor. RFPs are written to be vendor-neutral, but may, and often do, specify the type of equipment or combination of different types of equipment that is preferred.
- **Purchase, maintenance and funding.** The cost of ownership of a system includes the cost to purchase, operate and maintain a system throughout its lifetime. Often, the vendor contract will include maintenance, training election officials on using the equipment and ballot programming services. Voting systems are a significant investment for a local jurisdiction, but, depending on the state, funding may be available for specific needs from the state or, depending on congressional action, from the federal government. Voting systems also require a sustained funding source for maintenance costs, equipment repair and replacement.

More than 90% of votes in the U.S. in 2022 were cast on paper ballots either by hand or on a ballot marking device, and read on optical or digital scanners.

- **Acceptance testing.** After voting systems have been certified and procured there is often an acceptance testing phase during which election officials review the features of a voting system to ensure it meets their needs before taking possession. This may include testing the usability of the system from the perspective of election officials and voters, particularly those with disabilities; stress testing the system to ensure it will perform as intended during an election; and ensuring state-specific requirements for the system are met.
- **Training.** Each type of voting system is different, so training for election officials, poll workers and IT staff is essential for proper maintenance, deployment and use of the voting system. Training will include how to set up the system, operate it, troubleshoot problems and obtain vote totals on election night and, increasingly, cybersecurity training.
- **Chain of custody.** Election officials have procedural systems to check who has done what to their equipment, and when. These systems include strict chain-of-custody rules that prevent voting system components from falling out of custody, undetected. For example, when ballots are moved there is often a chain of custody requirement where poll workers or officials who are touching ballots are required to log what they did—how many ballots moved from room to room or were taken to a polling place or post office. Movements of equipment are recorded in a similar way. These procedures allow officials to track election-related equipment and materials and provide a chronological record that can be reviewed should a problem or inconsistency arise.
- **Physical security measures.** In addition to logging movement of election equipment and materials, physical security measures may include:
 - Securing the facility for storing voting equipment with cameras, security alarms and key-card locks, and using regular examination of CCTV footage to detect unauthorized access.
 - Applying tamper-evident seals to all equipment.
 - Running “zero reports” on voting equipment to ensure that no votes were cast prior to the opening of the polls.
 - Requiring at least two people (often from different parties) to work together whenever interacting with equipment.
 - Protecting voting systems and related facilities and equipment from natural and environmental hazards, tampering, vandalism and theft.
 - Ensuring voting systems are not connected to the internet or other external networks to avoid the potential for unauthorized access.
 - Using a secured, removable memory device to transfer election results from the device to the elections office.
 - Ensuring there is an “air gap” between the vote counting equipment and any networked device or device that is connected to the internet, thus isolating the voting equipment and preventing any external connections.

- **Cybersecurity.** Voting systems are more than just hardware. The HAVA definition of voting systems includes the software, firmware and documentation to program, control and support the equipment. This means that there is a cybersecurity element to secure voting systems as well. There are best practices that election officials can follow to enhance the cybersecurity of voting systems, including:
 - Requiring multifactor authentication when accessing administrator functions in any part of the election system.
 - Limiting the use of software to the basic functions required to perform the election system’s processes and not installing unauthorized applications or software.
 - Ensuring all systems are running the latest approved version of software. This requires routinely installing patches.
 - Maintaining and reviewing an audit log that identifies each touch point for the system.
 - Following proper procedures to ensure all encryption keys are properly managed and there are well-defined policies and procedures for controlling access to the voting system.
 - Using a two-person accountability and control system where possible.
- **Privacy.** Voters have a right to a secret ballot and to cast their vote in private. This is necessary to protect against voter coercion or bribery. In the context of a voting machine, this means that the system should not provide a receipt listing votes cast or any other way for another person to determine the contents of a voter’s ballot.

THE VOTER’S PERSPECTIVE

From the voter’s perspective, a system is best if it is easy to use correctly. This means that a voting machine should be as intuitive as possible. The way the ballot and the instructions are designed and presented—on a screen or on paper—is key to the ease of use, and ballot design and usability are an integral part of voting system design (See Chapter 3 for more information).

Voters also benefit from features that permit them to review their selections before their vote is cast, and, if voting in person, give them an opportunity to change or correct the ballot before it is cast and counted. The opportunity to correct a ballot, and voter notification that too many selections have been cast for a particular candidate or issue, are a requirement of the VVSG.

Federal law requires that voters with disabilities, including those with visual, auditory, physical or cognitive disabilities, be able to mark, cast and verify their ballots privately and independently. (Hand-marked paper ballots are inherently inaccessible for voters with visual, print or fine-motor coordination disabilities). As the population ages, the demand for accessible systems will continue to grow.

By federal law, voting systems must also be able to provide alternative language accessibility in jurisdictions or political subdivisions where at least 5% of voting-age citizens have a native language other than English.

PRACTICAL CONSIDERATIONS

To ensure that equipment is working properly, election administrators test their systems and ballots before every election. Statutes typically require this kind of “logic and accuracy testing,” and even when they do not, it is common practice. “L&A” testing demonstrates that the voting system has been programmed correctly and that a vote for a given contest on every ballot style is being accurately tallied and reported. Many election officials use L&A testing as an opportunity to demonstrate their security practices to the public.

Other practices also contribute to success with technology:

- **Redundancies and backups.** Vote totals are backed up on multiple storage devices within the voting equipment. These built-in redundancies are designed to keep elections running smoothly in case of disasters. Disasters could be natural, such as fires and floods, or cyberdisasters, when foreign or domestic bad actors attempt to tamper with election equipment or otherwise disrupt the election.
- **Ballot reconciliation.** Some states require ballot tracking, or reconciliation, at in-person polling places. Ballot reconciliation provides an accounting for all ballots—those that were voted, spoiled in some way and replaced, or never voted. It helps ensure the accuracy and verifiability of the election. Regardless of whether votes are cast on paper or using a touch screen, ensuring that each ballot or voting session can be reconciled with the total number of voters provides evidence that the election was conducted accurately and fairly, and that the results are an accurate reflection of the ballots that were cast.
- **Contingency planning.** A key aspect of running secure elections is having a contingency, or recovery, plan. What’s the plan in case of a hurricane or fire? What’s the plan if e-poll books fail on Election Day? What’s the plan if there is an attack on the voter rolls that inaccurately deletes significant numbers of voters from the rolls? An election official’s goal is always to recover as quickly as possible to prevent a disruption to voting, whether the disruptions are technology-based or not.
- **Post-election audits.** Post-election audits check that voting systems properly counted ballots. Audits involve manually checking a representative sample of paper ballots to confirm that counting software has functioned correctly. Risk-limiting audits, which examine a statistically significant sample of ballots based on the margin of victory, have grown more common in recent years. (See Chapter 17 for additional information.)

AN ELECTION OFFICIAL'S PERSPECTIVE



NICK MEYERS is an election administrator for the state of Louisiana, one of a few states where all voting technology is chosen, paid for, maintained and deployed by the state instead of local parishes. Meyers has a degree in English literature but got involved with IT and audio engineering early on. Years ago, he was asked to help create audio ballots for voters with visual impairment—each ballot has to be individually recorded because “synthesized audio can be brutal on Louisiana names,” he says. From there, “I got obsessed with the puzzle of how elections work. The privacy/transparency balance makes it a challenging field and I enjoy the challenge.”

Voting technology, like just about all aspects of voter administration, vary from place to place. Here are Meyers’ thoughts on how it works in his state.

- “In looking at new systems, user friendliness is a huge desire, and physical and cybersecurity. Since we do so much from the state level, mobility is a big part of it. We own the equipment, so we perform a lot of the maintenance. That means moving it, and that means having a smooth chain of custody.”
- “I don’t want to trust my elections; I want to verify my elections. For that, paper is critical. I want voter-verified paper records, and I want the auditability paper offers to be transparent and simple. I want the most amount of security with the fewest clicks possible.”
- “I’m not looking for a Lamborghini. I want a 2003 Toyota Camry. I want something that’s going to last 25 years, something that won’t break on Election Day. A “set it and forget it system” with the least amount of maintenance possible.”
- “Elections administration is a risk-averse field. We are not interested in being on the cutting edge of technologies. That’s for my hobbies, not my profession.”
- “It’s critically important for voters of any ilk to vote independently, without assistance, and in private. We go to great lengths to make that happen for people and for any system we’re looking toward, ADA voters are constantly a thought in our mind.”
- “For privacy reasons and anonymity of the ballot, I believe the ADA voter should be voting on the same equipment as everyone else. That would mean the output, the ballot, will be identical to that of a non-ADA voter, no matter whether they used an audio ballot or sip and puff or whatever they require to mark their ballot.”

- “Ideally buying new technology is a one-time expense for the next 10 years or so. There are ongoing costs, too, for parts and maintenance, but it’s mostly a one-time cost.”
- “It costs what it costs. That’s the market value of democracy at work—the transparency, verification and security of the administration of that democracy. I don’t think corners should be cut in elections because of budgets like they can be in other government functions. If you cut funding, you cut what people rely on to exercise their fundamental right to vote.”
- “At the same time, no matter what vendor we go with, the people here are going to execute the systems at a high level for Louisiana voters and poll workers.”

EAC Resources

- “Best Practices for Election Technology,” U.S. EAC
- “Election Technology,” U.S. EAC
- “Quick Start Guide on Logic and Accuracy Testing,” U.S. EAC
- “Voluntary Voting System Guidelines,” U.S. EAC
- “Voting System Security Measures,” U.S. EAC

Other Resources

- “Guide to Election Technology Procurements,” EI-ISAC
- “Handbook for VVSG 2.0 Usability and Accessibility Test Strategies,” NIST
- “Voting Technology,” MIT Election Data + Science Lab

14 | Reporting Election Returns

SUMMARY

After the polls close on Election Day, election officials are tasked with wrapping up voting operations, tabulating votes and then reporting their first returns on election night through state and local websites. These early results are unofficial and will change as more ballots are processed in the days after an election and the election is canvassed. How complete the tally can be on election night depends on many state policies, including whether absentee or mail ballots can be processed (sometimes known as pre-processing) before Election Day; whether absentee ballots that are postmarked by Election Day but not received until shortly after Election Day can be counted; when the number of ballots from overseas voters, who often are permitted extra time to get their ballots back, are counted; and when any provisional ballots cast are determined to be valid. This means that result totals reported on Election Day are never final.

POLICY CONSIDERATIONS

Election night reporting is the process of tabulating and reporting unofficial results after the polls have closed. Votes cast in person on Election Day, in person during early voting and by an absentee/mail ballot are three streams that come together to determine the results.

From a policy perspective, key questions include:

- When can the processing (sometimes called pre-processing) of absentee or mail ballots begin? Some states allow signature verification, opening or even scanning of mail ballots before Election Day, but no vote totals are calculated, disclosed or released. (See Chapter 9 for more information.)
- How do state-set deadlines affect ballot counting? Some states require mail ballots that are received no later than Election Day to be counted, while others allow counting of mail ballots, such as those returned by voters in the military, if they are received and postmarked by a certain day after the election.
- How are early in-person and Election Day voting conducted? Some jurisdictions count all their ballots at a central location, while others use scanners at the polling place. If voters scan their own ballots into a precinct scanner at the voting location, results may be processed sooner. (See Chapter 8 for details.)

Election officials never “call” races. The media may declare which candidate “won” the race on election night, but from an election administrator’s perspective all results are unofficial until they are certified several days or weeks after the election.

- At what intervals are local jurisdictions required to report additional tallies? Generally, jurisdictions are required by state law to report initial tallies shortly after polls close, but after that state requirements and practices vary on how often additional tallies are reported.
- What might lawmakers and election officials need to explain to the media and the public? They should explain that the process of reporting election results is complex, early results are unofficial and clarify what occurs between election night and the certification of the final results.

In 2020, according to MIT's Election Data + Science Lab, an hour after the polls closed in all of the states 35% of the votes had been counted. An hour later that rose to 50%. At the 24-hour mark 90% of the national popular vote had been counted, but it took three weeks for 99% of the popular vote to be counted.

IMPLEMENTATION CONSIDERATIONS

One of election officials' most important jobs on election night is to make sure that ballots are counted accurately; only after that can the results be efficiently provided to the candidates, the media and the public. To get the word out, all states and most local jurisdictions have election night reporting software and results websites, and it is common practice to post results in batches as they become available.

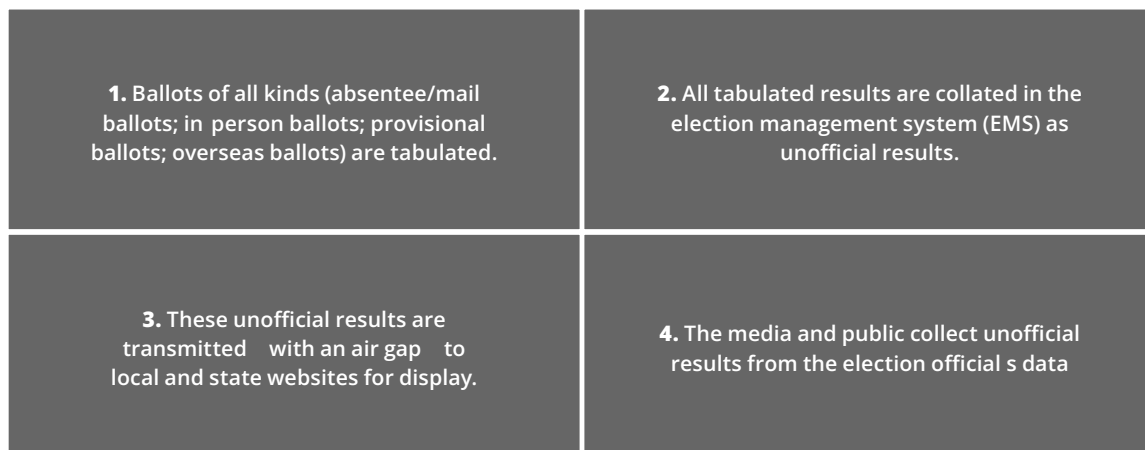
The order for how ballots are processed, tallied and reported is often determined by state law. However, state and local jurisdictions may have discretion about how some results are reported:

- Depending on state laws, some jurisdictions may choose to tabulate election results at a central location rather than individual voting locations.
- The specifics of ballot handling and reporting may vary based on the voting equipment used.
- A jurisdiction may choose to upload results in batches more frequently than is required, if allowable by state law.
- Jurisdictions can display election results in various ways, such as posting a PDF document or using software to show visual charts. They may also add context on websites to explain included ballot types and the remaining ballots to be counted.

Because vote totals released on election night are unofficial, they will change before final election results are certified. Unofficial results are unlikely to include all the following:

- Valid write-in votes.
- Valid provisional ballots.
- Valid absentee ballots that were postmarked by the state's deadline and received after Election Day (where applicable).
- Valid ballots cast by military and overseas citizens.
- Ballots that could not be read by scanners and therefore need to be duplicated before processing.

Four Steps for Reporting Unofficial Results



Source: NCSL

Once all the votes are counted, election officials review, or canvass, the election. They check election records, make sure that the number of ballots counted is correct and confirm that security requirements were properly followed. Finally, once all records are confirmed the election results are certified.

VOTER PERSPECTIVES

Voters, candidates and the media rely heavily on election night reporting systems. Online results offer a clear and immediate indication of what took place during the election and which precincts have completed their work for the night. If there are delays or inconsistencies in data, it is important to disclose and explain these issues clearly and in a timely manner. Even though the timing of when results are available may not be fully within an election official’s control, perceived delays in results reporting may raise questions about the conduct of the election. Additionally, election officials should ensure their results reports are clear and accessible so that all voters are able to read and understand understand them.

Through its Election Supporting Technology Evaluation Program (ESTEP), the U.S. Election Assistance Commission evaluates e-poll books as well as other kinds of election-related technology.

PRACTICAL CONSIDERATIONS

Unofficial election results are shared as they become available after the polls close on election night. These preliminary results attract the most attention of any piece of the election process. Delays, errors or miscommunications can greatly affect the public’s confidence in the election.

Election results become official only after all certification activities have been completed. These processes occur in the days and weeks after the election and may include the oversight of dedicated canvassing boards or other individuals who provide an independent check on the election process.

Contingency Planning for Election Night

Power outages. Website crashes. Denial of service attacks.

Election night reporting can be protected from all these threats. Having a continuity-of-operations plan (COOP) allows election officials to build resiliency and more quickly recover from Election Day (or night) emergencies. These can include having backup generators on site, keeping key data secured in more than one location, and testing those plans through tabletop or similar exercises.

Communication is key to managing an election reporting situation. First, the public can be apprised of when and how election results will be shared throughout the election, including a timeline of election results updates and which ballots are expected to be included in each report (i.e., early voting, by-mail, and absentee, Election Day provisional, write-in votes). The COOP can may include ways for communicating with the media and the public how they can access results if results-reporting websites or social media platforms are not operating as expected.

This is perhaps the most important message of all: Election night results are unofficial.

To enhance the security and transparency of election results reporting, election officials may decide to:

- Report election night results on a secure website. Some jurisdictions build their own systems; others choose customizable software from a handful of vendors in this field.
- Have procedures in place to securely transfer data from the voting system—which is not connected to the internet—to a public-facing website. If flash drives are being used, they should be securely stored, password-protected and free from all other data.
- Communicate election results clearly, consistently and accurately. Malicious actors may spread false information or create fake websites to cause delays and confusion. Communications efforts can mitigate the negative effects of these activities.
- Ensure that election results websites can be hosted from multiple servers to protect them from distributed denial of service (DDoS) attacks. These attacks happen when computers (often controlled by bots and not actual users) flood a website with so much traffic that it crashes. While these attacks don't affect actual results, they can cast doubt on election integrity in the eyes of voters.
- Implement security measures using a cybersecurity checklist to ensure data reliability, including documented chain of custody, data verification procedures and using certified technology to tabulate vote totals. Review the EAC's "Checklist for Securing Election Night Results Reporting" for best practices on data and system security.

- Ensure that the office’s continuity-of-operations plan includes what to do in case of an internet outage or other cybersecurity incident; document backup reporting methods; establish a chain of command for communicating with the media; and draft statements to communicate with the public that the office is working to fix the issue and will provide more information as it becomes available.

AN ELECTION OFFICIAL’S PERSPECTIVE



SHERRY POLAND is the director of the Hamilton County, Ohio, County Board of Elections. By law, the board is made up of two Democrats and two Republicans, and the board appoints a director and deputy director of opposite parties. Hamilton County has 600,000 registered voters, including those who hail from Cincinnati. Poland’s first day working for the board was the presidential primary in 2004.

For reporting election returns, like all aspects of election administration, processes can vary from place to place. Poland’s thoughts on how it works in her county:

- “We have three methods of voting: early in-person voting, by mail and on Election Day. All the votes come through a single vote counting room at the county board. It’s a very secure room. It takes one Democrat keyholder and one Republican keyholder to enter the room. A lot of boards have a glass wall so anyone can observe the count through those windows.”
- “The processing of mail ballots can begin before Election Day. Those are scanned, but not tabulated, prior to election night. We have several high-speed scanners in the vote counting room. Our vote counting software captures the votes and the data is saved on the computer attached to the scanner and on a thumb drive. On election night, as soon as the polls close, the thumb drive for the mailed ballots are plugged into a separate tabulating computer.”
- “For early in-person voting, the voter scans their own ballot into a scanner. The data is recorded on the hard drive in the scanner at the early voting center and also on a thumb drive. On election night, we plug those thumb drives into the same tabulating computer as for mail ballots.”
- “When the polls close, the tabulating computer tabulates those results from early voting and mail voting, and they all go on another thumb drive that is taken out of

the vote counting room to our IT department to another computer that has internet connectivity. That’s how we push the results out to the world through our website.”

- Once we’ve used a thumb drive that’s been inserted into a computer that has internet connectivity, it can’t be used in the vote counting room again.”
- “Our first results, from mail ballots and from early voting, are often released by 7:45 on election night. We can do that so quickly because those ballots are already in our possession.”
- “For Election Day results, the voter scans their own ballot into a scanner, in the same manner as early in-person voting. The data is recorded on a hard drive and a thumb drive inside the scanners at the polling place. After the polls close, the staff at the polling places perform close-of-polls duties: They conduct ballot accounting, and they pack up the ballots, seal the ballot, and pack up and seal the equipment. The poll workers take the ballots and scanners to a designated site. Ohio law requires a bipartisan team of poll workers to deliver them, with chain-of-custody forms and security seals. A sworn bipartisan team of elections officials brings it all back by truck to the board for tabulation.”
- “It’s a physical delivery. The equipment in the field and the tabulation system at the board office do not have the capability of connecting to the internet.”
- “After reviewing the security seals and completing chain-of-custody forms, bipartisan teams remove the thumb drives and physically walk them into the vote counting room. Those thumb drives are plugged into the tabulator and are then released to the public in the same way as the mail and early voting results. This happens periodically throughout the night as the ballots and scanners arrive at the board.”
- “We post on our website with local results, and at the same time we send to the secretary of state’s office over a secure network; they post from there for state races.”
- “It’s the media’s responsibility to retrieve that data. I believe AP scrapes data from both local board websites and the Ohio website.”
- “The results that come directly from the vote counting room tabulation system are printed on a PDF. Throughout the night, the results on our website with all the bells and whistles are compared to the hard data from the tabulation system to make sure no one is tampering with our website. If we noticed anything wrong, we could take

down the bells and whistles website and go to our PDF for all the results. The results produced from the tabulation system are the official results.”

- “If I were giving advice to new election officials, I’d say test all your processes. We do dry runs a week or two before Election Day of this complete process.”
- “We election officials are often the last to know who won an election. Our focus is on ensuring that every vote is counted, counted accurately, securely, and that all proper procedures are followed and all the documentation is there.”

EAC Resources

- “Election Results, Canvass, and Certification,” U.S. EAC
- “Checklist for Securing Election Night Reporting Systems,” U.S. EAC
- “Quick Start Guide on Election Results Reporting,” U.S. EAC

15 | Post-Election Auditing Processes

SUMMARY

Most states have requirements for some form of post-election audit to check that the equipment and/or procedures used to count votes during an election worked properly. When accompanied by strong chain of custody for ballots and other procedural controls, a post-election audit provides additional assurance that the election result reflects the will of the voters. It is rare that discrepancies found during an audit affect the outcome of the election.

While the phrase “post-election audits” can be used to mean a variety of election validation efforts, as a term of art it refers to checking a sample of the paper ballots or records of votes cast against the results produced by the voting system to ensure the voting system accurately recorded and counted votes. This may be called more precisely a “post-election tabulation audit.”

Post-election tabulation audits are the most common type of election audit, but states can also audit processes across the election timeline.

States vary considerably in their processes for post-election audits, including what methods are used, when an audit is conducted, what is audited, who conducts the audit, what happens if a problem is discovered, who can observe the process, and what conclusions can be drawn from the audit results. The phrase “election audit” is broader than simply post-election audits and may be used to refer to audits across the election cycle. These may include procedural/compliance audits, voter registration database audits, and signature verification audits.

POLICY CONSIDERATIONS

In a post-election tabulation audit, a sample of paper ballots—either paper ballots marked by the voter, paper ballots marked by a ballot-marking device, or voter-verifiable paper audit trails produced by direct-recording electronic voting machines (DREs)—are checked against the results produced by the voting system to ensure the voting system accurately recorded and counted votes. Very few jurisdictions still use voting equipment that does not provide a paper trail, but it should be noted that the audits mentioned here are not possible without a paper record.

Since a post-election audit is based on a sample, it could be considered a partial recount of results. They differ from a recount in that they are conducted regardless of the margins of victory and are designed to be a regular quality assurance mechanism rather than a one-off remedy. Recounts are most

How to Talk About Post-Election Audits

Post-election audits only enhance voter confidence in elections if voters understand how they work. An important aspect of conducting a post-election audit, then, is communicating to the public about what they are, why they are conducted and how to observe them. In lay terms:

What is an audit: Post-election audits provide assurance that the election was conducted correctly and the counting was verified by reviewing a sample of ballots. Processes vary by state.

Why do an audit: To promote public confidence in election outcomes and in our democracy—and to identify areas for process improvement.

How to observe an audit: Most often election audits are open to the public. Check with your local election office for dates and times.

Possible outcomes: Most audits result in a report, and by far it is most common to see that the election result as originally tallied is verified. If an error in counting is found, it will be addressed before the election is certified. If there is a process issue, it can be remedied for future elections.

Get the word out: Election officials can designate a staff member to interact with observers and the media during the audit to answer questions and take comments. After the audit is complete, results and reports are often made available and publicized.

Source: Verified Voting

often triggered or requested only if there is a tight margin of victory in a particular race or a problem is suspected. (See Chapter 17 for more information.)

If an audit process is in place, the audit results can help identify if the voting system is not recording and counting votes accurately or if the reported winner was incorrect. Post-election audits can also provide election officials with information to improve future election processes and can increase confidence in the results of an election.

Post-election audit proceedings in many states are open to the public, and election officials encourage attendance.

Types of Post-Election Audits

State legislatures determine whether to require post-election audits and what kind of audit to use.

Traditional: A traditional post-election audit is the most common type. State law typically specifies a fixed percentage of voting districts (precincts, in most cases) or voting machines to be audited. The votes on every paper ballot (paper ballots marked by hand, paper ballots marked by ballot marking devices and voter-verifiable paper audit trails produced by DREs) from the selected voting districts

or machines are counted and compared to the results produced by the voting system. In a traditional audit, the fixed percentage does not change based on whether the election is a landslide or a nail-biter, and the sample of ballots examined is not necessarily representative of the entire electorate. These audits are most useful for identifying problems with the ballots examined in the audit.

Traditional post-election audits are usually conducted manually, by hand-counting a portion of the paper records and comparing them to the electronic results produced by a vote tabulation machine.

Risk-limiting audits (RLAs): In recent years, researchers have developed statistically based audit techniques known as risk-limiting audits. These audits scale the scope of the audit based on the margin of victory in each race and ensure that a representative sample of ballots is examined. RLAs also have a slightly different goal than traditional audits: Rather than looking for counting errors in a specific set of ballots/machines, RLAs examine a random sample of ballots chosen from the entire electorate to determine whether the overall winner of the election was correct.

As defined in Washington state, “a ‘risk-limiting audit’ means an audit protocol that makes use of statistical principles and methods and is designed to limit the risk of certifying an incorrect election outcome.” In races with a large margin, fewer ballots need to be counted. If the race is tighter, more ballots are audited. And there is a process by which the audit can escalate to a full hand count if problems are discovered that call the outcome into question.

Nearly all states conduct some type of post-election tabulation audit in addition to the extensive checks and balances that take place before, during, and after every election.

Automated and transitive audits: To create efficiencies in the process, some states allow audits to be conducted electronically. For example, in Hawaii, the chief election official and a bipartisan team have the option to retabulate 10% of precincts with their voting system as a part of their post-election audit. Another type of machine-assisted audit is known as a transitive audit. Transitive audits digitally scan the ballots using a voting system or tabulator separate from the primary voting system, and compare the two systems’ results. If both systems report the same winners, it provides evidence that the outcome is correct, even if there are some discrepancies.

Procedural audits: In addition to traditional and risk-limiting audits, many states have a process for ensuring that the correct processes and procedures were followed during the election. This may be referred to as a procedural audit and may be conducted instead of or in addition to a post-election tabulation audit. Procedural audits vary in their scope and comprehensiveness but are usually a check of the human processes rather than confirming the results of vote tabulation. Procedural audits can review work done throughout the election, not just looking at whether the voting system accurately recorded and counted votes. Procedural audits are not always referenced in state law; they may be required by regulation.

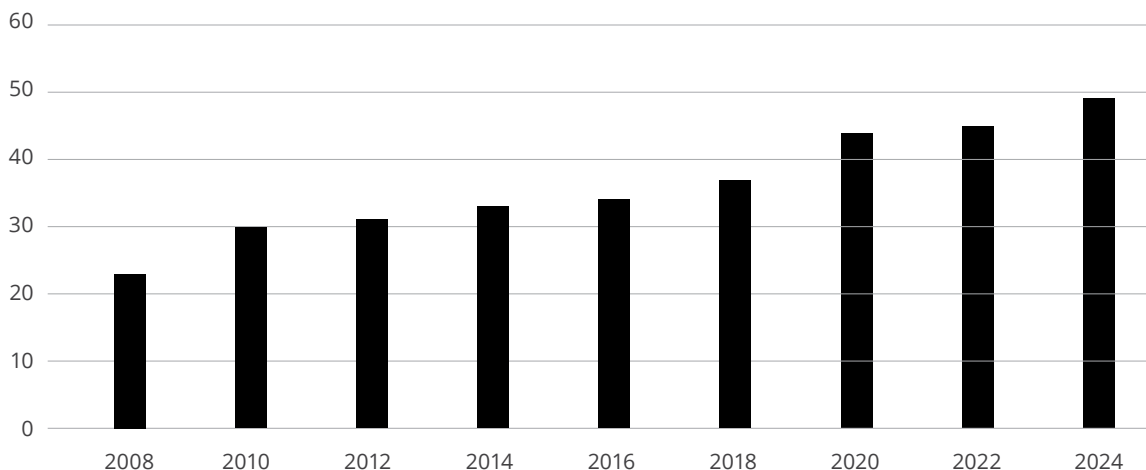
Other Key Policy Choices on Post-Election Audits

Beyond the key question of what type of audit to use, state law will also determine the scope of the audit including:

- Which contests are included in the audit? Only statewide offices? All state races? What about federal or county races?
- Which categories of ballots are to be audited? Does the audit include absentee ballots, early voting ballots, ballots sent from citizens overseas and provisional ballots, or just votes cast in person on Election Day?
- Who conducts the audit? Is it conducted by state election officials? A local board of canvassers? Another audit entity?
- What will be audited? Some states randomly select specific precincts or pieces of voting equipment, while others require specific ballots to be audited, or a random sample drawn from all ballots.
- Who can observe a post-election audit? For transparency purposes, most audits are open to the public, media, political parties and candidates.
- When does the audit take place? Some states call for post-election audits after election results are certified, with the intent of providing information to improve future elections. Other states conduct audits before results are finalized, in which case any problems discovered can be corrected in the final tally.

While audit results often differ slightly from the original count, these discrepancies are generally the result of human error, human interpretation of voter intent, or expected differences in machine and human counting rather than any malicious activity. It is rare that discrepancies found during an audit affect the outcome of the election.

States With Post-Election Tabulation Audits



Source: NCSL

IMPLEMENTATION CONSIDERATIONS

From an administrative point of view, three things are essential for auditing: A voting system that can produce the necessary audit trail for the kind of audit to be conducted; a procedural system to easily retrieve the ballots to audited, whether for a traditional audit, transitive audit or a risk-limiting audit; and the time, space and people to conduct the audit.

The type of voting equipment in use partly determines what kind of audit can be done. For instance, DREs that do not provide a voter-verifiable paper audit trail by definition cannot support either traditional or risk-limiting audits. The DRE can tally the ballots a second time, but the expectation of finding change is vanishingly small. In other words, paper ballots—or a human-readable paper record—is required to do a post-election tabulation audit.

For risk-limiting audits, there are several varieties, and the voting equipment in use in a given jurisdiction may impact what kind of RLA can be done. A ballot-level comparison RLA relies on comparing the human interpretation of voter intent for a particular ballot to the voting system’s cast vote record (a digital representation of all the selections on an individual ballot captured on a document that looks like a spreadsheet) for the same ballot. Ballot scanners that can print a unique identifier on individual ballots make it much easier to locate particular ballots as required by a ballot-comparison RLA. (This unique identifier has no information that could be used to track back to the voter.) This imprinting functionality can be found in some high-speed scanners that are used to count batches of paper ballots at a central location and will soon be available in some precinct scanners as well.

A batch-level comparison RLA more closely resembles a “traditional” audit. In a batch-level comparison audit, the voting system must export subtotals for identifiable physical batches of ballots, such as all ballots cast in a precinct polling place or all mail ballots scanned together as a batch by a particular machine. The physical batches to be audited are selected at random. The votes in each selected batch are examined manually and totaled, and the manual totals for the batch are compared to the voting system’s reported subtotals for the same batch.

A ballot polling RLA randomly selects ballots to be tabulated. It offers an efficient way to audit contests with 10% or greater margins and can be conducted by any jurisdiction that uses paper ballots, regardless of the type of voting system used.

Regardless of whether an audit is traditional or an RLA, once the random sample—either individual ballots or ballots from specific precincts, pieces of equipment, or batches—is selected, that sample of ballots must be located. That means chain-of-custody procedures and detailed inventory documents are key. Each election office may have its own system, but documentation should track each batch of ballots as it is scanned, transported and stored after Election Day. Batches of scanned ballots should be maintained in storage, even if multiple batches are stored together to preserve space. Election officials should also maintain an auditable record whenever the equipment, supplies and ballots change hands or location. By verifying tamper-evident seals on equipment and ballot containers before signing chain-of-custody forms, election workers, ideally in teams of two, certify the status of the voting equipment, supplies and ballots and deliver them to a particular location. When it’s time for an audit, these chain-

of-custody documents can be used to demonstrate that ballots and voting equipment were physically secure throughout the election lifecycle.

Post-election audits can be labor- and time-intensive. Those conducting the audit need sufficient training, an eye for detail, and checklists and tally sheets to help them through the process.

The cost of running a post-election audit is largely driven by personnel requirements. The more ballots to be audited, the more costly the audit will be. For traditional audits, not all precincts have similar numbers of ballots to review. For RLAs, the closer the margin of victory, the more ballots will be reviewed. In the longer term, states may find cost savings if audits make expensive recounts less common and find opportunities for process improvement.

VOTER PERSPECTIVES

Comprehensive, transparent election audits play a role in detecting errors, providing accountability and offering feedback for process improvement, with the goal of enhancing public confidence in election outcomes. Audit processes can be complex, though, so describing the process, allowing the public to observe and providing explainers on what is happening can help ensure confidence.

PRACTICAL CONSIDERATIONS

A post-election audit is itself a check on previous work. The process for conducting a post-election audit will go smoother with good preparation, including good ballot accounting and chain-of-custody procedures.

Before the audit, election officials may:

- Develop chain-of-custody systems to track the transport of ballots, voting machines and other election materials using witnesses, signature logs and security seals. Poll workers may be required to fill out a log indicating the number of blank ballots received at the beginning of the day or the “zero tape” from the voting machine.
- Track the number of voters who come in to vote and ballots voted throughout the day, reconciling any incidents that occur (for example if a voter signed in on the poll book but left without casting a vote, or if a voter was asked to vote a provisional ballot that is then held rather than being tabulated immediately). The ability to balance the number of voters checked in on the poll book or given credit for voting with the number of ballots issued and subsequently tabulated is a prerequisite for post-election audits. If there are any discrepancies in these numbers, election officials can investigate before auditing begins.
- Maintain an inventory of ballots in storage, showing where each batch of scanned ballots is stored and maintaining those batches, both within and across storage containers. This can make the retrieval of specific ballots easier and is especially useful for risk-limiting audits.

- Provide clear written audit standards for poll workers and election officials to help ensure accuracy and compliance. This may include voter intent guides or other documentation describing how different nonstandard ways of marking the ballot (checkmarks, x's, etc.) may be counted according to state law and regulations.
- Determine, in advance, procedures for how any discrepancies the audit reveals will be handled—and then used during the audit. There may be a threshold of discrepancies that trigger additional rounds of audits, or even a full recount.

AN ELECTION OFFICIAL'S PERSPECTIVE



NICK LIMA is the registrar/director of elections for the city of Cranston, R.I. His office serves over 60,000 voters, the second-largest jurisdiction in the state. Rhode Island is unique in that there is no form of county government whatsoever—cities and towns manage all local operations, while election equipment and ballots are supplied by the state. When Lima was first offered the job in 2016, he initially turned it down, thinking it would have a steep learning curve. He got to “yes” when he learned the staff had over 50 years of combined experience—a solid team to count on. He is now chairperson of the Elections Committee for the Rhode Island Town and City Clerks’ Association.

Rhode Island was the second state to adopt risk-limiting audits (RLAs) statewide as its method of conducting a post-election review of their tabulation systems. RLAs are a statistical means to prove that the election outcome accurately matches the will of the voters. With an RLA, the tighter the set risk limit is, the more ballots may be hand-checked in order to verify the accuracy of voting equipment.

Approaches to post-election audits, like just about all aspects of election administration, vary from place to place. Here are Lima’s thoughts on how it works in Cranston:

- “We know the audit is coming and we know the state is going to ask us for our ballots, because it is the state that actually conducts the audit. We want to be sure that we know where the ballots are and that on election night, they’re in properly labeled and sealed containers. That helps with chain of custody if a recount occurs, too.”
- “For an RLA, we need to be sure to have a separate ballot box for each tabulator used on Election Day. It is a little more complicated for early voting, where in our city we have to bring the ballots back from each tabulator we are using at our off-site vote center and lock them in our secure storage vault each day. That means our city could

be storing anywhere from 50 to 90 cases of voted ballots from the 20 day-early voting period. Some of the cases, from slower turnout days, may only have a handful of ballots in them, but we need to keep them separated in their sealed containers so they can be tracked back to a particular date and tabulator. It does take up a significant portion of our fairly limited secure storage space, which is something we have to anticipate and plan ahead for.”

- “When the boxes are sealed, we do not have authority at the local level to break those seals to open them. Even if a poll worker accidentally seals their car keys in a box, we will have to go to the state Board of Elections to open it up under the state’s authority and in the presence of state BOE officials. Chain of custody and following proper procedures are absolutely essential.”
- “Logistically, none of this is a big deal for us. Storage, though, is a bit of a concern. By federal law, we have to store all ballots for 22 months after an election, and in that time other elections have taken place, so we store those ballot boxes, as well. We have to ensure we have both enough storage space and enough spare containers provided by the state available for this large volume of ballots from both early voting and Election Day voting. The state stores any mail ballots at their facility, as that’s where they are certified and tabulated.”
- “The state has an algorithm and procedure to decide which precincts and races are going to be audited. We get a message from the state instructing us which specific ballot boxes they will need to conduct the audit. We locate and transport the containers to the state, as do the other 38 cities and towns, as requested. We’ll either transport them using municipal police vehicles, or the state will send personnel and state vehicles to retrieve the required ballot boxes from our storage and get them to the BOE for the RLA.”
- “The state rolls dice to generate a random seed to see which exact ballots will be reviewed. They encourage board members and staff from all the cities and towns to actively participate in the audit process, although it’s not required. Participants, including local election officials and members of the public, review ballots in pairs by hand, while state officials and other participants manage the ballot inventory and help to create manageable batch sizes, using scales, for each audited precinct. The entire process is done in a publicly advertised meeting and is often broadcast online.”

- “It takes a day or two, depending on the number of ballots that need to be audited. If we fail to meet the risk limit and we ever have to go into a full hand count of a particular race—which has not happened yet—that could take days or weeks or a lot more personnel.”
- “It’s fairly easy on our local end, as we are mostly matching chain-of-custody procedures that we were already doing before RLAs, although it is a bit more of a lift for the state to prepare for, coordinate and conduct the auditing process on their end.”
- “Nothing increased my confidence more than when we were doing our very first pilot test of various risk-limiting audit methods in early 2019. The pilot included a hand count of an entire Cranston precinct, about 800 or 900 ballots. The hand count matched exactly what the scanner results had recorded in the 2018 election. The fact that I was able to witness this public process with my very own two eyes gave me tremendous confidence that the tabulators count votes accurately.”
- “Conducting a risk-limiting audit to increase confidence in the accuracy of our election results is a heck of a lot better than sitting down to do a complete hand recount. Full hand recounts are also often impractical and can be fraught with errors of their own unless tight protocols are followed with an extraordinary number of personnel. RLAs help statistically prove that our election results can be trusted using scientifically proven methodology and far less time and resources and can likewise catch tabulation errors in voting equipment that otherwise may go undetected.”

EAC Resources

- “Election Audits Across the United States,” U.S. EAC

Other Resources

- “Post-Election Audits,” NCSL
- “Risk-Limiting Audits,” NCSL

16 | Canvassing, Certification and Election Contests

SUMMARY

Even when the polls close, the election is not over. Plenty of work remains even after the last ballot is cast. The outcome of the election is not official until the completion of the canvass of votes and certification of results, which may be several days or even weeks after Election Day. A court challenge to the election can delay certification even longer and even delay swearing in.

The canvass of the vote is the final count of all valid ballots cast in a given election. Both the terminology and the wide range of processes, protocols and deadlines that support the canvass vary widely from state to state. Local election officials often present results to a local canvass board to review and certify local races. Results for statewide or multicounty offices (such as legislative and congressional seats) often are sent to the state, where state canvassing takes place and results for those races are certified. These steps take time, and are an essential part of every election.

POLICY CONSIDERATIONS

Canvass is a compilation of elections returns and election outcomes that form the basis of the official results by political subdivision. In plain language, the canvass is the review of election results at the local level and may be used at the state level to refer to the compilation of those results.

The canvass represents the aggregation of all votes cast in a given election. The canvass process compiles every valid ballot cast and counted, whether cast on Election Day, during early voting, by an absentee/mail ballot, from a uniformed or overseas citizen, by a federal write-in ballot from an eligible military or overseas voter or by a provisional ballot. The canvass may also include processes to review the accuracy of election data and identify areas for improvement.

A local canvass board—an entity that reviews the local election official’s presentation of their canvass—assesses the completeness and accuracy of the documentation and vote totals and approves the results.

Before all the results can be compiled for review by a local canvass board, jurisdictions may use several separate boards based on the ballot type being canvassed. Examples include the provisional ballot, duplication, write-in and adjudication boards. If used, these boards may be responsible for determining

How a "canvass" is defined varies by state, but all states have a process to check that appropriate processes were followed and tabulations are correct.

ballot eligibility and voter intent instead of the canvass board. The canvass board may need to reconcile any discrepancies before they can validate the outcome of an election.

The timing and deadlines of the canvass are controlled by policymakers. State law usually defines in statute when the canvass must be completed. Local canvass deadlines range from the day after the election in Alaska to 38 days after the election (or 32 days for presidential electors) in California.

After the canvass has been completed, election results must be certified. Election certification is the process of election officials attesting that the tabulation and canvassing of the election are complete and accurate and that the election results are a true and accurate accounting of all votes cast in a particular election. In other words, results are unofficial on election night and for some time afterward, but the certified results are the ones that are official and determine who gets sworn in. Again, how the words “canvassing” and “certification” are used varies, and each state’s definition governs.

The certification of election results is a review done by election officials, boards of canvassers or those designated by law for this process to finalize election results. (While the canvass and certification process officially validates the accuracy and outcome of an election, post-election audits are an additional and different process to ensure accuracy. See Chapter 15 for more information.) For local races, a canvass board or other entity may certify the results. State and federal races are canvassed and certified locally

Provisional Ballots

The Help America Vote Act (HAVA) of 2002 required all states to provide provisional ballots as a failsafe option for voters whose eligibility needs additional verification after Election Day. During the canvass, election officials review provisional ballots to verify voter eligibility and determine which provisional ballots are counted.

Typically, election workers process provisional ballots, conduct any necessary research and, depending on their findings, recommend the canvass board accept or reject the ballot for counting. Ultimately, the board or chief election official determines whether provisional ballots are eligible for counting. The rules for whether provisional ballots are eligible vary by state. Research may include verifying that a voter with a new name did not vote under their old name or was properly registered prior to deadlines, or may involve coordinating with other elections offices to verify that voters who moved from other jurisdictions did not vote at their previous addresses.

Tracking the number of provisional ballots issued at polling locations, received by the election officials and accepted or rejected for counting is critical. Voters must be notified if their ballot was counted, if they need to take any additional steps to verify their eligibility, or if the ballot was rejected. The ballots accepted must reconcile with the ballots cast in the final results. Maintaining detailed documentation for every provisional ballot allows election officials to compile the necessary data quickly. See the EAC’s “Best Practices on Provisional Voting.”

and then aggregated and certified at the state level. Certification may come from the chief election official of the state, a state board of canvassers or other state-level entity. The size of the jurisdiction is not related to the deadline. Small and large populations adhere to the same deadlines in each state.

As of 2024, county and local deadlines for certifying results to the state range from mere days after Election Day to a full month.

State certification deadlines vary widely and may differ for certifying the election of presidential electors. As of 2024, 33 states have statutory language such as “not later than,” “by” or “within” that specifies the deadline by which state canvasses and/or certifications must be completed. For details, see NCSL’s webpage on certification.

For presidential elections, the designated state authority signs a “certificate of ascertainment” identifying the presidential electors. This may happen on a different day than other election certifications.

Beyond deadlines, policy can dictate the eligibility of a ballot, specifically whether “voter intent” is a factor. If a paper ballot has stray marks, the oval isn’t fully colored in, or the voter has scratched out and written “this one” with an arrow, election officials must decide whether to count it. Some states do not count a ballot if it is not completed properly. Other states have voter intent statutes that say, if the voter’s intent can be understood, the ballot can be counted with that intent.

While results are final after certification, recounts are still possible. (See Chapter 17 for additional information.)

State Certification Deadline of Legislative Office in Days as of 2024



Source: NCSL

A dissatisfied candidate or campaign can contest the outcome after certification. States can and mostly do specify a date or deadline by which a challenge to an election must be initiated. Most states also provide a date when the contest must be concluded. This is to ensure a speedy resolution so that the winner can be sworn in and governance is not disrupted by a lengthy judicial process. In general, the rules governing these processes are laid out not just in state statutes, but in regulations and guidelines as well. See NCSL's webpage, "Election Contest Deadlines."

IMPLEMENTATION CONSIDERATIONS

After unofficial results are released on election night, election officials process and count provisional ballots, ballots from military or overseas voters and any late-arriving mail ballots, if permitted by state law.

Good ballot management, including organizing and accounting for ballots and where they came from, and clear chain of custody procedures can ease the canvass process. For more detailed information see "Chain of Custody Best Practices," "Ballot Reconciliation on Mailed Ballots" and "Ballot Reconciliation on Election Day" from the EAC.

Ballot reconciliation ensures that all ballots can be accounted for, and that the number of voters who participated in an election aligns with the number of ballots cast—and if not, why not. When, for instance, a voter checks in and then leaves a polling place before casting a ballot, that anomaly can be noted on an incident sheet and used to reconcile numbers before the canvass. Doing daily reconciliations will help identify and resolve discrepancies quickly.

Many jurisdictions require three or more bipartisan (or nonpartisan) participants to document parts of the ballot tabulation process.

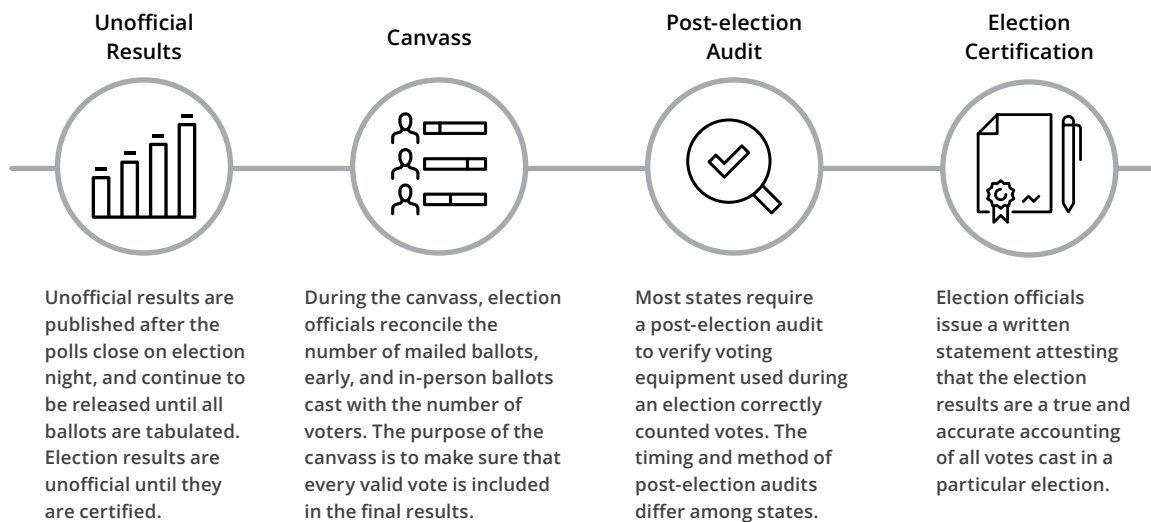
Maintaining complete chain of custody for all ballots helps ensure no ballots have been misplaced. Poll workers and election officials are human, and mistakes are a part of any human process. Maintaining clear chain of custody procedures mitigates that risk and makes auditing an election easier, too.

Election officials may want to notify the media and by extension the public that the meeting of the canvass board is open and all are welcome to observe. Representatives of candidates and political parties often may observe the process.

The canvass itself includes reviewing ballots with eligibility issues, such as returned mail ballots that need further review, provisional ballots, ballots with voter intent issues and ballots that have been duplicated so that the voting system can tabulate them. Election officials flag these for the canvass board or another entity in charge.

Election officials often provide the canvass board, or a ballot adjudication board, with applicable voter intent guidelines for resolving questionable marks and write-in votes, also known as adjudication. Providing written guidance helps ensure consistency and transparency. Election officials document the board's decisions on each ballot. If boards adjudicate ballots electronically, the system should log each adjudication session and thus create an audit trail.

Procedures after Election Day, Prior to Election Certification*



*Not all jurisdictions follow all procedures listed above, nor in the order listed above

After all eligible ballots are processed, election officials can tabulate the final election results. By canvassing ballots cast by precinct and type, election officials know exactly how many ballots the final results should reflect. Election officials can then create a summary of the ballot-to-voter reconciliation data. Before submitting the final results for certification, election officials verify whether the ballots cast match the number expected from the ballot reconciliation process, and document if there are any discrepancies. Election officials can submit the final results and reconciliation summary to the certification authority.

While variation is the theme, knowing who is responsible for what actions as part of accurately counting and reporting results in each state is essential. Likely divisions of responsibility include:

Poll Workers

- Verify and document voter eligibility and issue ballots, including provisional ballots.
- Maintain chain of custody for ballots (voted and unvoted), election equipment and supplies, poll books and storage media.
- Complete documentation, including chain of custody, voting location reconciliation and issues log.

Elections Office Staff

- Maintain chain of custody for ballots (voted and unvoted), mail ballot applications and envelopes, election equipment and supplies, poll books and storage media.
- Review eligibility of mail ballots and reconcile the number of ballots found eligible with the mail ballots counted.

- Research eligibility of provisional ballots.
- Review poll worker documentation and issues from voting locations.

Canvass Board/Board of Elections/Board of Supervisors

- Determine the eligibility of mail, provisional and challenged ballots.
- Resolve questions of voter intent and signature mismatches.
- Review and verify write-in votes.
- Ultimately, may be responsible for certifying election results.

Observers (if permitted by law)

- Watch and ask questions during the canvass process.
- May be able to challenge ballots.
- Adhere to laws and rules for observation.

After each election, the canvass provides an opportunity to review the election broadly. For instance, the canvass is an opportunity to review the paperwork completed by poll workers, including poll book annotations, vote totals as produced on a “totals tape” from the voting equipment and other voting-related documentation. At the end, election officials should be able to answer whether the paperwork is complete and have all anomalies explained.

A well-documented canvass can also give credibility to election results in the event of a recount or election contest. “Well-documented” does not mean that no issues were discovered. It means election officials completed a thorough and meaningful check on election procedures and offered explanations for anomalies and solutions to prevent similar issues in future elections. Given the complexity of election administration and the number of people involved, issues will arise. The canvass allows election officials to discover, disclose and redress those issues in a way that promotes confidence.

When the canvass is complete, election officials must prepare the final results, summary information and any other documentation generated during the canvass for the certification authority.

After that, all ballots and other records that include federal contests must be stored for at least 22 months. Many election officials use sealed containers with tamper-evident seals.

VOTER PERSPECTIVES

Canvassing and certification are not top-of-mind for voters. The general public is typically not aware of anything past the release of unofficial results on election night, unless it is a close race or a contested election.

While the media seek to call elections as soon as possible, accuracy always outweighs speed in post-election processes. Ensuring that reporters understand post-voting timelines will foster public trust in the system. The EAC’s “Communicating Election and Post-Election Processes Toolkit” may prove helpful.

PRACTICAL CONSIDERATIONS

Canvassing and certification processes and timelines vary by state. Even the terminology varies: In some cases, canvassing and certification are distinct processes, while in others they refer to the same activities. Despite these variations, all states complete these activities after votes have been cast and are essential for finalizing the official results of the election.

To help with these processes, election officials may:

- Regularly and consistently implement chain-of-custody practices. Documenting these activities can streamline canvassing activities.
- Use labeling, batch sheets and inventories for organizing ballots during counting and in advance of the canvass.
- Clearly and constantly communicate that unofficial results are not final until the certification is complete.
- Communicate about the canvass or other post-election processes so that interested citizens have a better understanding of the process. See the EAC’s “Communicating Election and Post-Election Processes Toolkit” for customizable materials to help with this activity.

AN ELECTION OFFICIAL’S PERSPECTIVE



CARLY KOPPES is the county clerk in Weld County, Colo. While the county seat is a quickly growing urban area, its history is straight from the Old West. This is where Rattlesnake Kate dispatched dozens of rattlesnakes to save her young child, Ernie—and made a dress of the skins. The dress is on display at the Greeley History Museum.

Koppes tracks her elections work through her family history. Her grandmother worked elections on a regular basis, and Koppes remembers going with her dad to deliver lunch to her when she was staffing a polling place. It was her grandmother who suggested she might like a part-time job at the county clerk’s office. Now she’s won her third—and final, due to term limits—term as county clerk.

Canvassing and certification, like just about all aspects of election administration, vary from place to place. Here are Koppes’ thoughts on how it works in her county:

- “Prior to Election Day is the easy work. Then, after Election Day, it’s crunch time. We are reverifying all the work the election judges did, we’re processing provisional

ballots and UOCAVA (Uniformed and Overseas Citizen Absentee Voting Act of 1986) ballots and checking signature verifications. Then we do the audit. The audit is to increase the trust in the integrity of the election.” (Note: Colorado requires a risk limiting audit to be done before the election is certified.)

- “Once we’re past the audit, we’re ready to present to the county canvass board. The board in our county is made up of me and two representatives appointed by each of the two major parties. Other Colorado counties have two members from each major party.”
- “We give them the good, the bad and the ugly. We tell them the story of the election. We look at the number of in-person votes, the number of mail ballots, we break it down by precinct, and by percentages.”
- “The board can ask for any further information. They can look at our auditing log or at any entries our election judges have made. Once I have satisfied all the questions of the canvass board, I ask, do you want to certify this election? If they say yes, we sign the paperwork.”
- “At the conclusion of the county canvass, I, as the designated election official, submit the official canvass to the secretary of state’s office. She, as the secretary, certifies for the state. She relies on all of us from the counties.”
- “If for any reason a county canvass board refuses to certify an election, the secretary of state has the authority to ask the county commission to certify.”
- “We want to be sure that it doesn’t land on me as the county clerk to override. Having outside parties come in and be able to look at everything and certify is the right approach.”
- “The canvass board is in charge of the audit, too. And if any race comes to a recount, either automatically or because a candidate requested one, the canvass board is in charge of that, too. We want to make sure all our checks and balances are right.”
- “On timing, after Election Day we have just a short amount of time to get all eligible ballots processed and counted. The audit can start as soon as 24 hours after that. We hope the audit can be done in one day, depending on how many ballots are needed for review. Only once the whole state is done can we go to the canvass board.”
- “The biggest point is that auditing and canvassing and certification is not an internal process; it is outside people coming in. It would be irresponsible if we were auditing ourselves. The public is welcome, too.”

EAC Resources

- “Communicating Election and Post-Election Processes Toolkit,” U.S. EAC
- “Election Results, Canvass, and Certification,” U.S. EAC

Other Resources

- “Canvass Deadlines,” NCSL
- “Election Certification Deadlines,” NCSL
- “State Election Canvassing Timeframes and Recount Thresholds,” National Association of Secretaries of State (NASS)
- “Risk-Limiting Audits,” NCSL

17 | Recounts

SUMMARY

Every vote matters. That saying is never truer than in elections decided by narrow margins. There may be a recount if the results of the election are close. Recounts can be initiated in several ways depending on the state and circumstances, including automatically based on the margin of victory, by request of a candidate or through a court order. Recounts, especially hand recounts, can be costly and time-consuming. In rare cases, the voter's intent on a specific ballot may be determined by human inspection to be different than how the voting machine read the ballot. In even rarer circumstances, an error in election administration could be discovered through a recount. Recounts almost always reaffirm the initial contest outcomes, providing evidence that election procedures were followed and machines were working properly. Recounts can boost public confidence that elections are administered well and provide accurate results.

POLICY CONSIDERATIONS

Election Recounts

A recount is exactly what the name implies: a second counting of all the ballots in a given race. The results of a recount become the new official results and could change the original outcome of an election.

Although the intended purpose of a recount is to discover if votes were counted incorrectly, it is rare for large numbers of votes to change. In 2020, Colorado's 18th judicial district attorney race had six votes change out of nearly 700,000 ballots. The votes that do change during the course of a recount are typically because of human interpretation of voter intent in marking the ballot. During a hand recount, teams of people, often bipartisan, work together, allowing multiple sets of eyes to contribute when a decision about voter intent needs to be made. It can avoid disputes that elections were conducted improperly if all parties and the public have a role in the recount process.

Sometimes a voter will make a wrong selection and cross out a choice, not completely fill in an oval or otherwise mark their choice in a way that cannot be read by a machine. To determine what should

Recounts are similar to post-election audits in that they both verify that voting equipment is tallying votes properly and election procedures are being followed. The difference is that post-election audits are samples based on statutory standards and do not change the outcome of an election. Recounts review every ballot for a specific race with the intent to determine the official result.

be done with these ballots, most states have laws that dictate which votes can be counted and how to interpret voters’ selections. Hand recounts reevaluate the intent of a voter in a way that a machine recount—running the ballots through another machine—cannot.

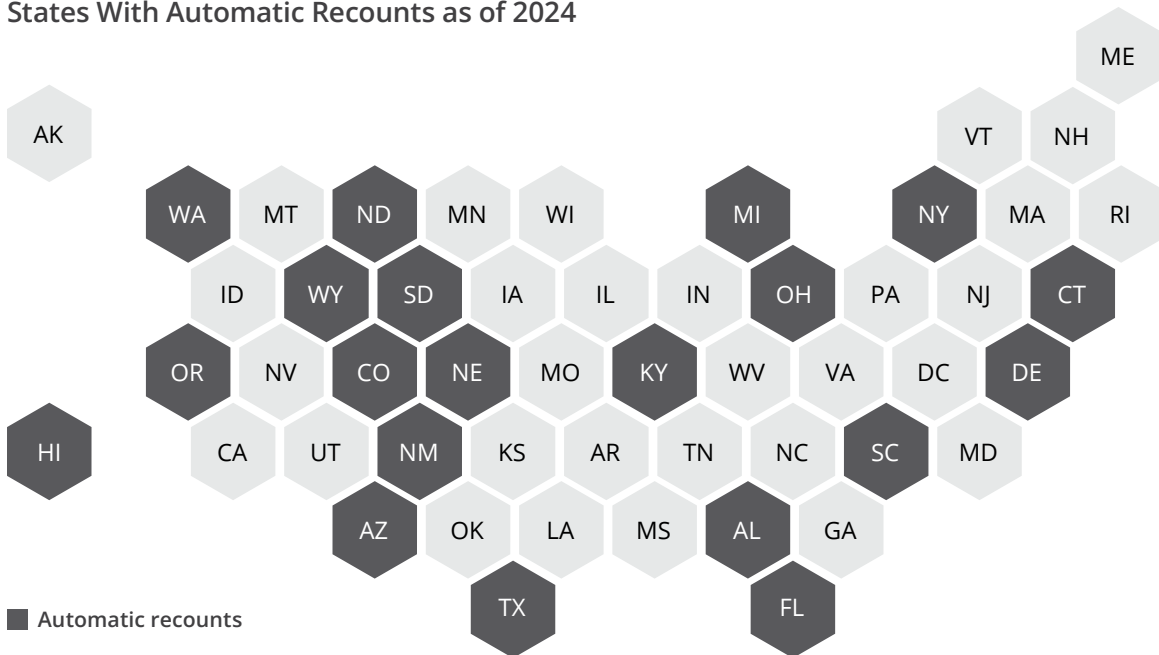
Automatic Versus Requested Recounts

How recounts are initiated and conducted varies by state.

Over a third of states automatically run a government-funded recount if the margin of victory for a candidate or ballot measure is below a set trigger. That trigger ranges between 0.25% to 1% of all ballots cast, depending on the state. Automatic recounts require recounting ballots from all precincts for the given race.

Most states allow a recount to be requested if the margin of victory is above the automatic recount trigger. Who may request a recount varies by state, but losing candidates are most likely to have the right. Others allowed to request a recount may include voters, election officials or party officials, depending on the state. In some states, a partial recount may be requested where only one or a handful of precincts’ ballots are recounted if there is reason to believe those precincts had errors in their tabulation or administrative procedures.

States With Automatic Recounts as of 2024



Source: NCSL

In a few states, automatic and requested recounts are not an option. Recounts in these states can occur only by court order.

Recount Timelines

To ensure election results are finalized before candidates are to be sworn in, most states establish timelines for recounts.

Many states have a recount request deadline. This date can range from a couple of days to over a month after the election. A request deadline allows election officials enough time to start recounting ballots prior to the time the candidate takes office.

Several states also require recounts to be concluded in a certain number of days. This is usually a week or two after the recount is initiated.

In most states, recounts are conducted after the certification of election results. Some may then require a second certification to be issued after the recount has concluded.

Manual or Machine Recount

Whether recounts are conducted by hand, machine or both depends on the state and, in some cases, the jurisdiction. Jurisdictions may require a logic and accuracy test to be performed before a machine recount. If the machines counted ballots wrong the first time, rerunning the ballots without checking the machine will likely bring the same results.

Some states mandate that all recounts be conducted by hand. Hand recounts use human interpretation of voter intent, so it is not unusual for a few differences from the machine count to occur. During a hand recount, a small team usually works together to tally the votes, with perhaps one team member verbally announcing a candidate choice and another team member tallying those choices. Other team members may be responsible for verifying the tally has been recorded correctly.

Nearly every state has guidance in statute or administrative procedures that spell out standards for judging voter intent. When a mark on a ballot is reviewed by hand, should it be rejected or accepted? A machine's interpretation and the interpretation of a team of recount workers may differ in cases where the voter has made stray marks or not filled in a vote target adequately.

Paying for a Recount

Recounts are like redoing the entire vote counting process for a single race. That means they are staff-intensive. When an automatic recount as set in state law is triggered, the local jurisdiction or the state pays the bill.

In cases where someone requests a recount, many states require the requestor to put down a deposit toward the cost of the recount. In the rare instance when a recount changes the outcome of the election,

the requestor may be refunded their deposit. If the election outcome does not change, the requestor could lose their deposit and be required to pay most of the costs associated with the recount.

Contesting an Election

Recounts are not the only way to challenge an election result. When a candidate believes that voter fraud may have swayed the outcome, they can sue the jurisdiction or state. This is known as a contested election. Most states allow any election to be contested, but a few limit election contests to specific state-level offices.

Like recounts, election contests must be initiated by a state-specific deadline. This deadline ranges from two to 40 days after the official canvass. A handful of states also specify a date by which election contests must conclude.

IMPLEMENTATION CONSIDERATIONS

Recounts are not common at the statewide level but do happen in local elections occasionally. Therefore, it is important to have a plan and procedures in place. Having a clear plan can help use staff time more effectively and efficiently, reducing the overall time it takes to conduct a recount. Plans may address:

- **Locations:** Some jurisdictions may use their existing election facilities for recounts, but in others, another location may be needed to provide more space for operations, including ensuring adequate room for storage, observation and security.
- **People:** Election officials must quickly recruit poll workers or others to conduct a recount. Recruiting recount workers may be especially challenging because of the number of workers required to review ballots in teams. Some states require teams to come from the two major political parties, and others may allow unaffiliated workers to participate.
- **Costs:** Although requested recounts are typically paid for by the candidate or entity that requested it, local election officials are required to pay for costs, for which they will be reimbursed later (unless the results of the recount change the official result). Jurisdictions often budget for these costs in their annual budget cycle to ensure necessary funds are available in case a recount is required. Costs primarily relate to staffing but may include facility rentals, increased security, moving and storage, or other requirements.
- **Time:** By definition, completing recounts as quickly as possible while ensuring accuracy is the goal. States or courts may also require recounts to be completed by a set deadline. To make this possible, jurisdictions often have a recount plan in place.

Recounts can be required by courts, but courts can also stop a recount. Michigan's recount of the 2016 presidential election was halted by a federal judge after two days of counting in a recount that was called by a minor party candidate for president.

Some Recount History

Florida faced three statewide recounts after the 2018 general election. For each race—governor, U.S. Senate and state commissioner of agriculture—8.2 million ballots were recounted. At the same time, two state legislative races also underwent recounts, a Hillsborough County state Senate seat and a Volusia County House seat.

These recounts were triggered by Florida's automatic recount law, which requires recounts if the winning candidate's margin is 0.5% or less. None of the initial outcomes was overturned.

From 2000 through 2022, there have been 34 statewide recounts (out of 6,297 statewide general elections) across the United States. Of the 34 statewide recounts, three resulted in changed outcomes, and all three were exceptionally close races. In Washington's 2004 governor's race, the original tally showed the Democratic candidate trailing by 261 votes out of 2.7 million cast. The recount shifted 390 votes, a change of 0.014%. (Shifts in recounts are largely due to human interpretation of ballot markings.) Vermont's 2006 state auditor race saw a 0.107% vote shift. According to FairVote's "An Analysis of Statewide Election Recounts, 2000-2022," this relatively large percentage was due to "errors made on election night in recording hand-counted votes." Minnesota's 2008 U.S. Senate race, which eventually gave the win to Senator Al Franken, had a 0.018% vote shift.

- **Jurisdiction size:** Smaller jurisdictions have fewer voters, so there are fewer ballots to recount. The opposite is true for larger jurisdictions, so it may take longer and be more costly to do a recount.
- **Transparency:** Making the public aware of recount procedures can improve voter confidence. This may involve making available to the public the requirements and timeline for recounts. Most jurisdictions make accommodations for the public to observe a recount without interfering with it. Some jurisdictions may provide a livestream of the event. If a livestream or recording is done, it is helpful to include text or narration to describe the action.

VOTER PERSPECTIVES

Recounts can give voters confidence that the winning candidate in fact received the most votes. If the results of a recount are nearly identical to the initial tabulation, voters can be reassured that the target election, plus other elections by extension, are conducted well.

Recounts can also have the opposite effect. Some voters may feel that the need for a recount is proof that elections are prone to error. This is in addition to the uncertainty a recount can create about whether the initial results will change. These feelings may be exacerbated if recounts take longer than expected.

Providing voters with information about the recount process through press releases or other communications may help. In some instances, voters will be primarily concerned with the final outcome of the election, while in others, additional information may need to be provided about any discrepancies between the initial and final vote totals.

PRACTICAL CONSIDERATIONS

Recounts in and of themselves are a way to check if a specific contest came to the right outcome, and specifically that the voting equipment tallied properly. While minor differences between the machine count and a hand recount can be expected because of human interpretation of voter intent, recounts overwhelmingly confirm the original tally.

Following state law is paramount. To do so, election officials may:

- Review state law on recounts and establish procedures accordingly for conducting a recount well in advance of any election.
- Develop explanatory materials well in advance. If a recount is called for by a state law that automatically triggers a recount if the margin between the top two vote-getters is close or is called for by a candidate, the public will have questions.
- Conduct logic and accuracy tests prior to a recount to ensure tabulators are functioning properly. Although many states require logic and accuracy tests to be performed before an election, checking them before a recount may reveal something that originally was missed.
- Budget for recounts. Recounts can be labor-intensive and costly. If no recount is required, the funding can be returned at the end of the year.

AN ELECTION OFFICIAL'S PERSPECTIVE



CHARLIE COLLICUTT is the elections director for Guilford County, N.C. He is appointed by the county board of elections. He says this is “all I’ve ever done,” explaining that while in college he had an internship with the county elections board where he “moved boxes and alphabetized things.” After college, he was offered a job and has been at this work for 22 years. Greensboro is the county seat in Guilford County. Collicutt notes that the

Woolworth’s right around the corner from the office is where the civil rights sit-in movement began. Guilford County has 375,000 registered voters. In 2020, Collicutt conducted his portion of a statewide recount for a state Supreme Court seat and two local recounts at the same time.

Recounts, like just about all aspects of election administration, vary from place to place. Here are Collicutt’s thoughts on how recounts work in his county:

- “We knew it was going to be a lot to do the Supreme Court recount. We did a full recount of all ballots on our high-speed tabulators as a first run.”
- “Before that, we had to ask, where are the boxes of ballots? This was easy for the Election Day voting—that was just one single day of voting—but harder for the early voting site ballots because there were so many more ballots, all sorted by site and day. We did an inventory of everything.”
- “Then, we had to find a time for the five-member county board of elections to meet and prep a giant room for the process. It was during the pandemic. Since we had two local races to recount, we had a lot of local people in the room, too. Did we have enough chairs? Can they observe and feel good about the process but not interfere?”
- “I quickly realized my two high-speed tabulators would not be fast enough, so I borrowed another, and then still another. We tested the equipment and were ready to go.”
- “Looking at the paper ballots from the voter-intent point of view, we realized we would have some minor differences. Maybe the machine read it one way, but you could see on the ballot that the voter had written over it. When we did have little discrepancies, we needed to know why. I could say to the board, ‘we gained a vote but you can see that the overvotes lost a vote because you all decided to count this ballot.’”

- “There was a lot of pressure to finish this recount. I pushed hard to account for every ballot in.”
- “In North Carolina, the candidates had a right to a sample-size hand-eye recount after the full recount on the tabulators. State law set it at 3% of our 190 polling places. I had to hand-count 30,000 ballots which included three large early voting sites, and I had to find bipartisan teams to do it.”
- “I am pushing for a law that would set a percent of all your ballots, not a percent of all your sites, to be counted.”
- “A recount is long and tedious and boring, but not difficult in itself. I knew how it was supposed to come out because we had run it electronically. When the teams got it wrong, I would say ‘go do it again.’ Because this was a tired group of people, they just made a mistake, which would be evident after doing it again.”
- “I had to pay for it all—that was hard. I have been budgeting for recounts from then on.”
- “No outcomes changed.”

EAC Resources

- “Conducting a Recount,” U.S. EAC
- “Election Administration and Voting Survey 2022: Comprehensive Report to Congress,” U.S. EAC

Other Resources

- “Election Recounts,” NCSL

18 | Election Timing and Dates

SUMMARY

When Americans think of voting, they think of Tuesdays in November in even-numbered years. And yet, taking into account elections of all kinds, the election calendar is filled almost all year long. Some states hold their state elections in November of odd-numbered years, and many local entities hold elections in spring or fall, separate from federal elections. The nationwide elections calendar is a patchwork.

Over time, there has been a slow, and largely unremarked, shift toward reducing the number of small elections voters face by identifying in state law specific dates when elections can be held. This can extend to requiring that local elections run concurrently with federal elections in even-numbered years. (Special elections are exceptions to these rules.) This process is often called running local elections “on cycle” or “off cycle” or as election consolidation.

The timing of elections affects costs and voter turnout. When elections are consolidated, costs may go down and turnout may go up for local races. And yet, local entities, such as school districts or municipalities, may prefer to continue with well-established and traditional separate election schedules.

POLICY CONSIDERATIONS

Since 1845, federal elections have been held on the first Tuesday after the first Monday in November. The dates for elections of state officials, such as legislators and governors, are generally prescribed by state constitutions. In most states, these races coincide with federal elections, although in Louisiana, Mississippi, New Jersey and Virginia state elections are held in November of odd-numbered years.

Municipalities and other local districts have historically scheduled elections on an ad hoc basis, with the dates shifting at the whim of local leaders. That changed during the Progressive Era, starting in the 1890s, when many states standardized their schedules for local elections. The choice was usually not to hold them with federal or state elections, in part because large elections were difficult to administer with the technology of the time—paper and ink—but also to keep partisanship out of local races, many of which are run on a nonpartisan basis.

Special elections, held to fill vacancies, could fall at any point on the calendar. Depending on state constitutions or statutes, these dates may be set by the executive branch or legislative branch to replace retiring or deceased legislators or elected state officials.

State laws often are prescriptive for many local elections as well as statewide elections. Some states have elections regularly scheduled several times a year, and Nebraska holds regularly scheduled elections

once every two years. Special elections are likely to be required to be held within a certain timeframe of the vacancy and may be combined with other regularly scheduled elections.

Still, many local elections are held at times other than in November of even years. In Louisiana, Mississippi, New Jersey and Virginia, which hold their state elections in Novembers of odd years, policymakers believe their own races get more attention precisely because they are not competing for voters' attention with congressional or presidential candidates. Hawaii runs primary elections on Saturdays, and occasionally other states do as well, based on party preference.

Voter turnout increased by 297 percent on down-ballot races in California cities that switched to on-cycle elections between 2018 and 2021.

The 21st century map of election dates remains a patchwork. Even so, there has been a small but steady trend across the country toward consolidating elections onto fewer dates, often running local elections on the same ballot as state or federal elections.

About half the states have laws preventing municipal elections on federal election dates, about a third leave the timing decision to local cities and counties, and a small minority require municipal elections to run with federal elections.

These changes are largely driven by state legislatures. Legislators with an interest in election timing may consider consolidating local elections with the federal dates, setting a small number of dates per year that local elections can be run, or continue with the traditional course, where local entities make their own choices.

Why Tuesday?

As of 1792, federal law allowed each state legislature to choose presidential electors any time within the 34 days before the first Wednesday in December.

November emerged as the month of choice due to farmers' schedules: It is after the harvest and before the severe weather that could impede travel from rural areas to the polls. Election Day is on Tuesday in order to allow voters to go to church on Sunday, then travel to the polling location on Monday and vote before Wednesday, a common day for farmers to sell their crops at the market.

After the adoption of the telegraph in the 1840s changed the dynamic of national communications, Congress in 1845 mandated the first Tuesday after the first Monday in November for the presidential election. This continued the existing 34-day electoral window between Election Day and the first Wednesday in December. Tuesday is a rare day for elections, from a global perspective. Saturdays and Wednesday are more common.

The 2015 enactment of SB 415 in California was a watershed for election consolidation, given how large California is. The law prohibits local governments from holding an election on any date other than a statewide election date if previous off-cycle election—that is, an election not held with a statewide election—turnout was at least 25 percent below the average turnout in that jurisdiction for the past four statewide general elections. More than 50 cities have switched to on-cycle elections in the years since the bill became law.

Since 2015, many cities outside California have consolidated their elections onto statewide election dates as well: Takoma Park, Md.; Chandler, Phoenix and Scottsdale, Ariz.; Austin, Texas; St. Petersburg, Fla.; and Boulder and Fort Collins, Colo.

Election consolidation boosts turnout for down-ballot races. Turnout in municipal elections usually doubles, and in some cases, triples, after a city moves from off-cycle to on-cycle elections. The voters may participate because of the top-of-the-ticket race, but they vote the down-ballot races, too. This means that lower-propensity voters are more likely to vote on local candidates and issues.

Legislative attention to election dates is steady with, on average, two states enacting related legislation every year.

Running fewer elections means reduced spending on elections. The fixed costs of facility rental, poll workers and machines are similar regardless of how big the election is, but incremental costs may increase when combining elections. For instance, a longer ballot may require more funding for paper and printing. Sometimes, a local election will be printed on an entirely separate ballot.

School boards and other local entities may prefer to keep their elections separate from the big elections, even given lower turnout. They may prefer that an election takes place at a specific time that works for their own budgetary or planning purposes and may expect better engagement among their core constituents when other races are not competing for attention.

There is more conformity when it comes to voting hours on Election Day. No matter if it's on-cycle or off-cycle, most voting locations are open 7 a.m. to 7 p.m. local time, with some variability based on state laws. Some polling centers open as early as 5 a.m. and close as late as 9 p.m. Dates and times vary more greatly for in-person voting options before Election Day, such as in-person absentee or early voting. (See Chapter 8.)

IMPLEMENTATION CONSIDERATIONS

Election timing is a policy choice dictated by state legislatures but implemented by election officials. Changing any policy such as this may present unexpected hurdles. By holding fewer but larger elections, the workload is distributed differently, and may making any single election more complex to run.

Since 2015, when many California jurisdictions shifted to consolidated elections, a survey of city clerks conducted found no offices reported problems with the change, with a strong majority saying it was easy.

Still, with more races held at once, consolidated elections can necessitate longer ballots on a larger sheet of paper or using a second ballot card (i.e. going to a two-page ballot, or even three pages in some locales). In some jurisdictions this may increase mailing costs, both outbound to the voter and inbound from the voter.

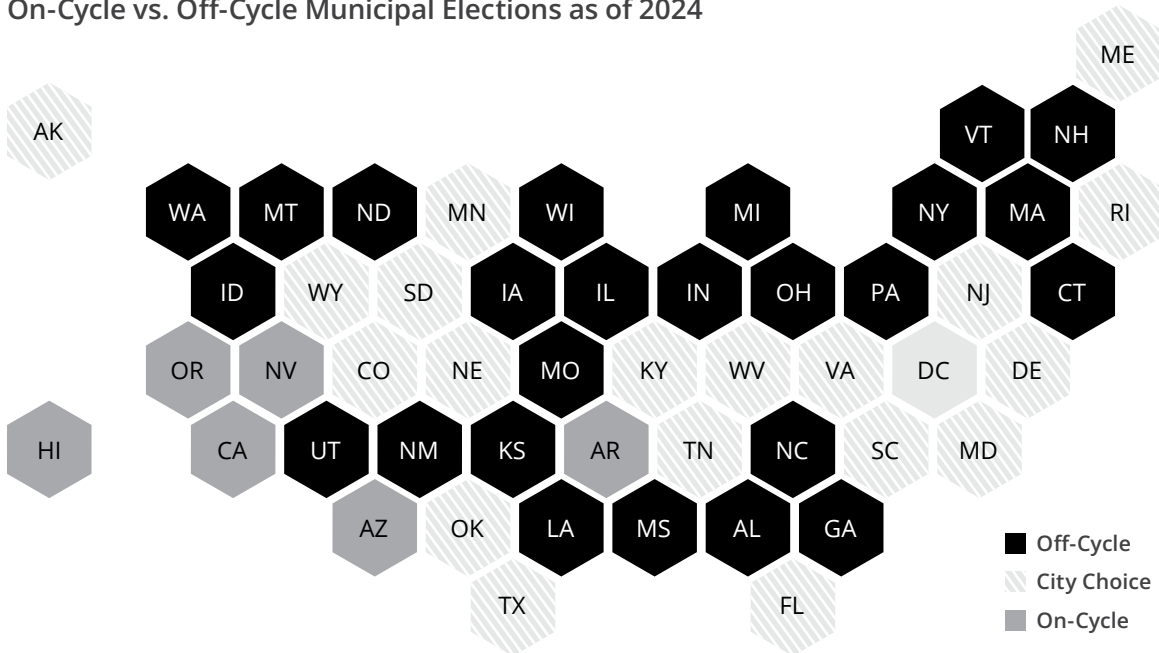
For federal elections, ballots must be sent to uniformed and overseas voters 45 days before Election Day per federal law. If the ballot is to include local races, then decisions on local candidates and issues must meet the same schedule, in that ballot design has to be completed before any ballots can be made available.

The U.S. is unusual in that each state has a set schedule for elections. In many countries, including the U.K. and some of its former colonies, scheduling for elections is based on the preference of the ruling party: The party can decide strategically when to call for an election, within certain parameters. Ballots tend to be much longer in the U.S. than elsewhere, due to the many races and questions Americans vote on.

In addition, policies that permit early in-person voting are now in effect in many states and territories. These policies effectively expand the traditional single Election Day to span several days or even weeks. Considerations in affected jurisdictions should include a review of how consolidation may impact early voting administration.

With consolidated elections, the local (often county) election official runs the election, rather than

On-Cycle vs. Off-Cycle Municipal Elections as of 2024



On-cycle elections are those held at the same time as regular federal elections, while off-cycle elections are not timed to coincide with federal elections.

Source: Sightline Institute

entities within that jurisdiction running their own elections. Maintaining close communication between the professional election office and the many elected bodies that may have races on a consolidated ballot is critical—especially to ensure that the timeline for qualifying races or measures is understood.

VOTER PERSPECTIVES

Voters may not be aware of upcoming elections unless prompted, other than federal elections in November of even-numbered years and perhaps the primaries that come before them. That means adjusting to a new schedule is not likely to be problematic for voters. (Candidates and special districts may care a great deal if their elections are moved.)

Research has found that a solid majority of voters support election consolidation when asked. In November 2022, 11 out of 11 municipal ballot measures for election consolidation passed, with 10 of them garnering more than 60 percent of the vote. Surveys have found that about 70 percent of voters supported the move to on-cycle elections, including majorities of both major parties.

PRACTICAL CONSIDERATIONS

State laws determine when and how many elections are conducted in a given year. While these dates may vary (particularly for special elections or presidential primaries), election dates determine candidate-filing deadlines, primary and primary-runoff dates and deadlines for canvassing and certification. These deadlines frequently overlap, with candidates filing for one election before the last election is certified. Outlining all the activities required in an election cycle can help identify when to best deploy resources.

Considering these short timelines, election officials may:

- Consult with authorities from local electoral districts to determine when they prefer to hold their elections (if state law provides flexibility). Any changes to an election date must be communicated by the special district to the election office as soon as possible to ensure the correct contests or questions appear on the ballot.
- Election officials should provide opportunities for any districts that appear on the ballot to proof their contests or candidate information or to question language before any ballots are printed or mailed. (See Chapter 4 for more on the ballot-proofing process.)

AN ELECTION OFFICIAL'S PERSPECTIVE



DONNA JOHNSTON is the county clerk-recorder in Sutter County, Calif. She has worked for the county for over 30 years, some of that time in IT: “I always had an interest in what the clerk’s office did, and IT gave me exposure to the back end.” She says that running for the clerk’s position “helped me for the future to see things from the candidates’ perspective.”

Sutter County has 53,000 registered voters. Its main geographic feature, Sutter Buttes, are said to be the world’s smallest mountain range.

Election timing, like just about all aspects of election administration, varies from place to place. Here are Johnston’s thoughts on how it works in her county:

- “Having many elections does lend to voter confusion. We had an election in August 2023, and it confused people. They weren’t sure what it was. It didn’t get much publicity like larger elections would. People would call us and ask, ‘Are you having an election? Did you mean to send me a ballot?’”
- “In 2024 we have a general election and a primary. In California, counties can consolidate elections for Uniform District Elections [UDELS] for fire districts, water districts and other special districts on the general election so long as the entity or special district allows us to.”
- “Each county has its own calendar. Los Angeles seems to be having elections all the time. In some counties voters might get a ballot from the county one week, and from a municipality another week, and from a UDEL at another time. Some UDELS conduct their own elections because they don’t want to pay for our county overhead for that.”
- “There are set dates in our state’s election code when you can conduct elections.”
- “Other than that, there may be other types of elections that are forced by petitions: For instance, a fire district may have a citizens initiative to do something, and that will force a special election at another time if enough signatures are gathered.”
- “The only time we see people not voting down-ballot is during the presidential election. Some people only want to vote for president. In our county if it’s a gubernatorial election, voters will mark all the way down the ballot.”

- “Having all the races on one election can create the need for an additional ballot card, and that can lead to voters only returning some cards.”
- “During early voting, our vote centers are open 8 a.m.-5 p.m. for 10 days. On Election Day, it’s 7 a.m.- 8 p.m. We get people who want to vote before work, and a rush at lunch hour, and the evening is always far, far busier.”
- “After an election we can relax a little bit. We had a successful election cycle, we got the voters in, everything is taken care of and it’s an energy shift.”

EAC Resources

- Election Management Guidelines, U.S. EAC

Other Resources

- “Election Timing,” MIT
- “Odd-Year vs. Even-Year Consolidated Elections in California,” by Jose P. Hernandez, The Greening Institute, October 2013
- “Who Votes: City Election Timing and Voter Composition” (2021) by Zoltan Hajnal, Vladimir Kogan and G. Agustin Markarian, American Political Science Review

19 | Military and Overseas Voters

SUMMARY

Voting in person—whether on Election Day or before—remains the most popular way to vote. The vast majority of Americans have the option to vote at a polling place, even if they choose a different voting method. In-person voting, however, is not available to Americans who live outside the United States. Because military and overseas voters have unique challenges to voting, there are federal laws that allow longer mail ballot delivery times and additional methods for the transmission and return of absentee mail ballots. Many states have additional protections for military and overseas voters for all elections, not just federal elections.

POLICY CONSIDERATIONS

Approximately 4.4 million U.S. citizens live outside of the United States, and 2.8 million of those people are over the age of 18 and eligible to vote. These potential overseas voters include active-duty military members, their spouses and families, and civilians living abroad. Because citizens living abroad face unique challenges to voter registration and in-person voting compared to stateside citizens, far fewer of these Americans vote. Just 3.4% of eligible overseas citizens cast a ballot in 2022, compared to 62.5% of the voting-age population in the U.S. as a whole.

Twice in modern times Congress has stepped in with federal legislation to make it easier for overseas citizens and military members to vote. In 1986, Congress enacted the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which ensured eligible active-duty military, their families and citizens living overseas the ability to vote absentee. In 2009 the Military and Overseas Voter Empowerment Act (MOVE) amended UOCAVA by adding more protection for these voters.

UOCAVA provided special protections for members of the uniformed services (Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, United States Public Health Service Commissioned Corps and National Oceanic and Atmospheric Administration Commissioned Officer Corps); members of the U.S. Merchant Marines; eligible family members of the above service members; and U.S. citizens residing outside the U.S. Collectively these groups are often referred to as “UOCAVA voters.” The Federal Voting Assistance Program (FVAP), a part of the Department of Defense, assists voters through partnerships with the Military Services, Department of State, Department of Justice, election officials from 50 states, U.S. territories and the District of Columbia.

Some of these voters live in the U.S. but in a different jurisdiction from their home jurisdiction and vote absentee from within the U.S. Many more live in other countries. Living overseas can make it more likely to miss deadlines because of the time it takes for mail to travel to and from the states. The MOVE Act worked to address this problem by requiring election officials to send UOCAVA voters their ballots no later than 45 days before a federal election, and to electronically send blank ballots to UOCAVA voters who request to receive them that way. This offers more time for voters to mark their ballots and return them using military postal services, the U.S. Postal Service and international mail systems.

Getting a blank ballot to overseas voters in time is just one part of the puzzle; the other part is getting voted ballots back in time to be counted. UOCAVA voters are more likely to miss deadlines because mailing processes in foreign countries and military postal services are likely to be less predictable than the U.S. Postal Service. To address this issue, some states have created exceptions for UOCAVA voters, such as allowing more time after the election to receive UOCAVA ballots (as long as they were sent on time), or alternative ways to return the ballot.

States with primary runoff elections also pose unique challenges for overseas voters, again because of tight timelines. If a primary and runoff election are particularly close together, there may not be enough time for a UOCAVA voter to vote separately in each election. To address this issue, some states that use runoff elections have implemented instant runoff voting specifically for UOCAVA voters, allowing them to rank the candidates in order on the primary ballot. If a runoff occurs, UOCAVA voters will not need to cast a second ballot; instead, their rankings will show where their votes should go in the runoff.

Yet another way some states have worked to ensure UOCAVA ballots are returned on time is to provide an option for electronic ballot return, which offers an alternative to relying on mail delivery—foreign or domestic. More than half of the states permit a form of electronic return of voted ballots from military and overseas voters in certain circumstances. They may ask these voters to return their ballots by fax or by uploading it to a portal. In some states these options are available only to some UOCAVA voters, such as those serving in a “hostile fire” area.

Electronically transmitting ballots poses some risks to security and voter privacy. These risks must be weighed against the benefit of enfranchising citizens who would otherwise miss the deadline to have their ballots counted. However, certain processes may be able to mitigate some security and privacy concerns, discussed further in the following section. For more information, see NCSL’s webpage “Electronic Ballot Return.”

FVAP developed its fax service to enable election officials to transmit and receive election materials to military members serving in Operation Desert Shield in 1990.

IMPLEMENTATION CONSIDERATIONS

Election officials in all states, territories and the District of Columbia are required to accommodate UOCAVA voters by:

- Sending blank ballots to voters starting a minimum of 45 days before Election Day. Federal law requires that sending ballots electronically be an option.
- Providing a free access system for UOCAVA voters to track receipt of their ballots.
- Reporting statistics on the number of UOCAVA ballots transmitted and received.
- Accepting the Federal Post Card Application (FPCA) form as a simultaneous voter registration application and absentee ballot request. The FPCA serves as a ballot request during the calendar year in which it was received at a minimum but may be valid longer depending on state law.
- Accepting the Federal Write-In Absentee Ballot (FWAB) as a backup ballot for UOCAVA voters. The FWAB is a failsafe mechanism available to military and overseas voters who have requested but not received their absentee ballot in time to vote. Voters write in their candidate selections for federal offices.

While larger jurisdictions and those with large military populations may have thousands of UOCAVA voters, many smaller jurisdictions in the U.S. may have just a handful of overseas voters or even just one or two. Election officials who do not handle UOCAVA voters on a regular basis may not be familiar with all that is involved or have seen the FPCA and FWAB before. Partly because of this, and especially for states that offer any form of electronic ballot delivery system, states may handle UOCAVA voters entirely on the state level rather than local level.

There are special considerations when UOCAVA citizens register to vote, when it comes to their voting residence. A voting residence is the address in the state in which a UOCAVA voter was last domiciled and continues to use for voting purposes. This is true even if: The voter no longer owns property or has other ties to that state; the voter's intent to return to that state is uncertain; the voter's residence address is no longer a recognized residential address; or if someone else is living at that address. As with anything in elections, there are state-specific nuances to determining residency that also need to be considered.

State requirements also vary on the use of the FPCA for registering voters and sending them a ballot. While all states are required to accept it, some states treat the form as a request to register to vote permanently, and others treat it as a request to register and vote for a particular election or period of time, after which the voter would have to reregister to vote absentee again. In some states the request lasts for one federal election cycle, and in other cases it may add the voter onto a permanent UOCAVA voting list. With all of these variations, it is essential that election officials track the timing of requests that they receive and follow state law on who should receive UOCAVA protections in a given year.

For states that allow UOCAVA voters to return ballots electronically, different methods have different implementation considerations. For example, the use of faxed ballots is permitted in several states but fax machines are increasingly difficult to come by for both voters who may be far from urban centers abroad and for election officials. Younger voters in particular may not be familiar with using a fax machine or know where to find one. (See the Overseas Voting Initiative’s report “Faxing Isn’t What You Think It Is.”) To return a ballot, a voter likely needs to be able to print out a ballot to be marked, and then either return it by mail, or if their state allows, electronically. For electronic return, they need a way to scan the ballot to send it back, although cellphones may serve that purpose if state laws allow it.

A small number of states permit a voted ballot to be uploaded through a web-based system. The voter receiving an electronic blank ballot prints it out, signs any required affidavits, scans the ballot and related materials and then uploads the documents into the system. Some states provide online ballot-marking systems that permit eligible voters to use their phone or keyboard to select their choices on the ballot. The ballot can then be printed and mailed or returned in accordance with state law.

Privacy and ballot secrecy is a tenet of modern democracy, but processes in some states that accept electronically transmitted ballots ask voters to waive this right to privacy in order to send the ballot back using email, fax or a portal. However, states take steps to ensure that electronic transmission procedures protect the security of the balloting process and the privacy of the identity and personal data of UOCAVA voters using the procedures.

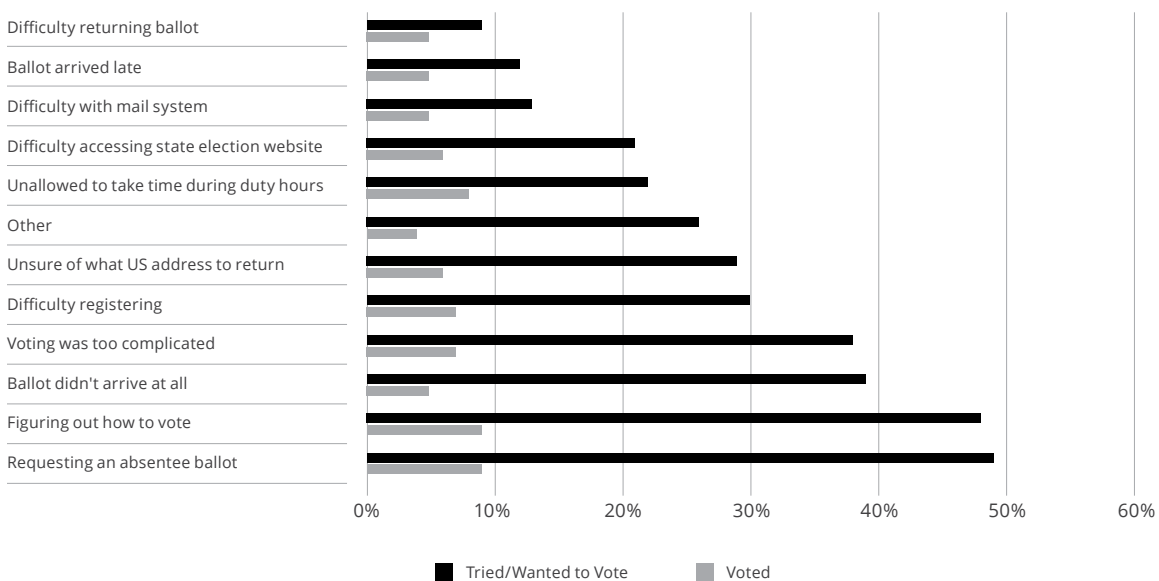
For UOCAVA voters who did not return ballots in 2022, 22% cited having difficulty figuring out how to vote, 20% cited the voting process as too complicated, and 18% had other challenges.

Ballots submitted by UOCAVA voters often must be duplicated from the original copy returned by the voter onto an official ballot that can be properly read by a tabulator before they can be counted. This includes ballots delivered electronically, Federal Write-in Absentee Ballots, ballots delivered to voters electronically that have been printed and returned by mail, and ballots that arrive damaged, torn or that are otherwise unable to be read by a ballot tabulator. Even if a voter used a remote ballot-marking system that made their marks on the ballot clear, most jurisdictions transcribe that ballot onto an official ballot on ballot stock so it can be counted with all other ballots cast in the election. Election teams of two or more people are usually involved in this process, to ensure the voter’s choices are accurately reflected. It is this official ballot that is counted. See NCSL’s webpage “Ballot Duplication.”

VOTER PERSPECTIVES

UOCAVA voters face unique challenges, particularly because voting overseas or when deployed with military units often requires more planning and effort than voting stateside. UOCAVA voters are less likely to live in areas with reliable internet and access to technology. They also may not have access to

Perceived Barriers to Voting in 2022 Among Active Duty Service Members



Source: "State of the Military Voters," Federal Voting Assistance Program

the same news and information as voters statewide so aren't as aware of upcoming elections or who the candidates are. Many eligible UOCAVA voters have lived overseas for years or were born overseas to U.S. citizens living abroad.

Voting from abroad can also be complex. UOCAVA voters must take a series of steps to successfully vote. First they must register, then request an absentee ballot (although the FPCA does both of these things simultaneously). Next, they must receive the ballot, mark it and return it within certain deadlines. Almost half of military voters who tried to vote in 2020 but did not complete the process reported that it was because the voting process was too complicated.

In light of the unique challenges faced by UOCAVA voters, FVAP designates voting assistance officers (VAOs) at each military installation and within individual units, and at the embassies and consulates around the world. VAOs help navigate the voting process, disseminate information and help boost enthusiasm for voting within the various overseas voting populations, those serving their country and others.

PRACTICAL CONSIDERATIONS

Voters who live overseas, whether serving in the military or otherwise, find voting more difficult than others. The Uniformed and Overseas Citizens Absentee Voting Act of 1986 established that these voters (known collectively as UOCAVA voters) have the right to vote absentee in federal elections, and the Military and Overseas Voter Empowerment Act of 2009 required that ballots be sent to them 45 days prior to an election.

The Overseas Voting Initiative

Since 2013, the Council of State Governments (CSG) and the Federal Voting Assistance Program (FVAP) have collaborated on the Overseas Voting Initiative (OVI) to highlight the unique challenges that UOCAVA voters face and to study state-based methods for improving their voting experience. The group is made up of state and local election officials who help educate state policymakers, election officials and others in the election community on how to meet the needs of military and overseas voters. Areas of study have included current and possible future balloting solutions for UOCAVA voters, improving communications between UOCAVA citizens and their election offices, and considering how Department of Defense Common Access Cards may be used at some point to help facilitate digital signature capabilities.

To provide good service to these voters, election officials may:

- Communicate early and often. Create an email contact list for UOCAVA voters and periodically update them on upcoming elections and important deadlines.
- Provide notifications (through an automated system or manually) when receiving the voter's ballot request; when the blank ballot is transmitted; when the voted ballot is received; and when the ballot is counted.
- Document the number of UOCAVA ballots transmitted, received and rejected, and use the information to improve procedures and communications.
- Provide a dedicated UOCAVA page on the election office's website that contains links to the Federal Voting Assistance Program (FVAP) and the FPCA form to make registration and requesting a ballot simple. Include important deadlines and state-specific rules and link to state webpages dedicated to UOCAVA voters if available.
- Highlight registration lookup and ballot-tracking tools.
- Address FAQs with information specific to UOCAVA voters.
- Partner with local military establishments to provide voting information.
- Take advantage of resources from the Department of Defense's Federal Voting Assistance Program.

AN ELECTION OFFICIAL'S PERSPECTIVE



CHARLOTTE SOSEBEE is the director of elections and voter registration in Athens-Clarke County Unified Government, in Georgia. It is one of just eight “unified” local governments in Georgia, where the city and the county are run jointly and has 82,000 registered voters. It is also home to the University of Georgia.

Sosebee says she “stumbled on” her first job in elections 35 years ago in Hall County, Ga. Making the move to Athens meant taking on more responsibility and adjusting to a unified government, one managed by a nonpartisan council. She reports to a county board of elections and registration.

In Georgia, UOCAVA voters can register to vote and be designated to receive absentee ballots for all elections in a given year.

Administering elections for military and overseas voters, like just about all aspects of election administration, varies from place to place. Here are Sosebee’s thoughts on how it works in her jurisdiction:

- “We try to maintain contact with our overseas voters on a regular basis, and we always meet our deadline to send out their absentee ballots. We handle these voters with urgency. Our absentee ballot staff person just about knows every UOCAVA voter’s name and can almost tell you a story about everyone one of them. She knows who they are and where the ballots are going.”
- “We do receive maybe one or two requests to send ballots by mail. We contact those voters and ask if they know they can receive them by email, if they prefer. If not, or if we don’t hear from them, we’ll drop a ballot in the mail to them.”
- “On their end, they have a password to be able to access the ballot. They print the ballot and send it in.”
- “When the voted ballot arrives, we automatically recognize it’s a UOCAVA ballot. Typically, the voter has written ‘Official Absentee Ballot’ on the envelope as instructed, or we notice the foreign stamps or return address on the envelope. It’s not in the same envelope as a civilian ballot.”
- “We hold the ballot in a secured and locked box until the day of tabulation. At tabulation, the ballot envelope is opened, then duplicated onto an official ballot using

our appointed duplication team. The ballot then goes to vote-review panelists who review that the ballot has been duplicated correctly, and then the ballot is scanned during the tabulation process.”

- “In Georgia, voted UOCAVA ballots can be received up until the Friday after Election Day as long as they are postmarked by Election Day.”
- “We have had instances where a UOCAVA voter has asked if they can email their ballots back. That’s not permitted under Georgia law. We encourage the voters to get their ballots in the mail as quickly as possible so that their ballot is received timely for tabulation.
- “We talk about UOCAVA voters a lot at our [Georgia election official] conferences. We receive alerts and reminders from the secretary of state’s office. It’s a big deal!”
- “Our military and overseas folks don’t have as easy access to the ballot as civilian voters like you and I, having the advantage of being able to vote in person, at an early voting location, or being able to vote in-person on Election Day at a polling location. They don’t.”
- “I remember thinking when this first started in 2008, ‘Wow, we’re Georgia, and we’re one of the first states to be able to send by electronic ballot delivery.’ I remember being able to boast about that. Before that I’d see ballots come in from other countries way too late. I’ve gotten to see that side of improvements when it comes to our military and overseas voters.”

EAC Resources

- “Military and Overseas Voters (UOCAVA),” U.S. EAC

Other Resources

- “Electronic Ballot Return,” NCSL
- “State of the Overseas Voter” and “State of the Military Voters,” Federal Voting Assistance Program
- “Voting From Abroad,” MIT Election Data + Science Lab
- “Voting Assistance Guide,” Federal Voting Assistance Program
- “Voting for Military and Overseas Voters,” NCSL

Presidential Elections

While elections big and small are never far from top of mind for election officials, and the same laws and procedures govern all even-year general elections no matter whether the president is at the top of the ticket or not, voters don't always see it that way.

"A lot of voters don't think about elections unless they're going to vote for president of the United States," said Lynne West, executive director of the Laurens County, S.C., board of elections. She notes there is much more scrutiny from the media on election administration during presidential elections, too. The bottom line: Election officials must prepare for more voters, more inexperienced voters and more questions in presidential election years.

More voters mean more attention and scrutiny, bigger budgets, and bigger workloads. Printing costs go up, more equipment and polling places may be needed, and, especially, more poll workers must be recruited, trained and paid. Many of these expenses come from county budgets, while others may be covered by the state. The mix varies by state and locality.

West boosts her poll worker numbers in presidential years by adding high schoolers. Her office visits local high schools to teach students about elections and uses these visits as recruitment opportunities for those who are 16 or above (the legal age for poll workers in South Carolina). West noted the students work well with other returning poll workers, who are often older community members. The longstanding poll workers "ask for the kids to come back," says West.

Heightened media attention during presidential elections can lead to a greater focus on administrative errors. While election officials strive for perfection, that's never the reality. Errors such as running out of ballots or malfunctioning equipment do happen, despite the strictest controls. Building relationships with local media can help local election officials handle the increased public and media attention during presidential elections. When local reporters know to go to their local election official with election questions, the public will receive accurate and trustworthy information.

Natural and other disasters including hurricanes, fires, medical emergencies or other events that can affect an election are always a possibility. Establishing a relationship between election officials and local law enforcement, emergency responders and regional representatives from local, state and federal security agencies can help manage risk and facilitate a well-coordinated response to any emergency, allowing the election to continue.

With so much voter and media attention on a presidential election, partnerships with the media and emergency response services can make all the difference for both the administration of the election and public confidence in the process and results.

Electoral College

The presidency is not determined based on the sum of all votes cast nationwide for each candidate. Instead, it is determined by the Electoral College, which is established in the U.S. Constitution and is based on a distribution of electoral votes among the states. These are in turn based on each state's representation in Congress.

Each state receives votes in the Electoral College based on the number of seats each state has in the U.S. House of Representatives plus two more, representing senators. This indirect method of electing the president is relatively rare compared to other democracies around the world. For more information, see NCSL's and EAC's "Electoral College" webpages.

Local election officials likely do not see the Electoral College as changing how they run elections, but the management of presidential electors is a key post-election duty of state election officials.

Political parties identify the electors for their candidates. Some states print the electors' names on their presidential ballots, indicating that when voters cast a ballot for a presidential candidate, they are technically voting for the electors who will go on to vote for that candidate when the Electoral College meets in December. Most states simply list the name of the presidential candidate.

No federal law or constitutional provision requires electors to vote for the party that nominated them. An increasing number of states, however, do have laws that require their electors to vote as pledged. These laws may either impose a fine on an elector who fails to vote according to the statewide or district popular vote or may disqualify an elector who violates the pledge and provide a mechanism to replace them. These are known as "faithless elector laws." The Supreme Court has ruled in *Chiafalo v. Washington* (2020) that these state requirements are permissible.

At the end of 2022, Congress enacted the Electoral Count Reform and Presidential Transition Improvement Act, or ECRA. This bipartisan legislation updated the Electoral Count Act of 1887. ECRA's goal was to provide clear guidance on counting electoral votes and resolving disputes in Congress. It requires one-fifth of members from the Senate and House to object to a slate of electors and establishes the vice president's role as purely administrative. It also requires Congress to defer to the slates of electors as determined by the states.

On the state side, ECRA requires each state to designate before the election which official, usually the governor or the secretary of state, will send forward that state's slate of electors. The ECRA also requires states' certificates of ascertainment (the official document identifying the slate of electors) to have some kind of security feature. Finally, it requires electors to meet the first Tuesday after the second Wednesday in December. More information is available on NCSL's "Enactments Relating to the Electoral Reform Act" webpage and in the Federal Statutes appendix of this book.

How Electors Are Awarded

While the Constitution is clear on how many presidential electors each state has, it does not determine how those electors are to be allotted. Most states award all their electors' votes to the presidential candidate who wins the most votes in their state. This is the winner-take-all system.

Maine and Nebraska, however, award one electoral vote to the presidential candidate who wins the popular vote in each congressional district and their remaining electoral votes to the candidate who receives the most votes statewide. It is possible, then, for those two states to divide their electoral votes between multiple candidates.

Several proposals to reform the Electoral College process have been introduced over the years. Congressional plans for a constitutional amendment were prominent in the 1960s and 1970s, for example. None was ever adopted, though. Outside the amendment process, several states have signed on to the National Popular Vote Interstate Compact. The movement, which emerged in 2006 and has slowly accrued state members, seeks to ensure that the presidential candidate who wins the national popular vote is elected president.

When a state passes legislation to join the National Popular Vote Interstate Compact, it pledges to give all its electoral votes to whichever presidential candidate wins the popular vote nationwide, rather than the candidate who won the vote in just that state.

These pledges will take effect only when states with a majority of the electoral votes (270 of the 538 total) have passed legislation to join the compact. As of 2024, 16 states and the District of Columbia have passed NPV bills into law. More information is available on NCSL's "National Popular Vote" webpage.

Resources

- "The Electoral College," NCSL
- "How States Differentiate Presidential Primaries from State Primaries," NCSL
- "National Popular Vote," NCSL

Alternative Voting Methods

Most elections in the United States require that the winner receive a plurality, not the majority, of the votes. With plurality voting, also known as winner-take-all elections, it is possible for the winner to receive fewer than 50% of the votes. In a race with multiple candidates, it is not uncommon for the winner to receive well under 50% of the votes. One example: The 2010 Maine governor’s race was won by Paul LePage (R) with 38% of the votes in a field with four candidates.

And yet, winner-take-all elections are not the only way to hold elections. For instance, a handful of states use primary runoff elections. When this occurs—typically when no candidate receives more than 50% of the vote in a primary—a primary runoff between the top two vote-getters is held a few weeks later, and voters come back to make their final choice. See NCSL’s “Runoffs in Primary and General Elections” webpage for more details, including the threshold for when a runoff is required.

There are a few circumstances where general elections or special elections may call for a runoff, too. For instance, in Georgia and Mississippi general elections, if no candidate tops 50%, a runoff is held.

Besides using runoffs, other alternative voting systems exist. Ranked choice voting (RCV) is the most popular alternative method, but it is still quite uncommon.

RCV allows voters to rank all the candidates for a given office by order of preference—first choice, second choice, etc. The votes are tallied based on the first choice on every ballot. When RCV is used to elect one candidate (as opposed to multiple candidates for a multimember district), if any candidate receives a majority of the first-choice votes—that is, 50% + 1—they are declared the winner. If no candidate wins a majority in the first round, then the candidate with the lowest number of votes is eliminated, and ballots are tallied again. Any ballots where the first-choice candidate has been eliminated are tallied using those voters’ second choice, if one was selected. Additional rounds of tallying continue until one candidate receives a majority and wins the election. In most cases, voters are not required to rank a certain number of candidates. If all of a voter’s choices are eliminated and there is still no majority winner, the voter’s ballot is removed from the total of ballots in future tallies. The number of these so-called “exhausted ballots,” when voters rank fewer candidates than they are permitted to rank, may be more common when ranked choice voting is first implemented.

Kathy Montejo, local election clerk in Lewiston, Maine, said voters who are new to RCV can be confused at first. Montejo, and other Maine election officials, shifted to RCV in 2018 for some statewide elections, based on a 2016 citizens’ initiative that established Maine as the first state to adopt RCV for any statewide use. (Now Alaska uses a version of RCV as well.) Ballots include RCV races along with winner-take-all races.

“A lot of people are not going beyond their first choice,” Montejo said. “That’s the No. 1 question we get—‘If I just rank one, will my ballot still count?’” To educate the public, she put sample ballots throughout the community including oversized versions that could be displayed on easels at town meetings.

Ranked choice voting is similar to traditional runoffs in that, in races for a single seat, the eventual winner is elected by a majority of the voters. This is also known as “instant-runoff voting.” See NCSL’s “Ranked Choice Voting” webpage and “Ranked Choice Voting in Practice: Implementation Considerations for Policymakers.”

States with runoff elections, including Alabama, Arkansas, Georgia, Louisiana, Mississippi and South Carolina, currently use ranked choice voting for overseas and military voters. Ranked choice voting is also used for municipal elections in a variety of cities across the country.

Additionally, in the last two years at least 11 states have prohibited RCV: Alabama, Florida, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Montana, Oklahoma, South Dakota and Tennessee.

Notably, Alaska provides an example of the debates surrounding ranked choice voting. In 2020, voters in Alaska approved a ballot initiative to implement a “top four” primary system where the top four candidates of any party advance to the general election. The general election is then conducted under ranked choice voting. This voting method was used during the 2022 and 2024 elections in Alaska.

Other Alternative Voting Systems

While ranked choice voting is the most common alternative to winner-take-all elections, others include:

Approval voting asks voters to answer the question, “Do you approve of this person for the job?” rather than “who would you like to elect for this job?” With that prompt, the voter can cast votes for as many candidates as they like in each race rather than just one single candidate. The votes are tallied normally

Proportional Ranked Choice Voting

Proportional ranked choice voting, sometimes known as single transferable vote or Proportional Representation-Single Transferable Vote (PR-STV), is a form of RCV suited for situations where multiple candidates are elected at once.

The tabulation of votes is nearly identical to ranked choice elections with a single winner. In proportional systems, the number of votes needed to win a seat is reduced. For example, if three seats are up for election, candidates receiving over 25% of votes—rather than over 50%—are victorious.

Ireland uses a form of proportional ranked choice voting to elect members of the Irish Parliament, the Dáil Éireann, and the Irish government maintains a website explaining the process to voters.

and the candidate that receives the most votes wins the election similar to plurality voting. Currently, approval voting is used by the United Nations in a multiround election to select the secretary-general, and by some political parties and other private associations. In 2018, voters in Fargo, N.D., approved a ballot initiative implementing approval voting for their municipal elections. The city held the nation’s first-ever approval voting election in 2020.

Proportional representation describes systems in which legislators are elected in a manner designed to reflect their party’s popular support in the electorate. In the U.S., proposals for proportional representation have typically included the use of multimember districts rather than single member districts. This system is common in parliamentary systems but is not in use in the U.S. Proposals to adopt proportional voting come up regularly in Congress and occasionally in states, though none has passed.

Cumulative voting applies to multiseat elections, where voters have as many votes as there are seats up in the election. Voters have the option to distribute their votes based on their own priorities. This can include putting all their votes toward a single candidate. Cumulative voting is used in some corporate elections and has been used in Peoria, Ill.

STAR voting, short for “Score Then Automatic Runoff” voting, allows voters to score the candidates with a ranking. After all ballots are cast, the two candidates with the highest overall “scores” are selected. Then these two candidates compete in an instant runoff election against each other, and the candidate that is preferred by the most voters wins. STAR voting is a relatively new alternative voting method. It is not currently used in any jurisdiction, but bills to implement or permit STAR voting have been introduced in at least two states: Oregon and Utah.

Questions Policymakers Can Ask About Changing Voting Systems

- What will the cost of change be?
- What technology is required to use a new system? Can the current voting equipment accommodate such a system? If not, could the next generation of voting equipment include readiness for these options?
- How will ballot design and the number of required ballot styles change?
- What voter education efforts will be needed and the cost required?
- How can alternative voting system elections be audited, and is that different from auditing winner-take-all elections?
- If an alternative voting system is adopted statewide, what support will small jurisdictions need for implementation?

The use of alternative voting systems is not common. According to FairVote, in 2024, 45 cities use RCV. At the state level, bills introduced relating to alternative voting systems are not common either—although the trend is upward since 2011. According to NCSL data, since 2011, 19 bills addressing alternative voting systems have been enacted, sometimes to study the issue. In 2023, four bills were enacted. Three of these took a new tack: To prohibit local jurisdictions from adopting forms of ranked choice voting.

Proponents may say that a winner should have a broad base of support and that requiring a majority of votes for the winner through an alternative system does that. They're also likely to say the spoiler effect of independent or minor-party candidates is theoretically reduced by using alternative voting systems and are likely to produce more moderate winners.

Those who prefer the status quo of winner-take-all may not see a majority vote as inherently better than a plurality and worry that adopting alternative voting systems could be confusing for voters. These systems also require specific technical requirements, including specific hardware and software requirements. These systems can be expensive or challenging to implement, especially when an alternative system, such as RCV, is used for some contests on a ballot while other contests are winner-take-all.

EAC Resources

- “Alternative Voting Methods in the United States,” U.S. EAC

Other Resources

- “Ireland’s Voting System,” Electoral Commission, Ireland
- “Ranked Choice Voting,” NCSL

Appendix A | Federal Caselaw

States must ensure that their election rules and procedures comply with federal statutes and interpretations of law handed down by federal courts. The U.S. Supreme Court's rulings apply across the entire country, while issues that have not yet been resolved by the Supreme Court may be governed by rulings from federal district and appeals courts. The following Supreme Court cases are some of the major rulings from the past 60 years pertaining to election administration. Please note that these cases are not intended to be a comprehensive review of all major election-related cases and do not include issues related to redistricting or other topics related to elections, voting or campaigning.

Poll Taxes and The Right to Vote: *Harper v. Virginia State Board of Elections*

In 1966, the Supreme Court heard a challenge brought by Virginia voters against the state arguing that Virginia's poll tax was unconstitutional. The Supreme Court agreed and struck down the state's poll tax, holding that poll taxes are unrelated to a person's ability to participate in an election and are thus an impermissible prerequisite to voting. Although the 24th Amendment to the U.S. Constitution, ratified in 1964, prohibits poll taxes, it applies only to federal elections and did not apply to this case. More broadly, this case stands for the principle that the 14th Amendment's equal protection clause prohibits discrimination in voting. The court held that restrictions on the right to vote that are unrelated to voter qualifications, such as wealth or race, are unconstitutional.

Arbitrary and Disparate Election Procedures: *Bush v. Gore*

In 2000, the Supreme Court considered and rejected the Florida Supreme Court's order to manually recount ballots in all Florida counties. In Florida, the election results were extremely close and a significant number of ballots that were rejected by tabulation machines could be accurately counted by hand. However, the Supreme Court held that Florida's recount process would violate the equal-protection clause of the 14th Amendment. The court explained that recount procedures varied by county and even within counties. The court held that these differential procedures violated the equal-protection clause's prohibition on arbitrary and disparate treatment of voters. The court held that statewide orders like the Florida Supreme Court's must provide "at least some assurance that the rudimentary requirements of equal treatment and fundamental fairness are satisfied." Finding that Florida's recount procedures did not satisfy this standard, the court halted the recount.

Timing of Legal Challenges: *Purcell v. Gonzalez*

In 2006, the Supreme Court heard a suit brought by a group of Arizona voters, Native American tribes and other community organizations against Arizona challenging the state's voter ID law. The plaintiffs requested the law be enjoined, or blocked, from being enforced, but the lower district court declined. A federal court of appeals granted the plaintiffs' request and enjoined Arizona's voter ID law, issuing its

injunction about four weeks before the November 2006 general election. The Supreme Court reversed, explaining that when a lower court decides whether to enjoin an election law shortly before an election, it must consider whether enjoining the law is likely to cause voter confusion. The court reasoned that voter confusion ran the risk of keeping voters away from the polls altogether. The closer to an election, the more likely voter confusion is to result from a court order changing election laws. The idea that courts should not make rulings that change election laws and procedures shortly before an election is now known as the Purcell principle. The exact amount of time before an election that might trigger the Purcell principle has not been established.

Voter ID: *Crawford v. Marion County Election Board*

In 2008, the Supreme Court heard a challenge brought by several nonprofit organizations, two elected officials and the Indiana Democratic Party against Marion County, Ind., arguing that Indiana’s photo voter ID law unconstitutionally burdened the right to vote in violation of the 14th Amendment. The court upheld Indiana’s photo voter ID law, using a legal test known as Anderson-Burdick to evaluate the plaintiffs’ claims. The Anderson-Burdick test comes from two ballot access cases in the late 20th century, *Anderson v. Celebrezze* (1983) and *Burdick v. Takushi* (1992). Applying this test, the court in *Crawford* explained, requires that the burden a law imposes on voters be justified by “sufficiently weighty” state interests. The court held that Indiana’s interests in preventing voter fraud and protecting public confidence in elections were strong. The court also held that the burdens imposed by Indiana’s law requiring voters to present a photo ID when voting were not heavy. The state provides ID cards for free, and a voter without photo ID can vote and cure a provisional ballot by providing ID or signing an affidavit stating the voter is indigent or has a religious exemption to being photographed. The court noted that some voters may face challenges getting an ID (or the underlying documents to get an ID), while others may face obstacles in traveling to the clerk’s office to cure a ballot. However, the court held that such a burden applies to few voters and that Indiana’s interests in the photo voter ID law outweigh that burden. The Anderson-Burdick test’s continued role in voting cases like this one is unclear. (See Chapter 11 for more on voter identification.)

Preclearance: *Shelby County v. Holder*

In 2013, the Supreme Court considered a lawsuit brought by Shelby County, Ala., against the U.S. attorney general, arguing that Sections 4(b) and 5 of the Voting Rights Act (VRA) of 1965 were unconstitutional. Shelby County requested those provisions of the VRA be permanently enjoined, or blocked, from being enforced. The Supreme Court issued an opinion agreeing with Shelby County and striking down Section 4(b) of the VRA. Section 5 of the VRA requires that certain jurisdictions across the country receive federal approval, or “preclearance,” before implementing changes to their election law. Section 4 provided the “formula” that determined which jurisdictions were subject to Section 5 preclearance. Section 4’s formula was created in 1964 and was repeatedly reauthorized without amendment by Congress.

In 2006, Congress reauthorized the coverage formula, extending it for another 25 years. Drawing on an earlier case, the Supreme Court held that subjecting only some jurisdictions to preclearance was a significant departure from the principle of equal sovereignty political jurisdictions usually enjoy. The court reasoned that any law infringing on that equal sovereignty must be “sufficiently related” to the problem the law is trying to address. The court reasoned that the Section 4 formula was too outdated to be sufficiently related to its purpose of preventing racial discrimination in voting. The Supreme Court held that because the VRA “imposes current burdens” on the jurisdictions subject to preclearance, its rationale for subjecting those jurisdictions to those extra requirements must be based on “current political conditions.” The court held that Section 4 failed to meet these standards because its coverage formula was based on information about racial discrimination in voting in the 1960s, even though the realities of discrimination in voting had changed since. The Supreme Court therefore held that Section 4 of the VRA is unconstitutional and that its coverage formula cannot be used to subject states to preclearance. Because of this ruling, no jurisdictions in the U.S. are currently subject to Section 5 preclearance, though Section 5 technically remains in effect. This will be true unless and until Congress updates the Section 4 formula.

Federal Registration Form: *Arizona v. Inter Tribal Council of Arizona*

In 2013, the Supreme Court considered a suit brought by a group of Arizona voters and several nonprofits against the state arguing that its law requiring proof of citizenship to register to vote violated the National Voter Registration Act (NVRA). The court agreed with the plaintiffs, finding that Arizona’s practice ran afoul of the NVRA. Starting in 2004, Arizona law required voters to provide one of several specified documents proving their citizenship when they register to vote. Meanwhile, the NVRA requires states to accept a federal voter registration form, which asks registrants to affirm their citizenship but does not require documentary proof of citizenship. In 2006, Arizona requested that its citizenship requirement be included on the federal form as a state-specific instruction, as some states do for other state-specific requirements, but the U.S. Election Assistance Commission, which administers the federal voter registration form under the Help America Vote Act (HAVA), denied Arizona’s request. Arizona then refused to register applicants who used the federal form without providing additional documentary proof of citizenship. The plaintiffs in this case argued that under the NVRA, Arizona could not require additional proof of citizenship for voters registering with the federal form. Arizona argued that the NVRA requires states to use the federal form as one piece of their voter registration process, but that states could impose additional requirements. The court held that the NVRA requires states to accept the federal form on its own for voter registration; Arizona could accept it but then require further proof of citizenship before registering a voter. The court noted that the NVRA allows states to develop their own forms for registration in state and federal elections, but that the federal form by itself must always suffice to register a voter to vote in federal elections. This case confirms that states must accept the federal form without requiring registrants to submit any information beyond what the form (and any approved state-specific instructions) requires. In light of this case, Arizona allows voters who return a

federal form but do not provide the proof of citizenship required by state law to vote a “federal only” ballot. Voters who present proof of citizenship receive a ballot with all federal, state and local races.

List Maintenance: *Husted v. A. Philip Randolph Institute*

In 2018, the Supreme Court heard a challenge brought by an Ohio voter and two community organizations against the Ohio secretary of state, arguing that Ohio’s practice of removing voters from the rolls on change-of-residence grounds violated the NVRA. The court ultimately upheld Ohio’s law, finding it did not violate the NVRA. The NVRA prohibits removing a voter from the rolls because they fail to vote. It allows states to remove a voter from the rolls because the voter moved. Before doing this, though, a state must either receive the voter’s written confirmation that they moved, or the voter must fail to return a preaddressed card and fail to vote in the period encompassing the next two general federal elections. The Supreme Court emphasized that the NVRA requires states to make a reasonable effort to remove voters from the rolls when they meet those two conditions. Ohio identifies voters who have failed to vote for two years as voters who might have moved. The state sends these voters a preaddressed return card, and if the voter fails to return the card and fails to vote “during the period of two federal elections subsequent to the mailing of the confirmation notice,” Ohio removes the voter from the rolls. The plaintiffs argued that this practice violated the NVRA because it used a voter’s failure to vote “as the trigger for sending return cards” and as a reason to remove a voter from the rolls. The court upheld Ohio’s practice, however, holding that the NVRA only prohibits using failure to vote as the sole reason for removing a voter from the rolls. Because Ohio used a voter’s failure to vote as only one piece of evidence in determining whether a voter has moved and ultimately whether they should be removed from the rolls, it did not violate the NVRA.

Determining When a Law is Discriminatory: *Brnovich v. DNC*

In 2021, the Supreme Court considered the Democratic National Committee’s (DNC) lawsuit against the Arizona attorney general and secretary of state arguing that Arizona’s prohibition on out-of-precinct voting and an Arizona law limiting who can collect and return a voted absentee ballot on a voter’s behalf violated Section 2 of the Voting Rights Act. The court ultimately held that Arizona’s prohibition on out-of-precinct voting and ballot-collection restrictions did not violate Section 2. The DNC argued that these policies disproportionately affected American-Indian, Hispanic and African-American voters and that the laws were enacted with racially discriminatory intent.

This was the first time the Supreme Court considered a Section 2 claim related to the time, place and manner of holding elections. The court’s previous Section 2 cases all dealt with “vote dilution,” an issue in redistricting. In vote dilution cases, courts must consider whether a law is racially discriminatory in light of the totality of the circumstances surrounding the law. This may include the state’s history of discrimination and whether the specific law at issue was passed via abnormal or suspicious procedures. The court used some of these factors in this case but held that this type of case is different from a vote dilution case and therefore is not subject to the exact same legal analysis.

In addition to examining the totality of the circumstances, the court held that it must determine whether the voting process is “equally open” to all, in line with Section 2’s text. Part of this process involves determining the size of the burden imposed on voters and weighing the burden against the state’s interest in the law at issue. The court held that voters must accept “the usual burdens of voting.” The court noted that if a voting policy significantly departs from common practices in 1982 (the last time the Voting Rights Act was amended) it may be more likely that it imposes a significant burden on voters. According to the court, requiring voters to locate and vote at a specific polling place is a usual burden. Similarly, restrictions on who can return another voter’s mail-in ballot do not strongly burden Arizona voters because the state offers many ways and times to vote. The court held that the state’s interest in preventing voter fraud was strong, and laws supported by strong state interests are less likely to violate Section 2. The court was unpersuaded by what it saw as scant evidence of disparate impact of these laws on nonwhite populations. The court ultimately held that Arizona’s prohibition on out-of-precinct voting and ballot collection restrictions did not violate Section 2. This case provides one example of how courts might confront a Section 2 challenge to the time, place and manner of holding elections, but the court made clear that the case did not set forth a single legal test to use in all such cases.

Appendix B | Federal Statutes

While state law primarily determines how elections are conducted, federal law also governs the process by setting standards that all states must meet. Federal laws address a variety of election administration procedures from voter registration to polling location selection.

Below are summaries of major election-related federal statutes.

The Civil Rights Act of 1964

The Civil Rights Act of 1964 amended earlier versions and provides federal protections against discrimination in voting.

- Voters are protected from discrimination based on “race, color, or previous condition of servitude” as well as protected from “intimidation, threats, or coercion.”
- The act requires uniform registration procedures for voters throughout a given political subdivision.
- It prohibits denying someone their right to vote because of an immaterial defect on a record or paper related to any “act requisite to voting.”

Retention and Preservation of Election Materials

Enacted at the same time as the Civil Rights Act of 1960, though not part of the act, was the statute that is today codified at 52 U.S.C. 20701. That federal law requires election officials to keep records relating to any “act requisite to voting” in a federal election for 22 months.

Voting Rights Act of 1965 (VRA)

Originally passed in 1965 and amended and extended several times since then, the Voting Rights Act (VRA) prohibits discriminatory voting practices and procedures nationwide.

- Section 203 requires certain jurisdictions to provide bilingual voting materials for languages other than English as identified in the law.
- The act guarantees the right to assistance for voters who need it due to blindness, disability or inability to read or write. Any such voter can choose anyone to assist them, except their employer, their employer’s agent or their union’s agent.
- Sections 3 and 8 authorize federal courts and the U.S. attorney general, respectively, to order federal observers to be assigned to certain political subdivisions to observe for compliance with federal law. (Note: The Supreme Court’s decision in *Shelby County v. Holder* found Section 4 of the Voting Rights Act to be unconstitutional. This change requires the U.S. attorney general to seek court approval before federal monitors can conduct observations.)

Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA)

VAEHA requires political subdivisions to provide accessible polling locations for voters with disabilities and elderly voters for all federal elections.

- If it is not possible to use an accessible location or make a location temporarily accessible, covered voters must be assigned to an accessible polling location or have an alternative way to cast a ballot on Election Day.
- The act does not apply if a state’s chief election officer determines an emergency precludes use of an accessible polling location.

Uniformed and Overseas Citizen Absentee Voting Act of 1986 (UOCAVA)

Under UOCAVA, uniformed service members and their families living away from home and U.S. citizens living outside the country have the right to register and vote an absentee ballot in federal elections.

- UOCAVA’s Federal Post Card Application (FPCA) allows these voters to register and apply for their ballot simultaneously.
- A UOCAVA voter who made a timely application for their ballot but did not receive it may submit a Federal Write-In Absentee Ballot (FWAB).

Americans With Disabilities Act of 1990 (ADA)

The ADA provides extensive protections for voters with disabilities and guarantees them an equal opportunity to vote.

- Voter registration processes must be accessible for voters with disabilities.
- Ballots and other communications from election officials must be accessible for voters with disabilities. For example, this may require producing communications or ballots in braille or providing assistive technology with voting machines.
- State and local election officials must ensure their offices, voting locations (including drop boxes) and websites meet ADA requirements for accessibility.
- The Department of Justice has issued standards for accessible design that detail specific requirements for door openings, parking, accessible routes and numerous other architectural features that affect polling locations.

National Voter Registration Act of 1993 (NVRA)

NVRA, or the Motor Voter Law, requires states to provide the opportunity to register to vote when interacting with several state agencies, most notably motor vehicle bureaus, and to perform list maintenance on voter registration lists.

- In the 44 states covered by the NVRA, voters can register at state motor vehicle agencies.
- The NVRA does not apply to states that do not have a voter registration requirement or that allow a voter to register when they “vote at a polling place at the time of voting in a general election for federal office” and have maintained such a system or requirement since the enactment of the NVRA. This means the NVRA does not apply to Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin and Wyoming.
- Voters can also register at state and local offices offering public assistance and that provide “state-funded programs primarily engaged in providing services to persons with disabilities.”
- The NVRA requires states to offer voter registration via a mail-in application form. At the time the NVRA was enacted, the Federal Election Commission developed this form, but today the U.S. Election Assistance Commission is responsible for producing and maintaining the form.

Help America Vote Act of 2002 (HAVA)

Congress passed HAVA to improve voting systems and voter access after the 2000 election. HAVA created the U.S. Election Assistance Commission (EAC) and set new minimum standards for states to follow in several areas of election administration. These include minimum requirements for any voting system used in federal elections, set forth in Section 301 (a) of the act. The law also provided funding to help states meet these new standards, replace voting systems and improve election administration.

HAVA requires the EAC to establish voluntary voting system guidelines. States may adopt the guidelines entirely, in part or not at all. States may also choose to enact stricter performance requirements for voting systems. Some states use some or all of the EAC’s standards, testing and certification program.

Beyond HAVA’s voting system testing and certification programs:

- HAVA requires new voters to provide identification and proof of residency at the time of registration or present documents to establish their identity when they register to vote.
- States are required by HAVA to implement statewide voter registration lists and match information in the database to information from the motor vehicle authority.
- HAVA provides voters with the opportunity to vote a provisional ballot, sometimes referred to as “fail safe” voting. If a voter believes they are registered to vote in a jurisdiction but their name does not appear on the list of registered voters for the polling place, or an election official claims they are not eligible to vote, they have the right to vote a provisional ballot. It will be processed after the close of polls.

Military and Overseas Voter Empowerment Act of 2009 (MOVE Act)

The MOVE Act amended UOCAVA to set specific registration and absentee ballot procedures for federal elections.

- The MOVE Act requires electronic submission of registration and absentee applications and electronic delivery of blank ballots to UOCAVA voters. It is silent on electronic return of voted ballots. Over half the states allow some form of electronic return of UOCAVA ballots, by email, fax or an online portal.
- 45 days prior to any election, election officials must send ballots to all UOCAVA voters who have submitted a valid application.
- The MOVE Act requires chief state election officials and local election officials to develop a free access system for UOCAVA voters to track receipt of their ballots.
- The MOVE Act amended UOCAVA to allow military and overseas voters to use Federal Write-In Absentee Ballots for federal primary, special and runoff elections in addition to general elections.
- The act enhanced the Federal Voting Assistance Program (FVAP) to provide information for uniformed service members regarding registration and absentee voting procedures.

Electoral Count Reform and Presidential Transition Improvement Act (ECRA) of 2022

The ECRA updated the Electoral Count Act of 1887. It governs the processes by which states transmit their Electoral College slates and votes to the federal government and by which Congress counts those votes to certify the winner of the presidential election.

- Presidential electors must meet on the first Tuesday after the second Wednesday in December.
- States must designate an official who will send the state's slate of electors to the archivist of the United States.
- States' certificates of ascertainment (the official document identifying the slate of electors) must have a security feature on it.
- Procedures for Congress to receive and count the electoral votes are established as well.

Appendix C | Election Associations

Organizations Supporting the Work of Professional Election Officials

Election administration, like any profession, is greatly improved through support from experienced practitioners for those newer to the field, and continuing education for all.

Election administration is constantly changing, and accreditation and training of election officials can help on several fronts:

- Training new election officials in legal and procedural requirements.
- Keeping current election officials informed of proposed or newly enacted legislation.
- Providing election officials of all experience levels with an opportunity to share best practices and lessons learned.

Training may come from state elections offices and statewide professional associations. These continuing-education opportunities have the benefit of focusing on state-specific details. A handful of organizations operate nationally and provide professionals with a national perspective and details on federal laws that apply to all states. And a number of organizations focus on providing objective information on election administration to practitioners, policymakers and the public.

U.S. Election Assistance Commission

The U.S. Election Assistance Commission (EAC) is an independent bipartisan commission charged with developing guidance to meet HAVA (Help America Vote Act) requirements, adopting voluntary voting system guidelines and serving as a national clearinghouse of information on election administration. The EAC also accredits voting system testing laboratories, certifies voting systems and audits the use of HAVA grant funds. Under the clearinghouse function of the agency, the EAC provides election officials with resources and best practices. These include training and materials that election officials can use to review their administrative processes, communicate with voters and ensure the security and integrity of the electoral process.

National Conference of State Legislatures

The National Conference of State Legislatures (NCSL) tracks election and campaign issues in several major categories: campaign finance, election policy and administration, election results and analysis, and initiative and referendum. The organization provides comprehensive 50-state research and analysis on a wide variety of topics related to these issues. Additionally, NCSL's Redistricting and Elections Standing Committee works on issues that affect all states and hosts meetings of national interest. In its election work, NCSL focuses on connecting policymakers (legislators) with practitioners (state and local election officials).

National Association of Counties

The National Association of Counties (NACo) supports the work of county officials, including county clerks and auditors who conduct elections in many states. One of their issue areas is election administration, along with civic engagement and many others.

The Council of State Governments Overseas Voting Initiative

The Council of State Governments Overseas Voting Initiative (CSG OVI) is a group of 13 election officials who are committed to ensuring election access for military and overseas citizen voters and have taken up the challenge of examining the different approaches states and jurisdictions have taken. These officials have identified what areas need further research to ensure citizens abroad can participate in U.S. elections.

International Association of Government Officials

The International Association of Government Officials (iGO) aims to equip clerks, election officials, recorders and treasurers with professional training and leadership development through an industry-specific education, an accredited certification program, alliances with business partners and the largest trade show in the industry.

International Institute of Municipal Clerks

The International Institute of Municipal Clerks (IIMC) offers a professional designation for the Certified Municipal Clerk (CMC) program, which can then be followed by the Master Municipal Clerk (MMC) program. Election officials often have other responsibilities, and the IIMC certification programs focus their attention on the myriad duties (including election administration) that are completed by municipal clerks.

The National Association of Election Officials | Election Center

The Election Center, also known as the National Association of Election Officials, focuses solely on election administration and offers the Certified Elections Registration Administrator (CERA) program for election officials, and the Certified Elections Registration Vendor (CERV) program for election technology providers.

National Association of Secretaries of State

The National Association of Secretaries of State (NASS) has an elections committee dedicated to educating and informing NASS members about policies and practices related to election administration at the state and federal level. This includes tracking proposed federal legislation and election reform proposals and following the activities of relevant federal agencies and congressional committees. The committee also provides a forum for members to discuss strategies for facilitating voter participation and to share innovative practices on voter education and outreach.

National Association of State Election Directors

The National Association of State Election Directors (NASED) is a nonpartisan professional organization that disseminates election administration best practices and information across the states. Their members are election directors from across the country, many of whom have worked in election administration at the state and local level for decades. In each of their states, they are responsible for implementing election laws and policies, maintaining the voter registration databases and working with local election officials to ensure a successful voting experience for all voters.

State Associations

Most states have an association to support the work of election officials.

Alabama: Alabama Association of Municipal Clerks and Administrators; Alabama Association of the boards of Registrars; Alabama Circuit Courts Association; Alabama Probate Judges Association

Alaska: Alaska Association of Municipal Clerks

Arizona: Arizona Association of Counties; Arizona Recorder’s Association; Election Officials of Arizona

Arkansas: Arkansas County Election Commissions Association; Association of Arkansas County Clerks

California: California Association of Clerks and Election Officials

Colorado: Colorado County Clerks Association

Connecticut: Connecticut Town Clerks Association; Registrars of Voters Association of Connecticut

Delaware: N/A

District of Columbia: N/A

Florida: Florida Supervisors of Elections

Georgia: Georgia Association of Voter Registration and Election Officials; Georgia Election Officials Association; Georgia Municipal Association – Municipal Election Superintendents

Hawaii: N/A

Guam: N/A

Idaho: Idaho Association of Counties; Idaho Association of County Recorders and Clerks

Illinois: Illinois Association of County Clerks and Recorders

Indiana: Association of the Clerks of Circuit Courts of Indiana

Iowa: Iowa State Association of Counties; Iowa State Association of County Auditors

Kansas: Kansas County Clerks and Election Officials Association

- Kentucky:** Kentucky County Clerks Association
- Louisiana:** Louisiana Clerks of Court Association; Louisiana Registrars of Voters Association
- Maine:** Maine Town and City Clerks' Association
- Maryland:** Maryland Association of Election Officials
- Massachusetts:** Massachusetts City Clerks Association; Massachusetts Town Clerks Association
- Michigan:** Michigan Association of County Clerks; Michigan Association of Municipal Clerks
- Minnesota:** Minnesota Association of County Auditors, Treasurers and Finance Officers; Minnesota Association of County Officers; Municipal Clerks and Finance Officers Association of Minnesota
- Mississippi:** Election Commissioners' Association of Mississippi
- Missouri:** Missouri County Clerks Association and Election Authorities
- Montana:** Montana Association of Clerks and Recorders
- Nebraska:** Nebraska Association of County Clerks, Register of Deeds and Election Commissioners (part of the Nebraska Association of County Officials)
- Nevada:** Nevada Association of County Clerks and County Election Officials; Nevada Registrar of Voters
- New Hampshire:** New Hampshire City and Town Clerks' Association
- New Jersey:** New Jersey Association of Election Officials
- New Mexico:** New Mexico Association of Counties – Clerks Affiliate
- New York:** New York State Election Commissioners Association
- North Carolina:** North Carolina Association of Directors of Elections; North Carolina Association of Municipal Clerks
- North Dakota:** North Dakota Association of Counties – Auditors
- Ohio:** Ohio Association of Election Officials
- Oklahoma:** N/A
- Oregon:** Oregon Association of County Clerks
- Pennsylvania:** County Board of Elections; Eastern Pennsylvania Election Personnel Association; Western Pennsylvania Election Personnel Association
- Puerto Rico:** N/A
- Rhode Island:** New England Association of City and Town Clerks (serving the six New England states)
- South Carolina:** South Carolina Association of Registration and Election Officials
- South Dakota:** South Dakota Association of County Officials

Tennessee: Tennessee Association of Election Officials; Tennessee County Officials Association

Texas: Texas Association of Election Administrators; Texas County Officials Association; Texas Association of Counties; Texas Municipal Clerks Association

U.S. Virgin Islands: N/A

Utah: Clerk Auditors Association of Utah; Utah Municipal Clerks Association

Vermont: Vermont Municipal Clerks' and Treasurers' Association

Virginia: Virginia Electoral Board Association; Voter Registrars' Association of Virginia

Washington: Washington State Association of County Auditors

West Virginia: West Virginia Association of Counties

Wisconsin: Wisconsin County Clerks Association; Wisconsin Municipal Clerks Association

Wyoming: Wyoming Association of County Officers – County Clerks

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 - sample ballots, 49^f
 - voter registration, 30, 31



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