



May 2011

Dear Reader:

The United States Election Assistance Commission's (EAC) 2010 biennial Election Administration and Voting Survey included a Statutory Overview survey. This survey gathered qualitative information on State definitions, laws, processes, and procedures relating to the administration of elections in the 50 States, the District of Columbia, and four territories. The Statutory Overview was designed to help the EAC and its stakeholders better understand and analyze the quantitative data collected through the Election Administration and Voting Survey.

This summary report provides the reader with a good understanding of the variation in how States administer elections. The information contained in the Statutory Overview report came from the responses provided by each State or territory that chose to respond to the survey. Readers are encouraged to review the various tables contained in the report and consult the State responses to the overview questions for more details on a given topic. The dataset of State responses appears on EAC's website ([www.eac.gov](http://www.eac.gov)). For questions regarding the information provided by the States, readers should contact the States directly.

We trust that you will find this resource to be of value.

Sincerely,

A handwritten signature in black ink, appearing to read "TW", is positioned above the typed name.

Thomas R. Wilkey  
Executive Director  
U.S. Election Assistance Commission



# 2010 Statutory Overview

May 2011



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## Executive Summary

In 2010, the United States Election Assistance Commission (EAC) sponsored a Statutory Overview in conjunction with EAC's biennial Election Administration and Voting Survey (EAVS) for the second time. The Statutory Overview gathers qualitative information on States' definitions, laws, processes, and procedures relating to the administration of elections. The Statutory Overview is designed to help EAC understand and analyze the quantitative data collected through the EAVS, and provides the basis for the current summary report.

The analyses of States' Statutory Overview responses are presented in the nine sections of this report.

- Section 1:** States' defined the following terms: over-vote, under-vote, blank ballot, void or spoiled ballot, provisional or challenged ballot, absentee, early voting, active voter, and inactive voter. Most States were able to provide definitions for these terms and in situations where a term was not defined by statute, States frequently provided the common use of the term.
- Section 2:** States reported matching their voter registration databases with a number of other databases to maintain voter rolls including State departments of motor vehicles (DMV), the Social Security Administration, State departments of public health, Federal and State court systems, State Police, and U.S. Attorneys.
- Section 3:** All but three States reported that they disenfranchise felons in some manner. States varied in the offenses that result in disenfranchisement, the period of disenfranchisement, as well as the process for restoration of voting eligibility.
- Section 4:** States varied in whether or not they require an excuse for absentee voting, whether or not they allow in-person early voting, and in the processes and procedures for counting early, absentee, and Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) ballots.
- Section 5:** States provided various situations that require provisional voting including: when a voter's name is not on the registration list, a voter's registration reflects an error in party listing, a voter's eligibility cannot be immediately established, a voter is challenged as ineligible, and when a voter does not have proper identification, among other situations.
- Section 6:** States varied in the identification that is required when registering to vote, when casting an in-person ballot, when casting a mail-in or absentee ballot, and when casting a ballot under UOCAVA, with some States requiring identification above and beyond Help America Vote Act (HAVA) identification requirements.
- Section 7:** States differed in whether or not they conduct post-election audits and if an audit is required, how it is conducted, as well as the scope of the audit.
- Section 8:** Most States indicated that they require poll worker training, but States differed in when training is required, how often workers must undergo training, and who is required to attend training.
- Section 9:** Analyses presented in this section include: the prevention and record-keeping of residual votes; States' procedures for reviewing complaints of violations of HAVA; and States' methods for implementing the Military and Overseas Voter Empowerment (MOVE) Act.

EAC's analysis of States' election laws and regulations are presented in detail below. Complete responses from the States, territories, and the District of Columbia are available at EAC's website: [www.eac.gov](http://www.eac.gov).

## Introduction

The Statutory Overview, a component of the Election Administration and Voting Survey (EAVS) that was first introduced in 2008, collects open-ended, qualitative data about State election laws.<sup>1</sup> The overview questionnaire focuses on State statutory requirements and includes questions about the election procedures and practices that States follow to implement various features of Federal and State election laws.

Since December 11, 2010, EAC has lacked a quorum of commissioners, which means certain EAC reports cannot be formally adopted. EAC is issuing this report with the information that would be contained in a formally adopted report. It is EAC's intention to submit this report to the Commission for a ratification tally vote once a quorum has been reestablished.

EAC distributed the 2010 Statutory Overview via email to all 50 States, the District of Columbia, and four territories in August 2010. EAC sent it to a point of contact in each State's Elections Office. States had two months to complete the overview. The questionnaire was the same as the 2008 questionnaire, with the addition of a question on the methods and processes that States used to implement the provisions of the Military and Overseas Voter Empowerment (MOVE) Act, which was signed into law in October 2009. A copy of the questionnaire is included as Appendix A. Prior to distributing the Statutory Overview form, EAC customized it for each State by incorporating its answers from 2008 into the questionnaire. In addition, two check boxes for each question were added so that States could indicate whether the answer to a particular question had changed since 2008. This reduced the burden to respond because States only had to respond to questions if their answer had changed in the previous two years since the last administration of the Statutory Overview.

EAC received and analyzed 54 of the 55 possible Statutory Overviews. All fifty States, the District of Columbia, and the territories of American Samoa, Puerto Rico, and the U.S. Virgin Islands responded to the Statutory Overview. The territory of Guam did not respond. EAC's analysis of these 54 Statutory Overviews is presented in this report.

Responses for all States were entered into a Microsoft Access database so that they could be sorted easily and compared across the States. Analysts then examined the responses and categorized them using summary descriptive phrases that represented the response of each State. When coding responses with these summary descriptive phrases, analysts looked for commonalities among the various qualitative responses States provided. In some cases it was difficult to capture the diversity of approaches without some simplification, and in other cases, ambiguities in the responses made it difficult to decide which summary phrase to apply; however, EAC took care to present the data in a way that is both straightforward and accurate.<sup>2</sup> The end result is a report that includes tables that list the various approaches to election laws across the 54 States that responded to the Statutory Overview.

This report is divided into nine sections:

- Section 1:** States' definitions for common election law terms;
- Section 2:** State laws governing voter registration, including database "matching" and list maintenance procedures;
- Section 3:** Disenfranchisement of felons;
- Section 4:** Election administration issues dealing with absentee and in-person early voting, as well as the methods that are used to count and report the results of absentee and in-person early voting ballots;

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<sup>1</sup> Throughout this report, EAC uses the word "States" as shorthand to mean "States, territories, and the District of Columbia."

<sup>2</sup> In the process of coding and categorizing, EAC recognizes that some precision may be lost. In many cases, the State laws summarized in this report are more complex than can be presented here. For a complete understanding of a particular State's laws and policies, the State's full response and the statutes of that State should be consulted.

**Section 5:** Provisional voting;

**Section 6:** Voter identification;

**Section 7:** Post-election audits;

**Section 8:** Polling place operations, including laws governing poll worker training and observers at the polls; and

**Section 9:** Analysis of other data collected, including: 1) prevention and record-keeping of residual votes (over- and under-votes); 2) procedures for reviewing complaints of violations of the Help America Vote Act (HAVA); and 3) implementing the MOVE Act.

When presenting the results of an analysis, EAC includes the corresponding Statutory Overview question numbers in many of the subsection and table headings for ease of reference to the questionnaire.

## Section 1: Definitions

Questions A1a through A1j of the Statutory Overview asked States to provide the definitions that they use for various common election law terms. The questionnaire included a list of terms and asked States to define them and to include the legal citation that defined the term, where applicable.

Table 1 presents States' definitions of an over-vote and an under-vote.

**Over-votes (A1a):** For most States, over-votes and under-votes can be calculated for each office on the ballot as separate values. Of the 54 responding States, forty-nine (91 percent) define an over-vote as a vote for more candidates than is allowed in a race for a particular office or voting both for and against a particular ballot measure. One exception is American Samoa, which indicated that an over-vote is understood to mean having more paper ballots than voters listed in the precinct poll book (a concept sometimes referred to in other States as "excess ballots"). Three States (Missouri, Tennessee, and the Virgin Islands) do not define over-votes in their statutes and did not provide the common use of the term. Vermont reported that it uses the term "spoiled" to indicate an over-vote, but it is unclear whether the term refers to an individual contest on the ballot or the entire ballot.

**Under-votes (A1b):** In total, 41 States (76 percent) define an under-vote to be a ballot on which fewer than the maximum number of allowed votes are cast in a race or failing to vote at all in a particular race or question. Of those 41 States, 19 States define an under-vote to mean a ballot on which fewer than the maximum number of allowed votes is cast in a race or a ballot measure. Thirteen States define an under-vote as failing to vote at all in a particular race or question. Nine additional States reported using both definitions for an under-vote including Arizona, Colorado, Maryland, Massachusetts, Nevada, Puerto Rico, South Carolina, Utah, and Wyoming. Only Wyoming adds an additional distinction by defining an under-vote to mean either a ballot on which fewer than the maximum number of allowed votes are cast, or a ballot on which a voter casts votes in fewer races than the ballot allows. American Samoa reported that an under-vote is commonly understood as fewer paper ballots than voters listed in the precinct poll book. Of the responding States, eleven do not have a definition of under-votes in their statutes and did not provide the common use of the term. Vermont indicated that it considers an under-vote to be a "blank" without indicating whether the term applies to an individual office or the entire ballot.

**Table 1. Definitions of Over-Votes and Under-Votes**

State	Over-Vote (A1a) <sup>3</sup>	Under-Vote (A1b)
Alabama	Votes for more candidates than allowed	Not defined by statute – understood to mean no vote is recorded
Alaska	Votes for more candidates than allowed	Votes for fewer candidates than allowed
American Samoa	Not defined by statute – understood to mean more ballots than voters in the poll book	Not defined by statute – understood to mean fewer ballots than voters in the poll book
Arizona	Votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
Arkansas	Votes for more candidates than allowed	No vote is recorded
California	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Colorado	Votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
Connecticut	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Delaware	Votes for more candidates than allowed	No vote is recorded
District of Columbia	Votes for more candidates than allowed	No vote is recorded
Florida	Votes for more candidates than allowed	No vote is recorded
Georgia	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute – understood to mean no vote is recorded
Hawaii	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Idaho	Votes for more candidates than allowed	No vote is recorded
Illinois	Votes for more candidates than allowed	No vote is recorded
Indiana	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
Iowa	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Kansas	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
Kentucky	Votes for more candidates than allowed	Not defined by statute
Louisiana	Votes for more candidates than allowed	No vote is recorded
Maine	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
Maryland	Not defined by statute – understood to mean votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
Massachusetts	Votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
Michigan	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute – understood to mean votes for fewer candidates than allowed
Minnesota	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Mississippi	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute – understood to mean votes for fewer candidates than allowed
Missouri	Not defined by statute	Not defined by statute

<sup>3</sup> The phrase "Not defined by statute" means that the terms "over-vote" or "under-vote" are not defined in the State's election laws. If a State indicated that a term was not defined by statute, but that it had a commonly understood definition, the common use of the term is included in the table and analytic summary.



**Table 1. Definitions of Over-Votes and Under-Votes**

<b>State</b>	<b>Over-Vote (A1a)<sup>3</sup></b>	<b>Under-Vote (A1b)</b>
<b>Montana</b>	Votes for more candidates than allowed	Not defined by statute – understood to mean no vote is recorded
<b>Nebraska</b>	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
<b>Nevada</b>	Votes for more candidates than allowed	Not defined by statute – understood to mean votes for fewer candidates than allowed or no vote is recorded
<b>New Hampshire</b>	Votes for more candidates than allowed	Votes for fewer candidates than allowed
<b>New Jersey</b>	Not defined by statute – understood to mean votes for more candidates than allowed	Votes for fewer candidates than allowed
<b>New Mexico</b>	Votes for more candidates than allowed	Not defined by statute – understood to mean votes for fewer candidates than allowed
<b>New York</b>	Votes for more candidates than allowed	Votes for fewer candidates than allowed
<b>North Carolina</b>	Votes for more candidates than allowed	Votes for fewer candidates than allowed
<b>North Dakota</b>	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute – understood to mean votes for fewer candidates than allowed
<b>Ohio</b>	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
<b>Oklahoma</b>	Votes for more candidates than allowed	No vote is recorded
<b>Oregon</b>	Votes for more candidates than allowed	No vote is recorded
<b>Pennsylvania</b>	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute – understood to mean votes for fewer candidates than allowed
<b>Puerto Rico</b>	Not defined by statute – understood to mean votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
<b>Rhode Island</b>	Votes for more candidates than allowed	Votes for fewer candidates than allowed
<b>South Carolina</b>	Votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
<b>South Dakota</b>	Votes for more candidates than allowed	Not defined by statute
<b>Tennessee</b>	Not defined by statute	Not defined by statute
<b>Texas</b>	Votes for more candidates than allowed	Votes for fewer candidates than allowed
<b>Utah</b>	Votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
<b>Vermont</b>	Not defined by statute – understood to mean spoiled	Not defined by statute – understood to mean blank
<b>Virgin Islands</b>	Not defined by statute	Not defined by statute – understood to mean votes for fewer candidates than allowed
<b>Virginia</b>	Votes for more candidates than allowed	Votes for fewer candidates than allowed
<b>Washington</b>	Votes for more candidates than allowed	No vote is recorded
<b>West Virginia</b>	Votes for more candidates than allowed	Not defined by statute
<b>Wisconsin</b>	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
<b>Wyoming</b>	Votes for more candidates than allowed	Votes for fewer candidates than allowed or votes for fewer races than are eligible

Table 2 presents States’ definitions of a “blank” ballot, a “void or spoiled” ballot, and a “provisional or challenged” ballot.

**Blank Ballots (A1c):** The most common definition for a blank ballot, reported by 22 States (41 percent), is a ballot where there are no votes for any contest. Nine more States (17 percent) indicated that in addition to defining a blank ballot as no votes for any contest, “unreadable votes” are also considered a blank ballot. Eighteen States either do not define “blank ballots” in their statutes or did not provide any definition in the response. North Carolina defines a blank ballot only as a ballot that does not contain any marks that the State’s voting technology is capable of reading. Alaska defines a blank ballot as not casting a vote for a particular contest, similar to a common definition for an under-vote, while New York stated that a blank ballot is considered an under-vote. It is unclear if New York was referring to an individual contest or the entire ballot as blank. New Hampshire said the results of an over-vote or an under-vote are considered a blank ballot. Illinois indicated that a blank ballot is a special emergency write-in absentee ballot that is used only in a Federal election when regular absentee ballots have not been printed in time for mailing.

**Void/Spoiled Ballots (A1d):** Thirty-four States (63 percent) define a void or spoiled ballot as a ballot that a voter has improperly marked or damaged, including States that provided additional definitions for a void or spoiled ballot. Florida added that a spoiled ballot can be cast. Louisiana, New Jersey, Rhode Island, Virgin Islands, and Virginia indicated that a ballot that contains more marks than allowed is considered a spoiled ballot even though other States use this definition to indicate an over-vote. Indiana, Maine, New Jersey, New York, and Vermont consider a ballot to be spoiled if it contains distinguishing marks that allow identification of the voter. Additional reasons a ballot might be considered spoiled are: being returned by a voter for a new one or being marked by a voter but not put in a poll or ballot box.

**Provisional/Challenged Ballot (A1e):** Forty States (74 percent) define a provisional or challenged ballot as a ballot issued to a voter in various situations where it is not clear that the voter is entitled to a regular ballot (for example, if the voter’s name is not in the poll book, if the voter does not have the required identification, or if the voter’s identity or eligibility is challenged). An alternative definition, provided by three States, is a ballot provided to a voter whose right to vote remains to be verified within a fixed period of time (Hawaii, Maryland, and Virgin Islands). Terms other than “provisional” and “challenged” are used to express these ideas in four States, including a “questioned ballot” in Alaska, a “special ballot” in the District of Columbia, a “legally disputed ballot” in Michigan, and an “affidavit ballot” in New York. Massachusetts reported that it distinguishes between a provisional ballot and a challenged ballot: a provisional ballot is a ballot that is issued in the polling place when a voter’s eligibility to vote cannot be verified, while a challenged ballot is issued exclusively after a challenge to a voter’s eligibility. Idaho and Minnesota, two States that have Election Day registration, do not have provisional balloting systems and indicated that the term “provisional/challenged ballot” has no meaning for them. For a more detailed description of States procedures governing provisional ballots, see Table 8 in Section 5, below.

**Table 2. Defining Blank, Void and Provisional Ballots<sup>4</sup>**

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e) <sup>5</sup>
Alabama	Not defined by statute – understood to mean no votes for any contest	Not defined by statute – understood to mean ballot not to be counted in the election	Identity challenged, eligibility questioned, extended polling hours, voter applied for but did not vote absentee ballot

<sup>4</sup> The phrase “Not defined by statute” means that the terms are not defined in the State’s election laws. If a State indicated that a term was not defined by statute, but that it had a commonly understood definition, the common use of the term is included in the table and analytic summary. “Definition not provided” indicates the State did not answer the question.

<sup>5</sup> Idaho and Minnesota do not have provisional balloting systems and indicated that the term “provisional/challenged ballot” has no meaning for them. The abbreviation N/A for “Not Applicable” is used in the table.

Table 2. Defining Blank, Void and Provisional Ballots<sup>4</sup>

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e) <sup>5</sup>
Alaska	No votes for a contest	Improperly marked or damaged	Voter name not on registration list, no proper ID, change of address, voter eligibility questioned
American Samoa	No votes for any contest	Not defined by statute – understood to mean ballot returned by voter for another	Identity challenged
Arizona	No votes for any contest	Not defined by statute – understood to mean improperly marked or damaged	Voter name not on registration list, change of address, change of name, voter issued but did not vote an early ballot
Arkansas	Not defined by statute – understood to mean no votes for any contest	Improperly marked or damaged	Voter name not on registration list, voter eligibility questioned
California	No votes for any contest or unreadable votes	Not defined by statute – understood to mean improperly marked or damaged	Voter name not on registration list, change of address
Colorado	No votes for any contest or unreadable votes	Not defined by statute – understood to mean ballot returned by voter for another	Voter name not on registration list, no proper ID, voter issued but did not vote a mail-in ballot
Connecticut	No votes for any contest or unreadable votes	Ballot returned by voter for another	Voter name not on registration list, identity challenged, no proper ID
District of Columbia	No votes for any contest	Improperly marked or damaged	Voter eligibility challenged
Delaware	No votes for any contest	Improperly marked or damaged	Voter name not on registration list
Florida	No votes for any contest or unreadable votes	Improperly marked or damaged - spoiled ballot can be cast	Voter eligibility questioned
Georgia	Not defined by statute	Voter leaves booth without hitting vote and cannot be found; ballot improperly marked or damaged	Voter eligibility questioned
Hawaii	No votes for any contest	Improperly marked or damaged	Voter verification needed
Idaho	No votes for any contest	Improperly marked or damaged	N/A
Illinois	Special emergency write-in absentee ballot	Improperly marked or damaged	Voter name not on registration list, eligibility challenged, extended polling hours, no proper ID
Indiana	Not defined by statute	Not defined by statute – understood to mean ballots not properly endorsed (absentee ballots), distinguishing marks made, extrinsic act (e.g. enclosing additional paper); improperly marked	Voter name not on registration list, challenged as ineligible, or voting under extended polling hours

Table 2. Defining Blank, Void and Provisional Ballots<sup>4</sup>

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e) <sup>5</sup>
Iowa	No votes for any contest or unreadable votes	Ballot returned by voter for another	Voter eligibility challenged
Kansas	Not defined by statute	Not defined by statute – understood to mean ballots cast but not counted	Voter eligibility challenged, change of address, voting under extended polling hours
Kentucky	Definition not provided	Improperly marked or damaged	Voter eligibility challenged
Louisiana	Definition not provided	More marks made than allowed	Voter name not on registration list
Maine	Not defined by statute	Distinguishing marks made	Voter eligibility challenged
Maryland	Not defined by statute – understood to mean no votes for any contest	Improperly marked or damaged	Voter verification needed
Massachusetts	Not defined by statute – understood to mean no votes for any contest	Improperly marked or damaged	Separate definitions for provisional (eligibility challenged) and challenged ballots (swear oath to identity)
Michigan	Not defined by statute – understood to mean no votes for any contest	Not defined by statute – understood to mean ballot returned by voter for another or deemed illegal	Legally disputed ballot
Minnesota	No votes for any contest	Improperly marked or damaged	N/A
Mississippi	Definition not provided	Definition not provided	Definition not provided
Missouri	Definition not provided	Improperly marked or damaged	Voter eligibility challenged
Montana	Not defined by statute – understood to mean no votes for any contest or unreadable votes	Not defined by statute – understood to mean improperly marked or damaged	Voter eligibility challenged
Nebraska	Not defined by statute	Improperly marked or damaged	Definition not provided
Nevada	Not defined by statute – understood to mean no votes for any contest	Improperly marked or damaged	Voter name not on registration list
New Hampshire	The result of an over-vote or under-vote	Ballot returned by voter for another; marked canceled	Voter eligibility challenged
New Jersey	Not defined by statute – understood to mean no votes for any contest	Void ballot is blank, more marks made than allowed, distinguishing marks made; Spoiled ballot returned by voter for another	Voter eligibility challenged

Table 2. Defining Blank, Void and Provisional Ballots<sup>4</sup>

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e) <sup>5</sup>
<b>New Mexico</b>	No votes for any contest	Definition not provided	Ballot marked by provisional voter
<b>New York</b>	An under-vote	Distinguishing marks made	Voter name not on registration list, change of address, no proper ID, in primary when party does not match poll book
<b>North Carolina</b>	Unreadable votes	Improperly marked or damaged	Voter name not on registration list
<b>North Dakota</b>	Not defined by statute – understood to mean no votes for any contest	Improperly marked or damaged	Voter voting after polls close
<b>Ohio</b>	Not defined by statute – understood to mean no votes for any contest	Not defined by statute – understood to mean improperly marked or damaged	Voter eligibility in question for various reasons, affirmation required, ballots reviewed
<b>Oklahoma</b>	No votes for any contest or unreadable votes	Improperly marked or damaged	Voter name not on registration list, no proper ID, in primary when party does not match poll book, UOCAVA voter returned after deadline for registration
<b>Oregon</b>	Not defined by statute	Improperly marked or damaged	Voter eligibility challenged, change of address
<b>Pennsylvania</b>	Not defined by statute	Improperly marked or damaged	Voter name not on registration list
<b>Puerto Rico</b>	No votes for any contest	Ballot returned by voter for another	Voter name not on registration list
<b>Rhode Island</b>	No votes for any contest or unreadable votes	More marks made than allowed or improperly marked	Voter name not on registration list, voter identity challenged, no proper ID, previously applied for mail or emergency ballot, in primary when party does not match poll book
<b>South Carolina</b>	No votes for any contest	Improperly marked or damaged	Voter eligibility challenged
<b>South Dakota</b>	Not defined by statute	Marked, but not placed in ballot box	Voter eligibility challenged
<b>Tennessee</b>	Not defined by statute	Not defined by statute	Not defined by statute
<b>Texas</b>	No votes for any contest	Improperly marked or damaged	Voter name not on registration list, no proper ID
<b>Utah</b>	No votes for any contest or unreadable votes	Improperly marked or damaged	Voter name not on registration list
<b>Vermont</b>	Not defined by statute	Improperly marked or damaged, distinguishing marks made	Voter not living in precinct but wanting to vote at polling place
<b>Virgin Islands</b>	No votes for any contest	More marks made than allowed	Special instrument subject to post-election verification of right to have voted
<b>Virginia</b>	Not defined by statute	More marks made than allowed	Not defined by statute



Table 2. Defining Blank, Void and Provisional Ballots<sup>4</sup>

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e) <sup>5</sup>
Washington	Not defined by statute	Improperly marked or damaged	Voter name not on registration list, requested an absentee ballot, question by voter on qualified contests
West Virginia	Not defined by statute	Improperly marked or damaged	Voter name not on registration list, signature does not match poll book, assistance was provided but not needed
Wisconsin	No votes for any contest	Not defined by statute	Not defined by statute- but procedures to allow for casting a ballot when voter eligibility challenged
Wyoming	Not defined by statute	Improperly marked or damaged	Voter eligibility challenged

**Absentee and Early Voting (A1f–g):** States were asked to define the terms “absentee” and “early voting.” Table 3 shows the terms that different States use to describe the underlying concepts of mail-in voting and early voting. States define the term “absentee” to mean a ballot issued at a voter’s request when the voter meets certain qualifications, a person who meets the qualifications to cast an absentee ballot, or an alternative method for casting a ballot outside the traditional polling place. As shown in Table 3, nine States (Arizona, California, Colorado, Kansas, Nebraska, New Jersey, Rhode Island, Texas, and Vermont) do not use the term “absentee.”

Sixteen States define “early voting” to refer to no-excuse, in-person voting during a set time period prior to an election, including Alaska who also uses the term “in-person voting” and West Virginia who uses the term “early in-person voting.” Kansas uses the term “in-person advance” voting. Twenty-one States reported that they employ variations of “absentee voting” as the term for in-person early voting. Two States, California and New Jersey, reported using the term vote-by-mail in-person and Kansas reported using the term in-person advance voting. In Table 3, “N/A” (for “not applicable”) indicates that a State reported the non-existence of “early voting” in the State. Fourteen States reported that they do not permit early voting.

Table 3. Mail-In Voting and Early Voting<sup>6</sup>

State	Term for Mail-in Voting (A1f) <sup>7</sup>	Term for Early Voting (A1g)
Alabama	Absentee	Absentee
Alaska	Absentee	Early voting and in-person voting
American Samoa	Absentee	Early voting
Arizona	Early voting by mail	Early voting
Arkansas	Absentee	Early voting
California	Vote-by-mail/Special absentee	Early voting and vote-by-mail in-person
Colorado	Mail-in	Early voting
Connecticut	Absentee	N/A
Delaware	Absentee	N/A

<sup>6</sup> Mail-in voting means the voter casts a ballot prior to Election Day via the U.S. Postal Service. Early voting means the voter casts a ballot prior to Election Day at a physical location (e.g., at a registrar’s office or a designated early voting site).

<sup>7</sup> All States have some form of Mail-in Voting. An entry of “N/A” (Not Applicable) in the column for Early Voting signifies that that the State does not permit early voting.

Table 3. Mail-In Voting and Early Voting<sup>6</sup>

State	Term for Mail-in Voting (A1f) <sup>7</sup>	Term for Early Voting (A1g)
District of Columbia	Absentee	Early voting
Florida	Absentee	Early voting
Georgia	Absentee elector	Early voting
Hawaii	Absentee	Absentee in-person or walk-in absentee
Idaho	Absentee	Absentee in-person
Illinois	Absentee	Early voting and in-person absentee
Indiana	Absentee	Absentee in-person
Iowa	Absentee	Absentee in-person
Kansas	Advance voting	In-person advance voting
Kentucky	Absentee	N/A
Louisiana	Absentee by mail	Early voting
Maine	Absentee	Absentee in-person
Maryland	Absentee	Early voting and absentee in-person
Massachusetts	Absentee	N/A
Michigan	Absentee	N/A
Minnesota	Absentee	N/A
Mississippi	Absentee	N/A
Missouri	Absentee	N/A
Montana	Absentee	Absentee in-person
Nebraska	Early voting	Early voting
Nevada	Absentee	Early voting
New Hampshire	Absentee	N/A
New Jersey	Mail-in	Vote-by-mail in-person
New Mexico	Absentee	Early voting
New York	Absentee	Absentee in-person
North Carolina	Absentee	One-stop absentee voting
North Dakota	Absentee	Early voting and absentee in-person
Ohio	Absentee	Early voting
Oklahoma	Absentee	Early voting and absentee in-person
Oregon	Absentee	N/A
Pennsylvania	Absentee	N/A
Puerto Rico	Absentee	N/A
Rhode Island	Vote-by-mail	N/A
South Carolina	Absentee	Absentee
South Dakota	Absentee	Absentee in-person
Tennessee	Absentee	Early voting
Texas	Early voting-by-mail	Early voting
Utah	Absentee	Early voting and absentee in-person
Vermont	Early voter absentee voting	Early voter absentee in-person
Virgin Islands	Absentee	N/A
Virginia	Absentee	Absentee
Washington	Absentee	Absentee in-person
West Virginia	Absentee	Early voting and early in-person
Wisconsin	Absentee	Absentee in-person voting
Wyoming	Absentee	Absentee in-person voting

**Active and Inactive Voters (A1h–i):** Questions A1h and A1i on the Statutory Overview requested definitions for the terms “active” and “inactive” voters. As shown in Table 4, States define “active voter” to mean a voter “in good standing” in the registration database (i.e., a voter who has not been listed as inactive because of questions over registration or eligibility, and who has not been selected for NVRA list maintenance or removal). Thirty-two States (59 percent) reported that voters who are registered to vote are active. Additional definitions include eligible voters (Connecticut, District of Columbia, and New Jersey), a voter who is not inactive (Alabama, Florida, Montana, and Utah), and voters who participated in the last election (North Carolina and North Dakota).

States define the term “inactive voter” to mean a voter who has been marked “inactive” in the registration database. For example, this may be a voter who has not voted for two Federal elections after receiving a forwardable, postage-paid notice sent by the election official confirming the voter’s status, or one who has been deemed inactive for other reasons under State law.<sup>8</sup> Although States have different processes for putting voters on the inactive list, use of these terms seems to be reasonably uniform. An exception is Texas, which defines an inactive voter as a voter whose registration has been canceled. Idaho and Michigan do not use the active/inactive distinction in their registration databases and seven States reported that the term was not defined by statute and did not provide the common use of the term. North Dakota provided definitions for active and inactive voters, but does not use the active/inactive distinction in its voter history database because it does not have voter registration.

**Table 4. Active and Inactive Voters<sup>9</sup>**

State	Active Voter (A1h)	Inactive Voter (A1i)
Alabama	A voter who is not inactive	No vote in past election(s)
Alaska	A qualified voter; not targeted for list maintenance	Does not meet qualifications of an active voter
American Samoa	Not defined by statute – understood to mean registered to vote	Not defined by statute – understood to mean no vote in past election(s)
Arizona	Registered to vote	No vote in past election(s)
Arkansas	Registered to vote	No response to confirmation notice
California	Registered to vote	No response to confirmation notice or moved out of county
Colorado	No conditions or restrictions to eligibility	No response to confirmation notice or correspondence returned as undeliverable
Connecticut	Eligible to vote	Failure to respond to annual canvass
Delaware	Registered to vote	No longer at residence
District of Columbia	Eligible to vote	Not eligible to vote
Florida	A voter who is not inactive	No response to confirmation notice
Georgia	Registered to vote	No response to confirmation notice
Hawaii	Registered to vote	No vote in past election(s)
Idaho	Registered to vote	System only contains active voters
Illinois	Not defined by statute	No response to confirmation notice
Indiana	Defines maximum number of voters in a proposed precincts boundaries; in description of voter list maintenance	Not defined by statute; used in description of voter list maintenance

<sup>8</sup> NVRA: 42 USC 1973gg-6(d)

<sup>9</sup> “Not defined by statute” indicates the term is not defined by election code even though the term may be used or processes are in place to govern the practice.

Table 4. Active and Inactive Voters<sup>9</sup>

State	Active Voter (A1h)	Inactive Voter (A1i)
Iowa	In good standing	No response to confirmation notice or correspondence returned as undeliverable
Kansas	Not defined by statute – understood to mean registered to vote	Not defined by statute – understood to mean no response to confirmation notice
Kentucky	Registered to vote	Not defined by statute
Louisiana	Completed registration form	No response to confirmation notice
Maine	Not defined by statute	Not defined by statute
Maryland	Not defined by statute – understood to mean registered to vote	Not defined by statute – understood to mean no response to confirmation notice
Massachusetts	Registered to vote	No vote in past election(s)
Michigan	Not defined by statute – understood to mean registered to vote	N/A – does not have inactive voter registration file
Minnesota	Completed registration form	No response to confirmation notice or upon written request by voter to be removed
Mississippi	Registered to vote	Not defined by statute
Missouri	Registered to vote	No response to confirmation notice
Montana	A voter who is not inactive	No response to confirmation notice
Nebraska	Registered to vote	Not defined by statute
Nevada	Registered to vote	No response to confirmation notice
New Hampshire	Not defined by statute	Not defined by statute
New Jersey	Not defined by statute – understood to mean eligible to vote	Not defined by statute – understood to mean no response to confirmation notice
New Mexico	Registered to vote	No response to confirmation notice
New York	Registered to vote	No response to confirmation notice
North Carolina	Participated in past election	No vote in past election(s)
North Dakota	Participated in past election	No vote in past election(s)
Ohio	Not defined by statute	Not defined by statute
Oklahoma	Registered to vote, but not inactive	No response to confirmation notice
Oregon	Registered to vote	No response to confirmation notice
Pennsylvania	Not defined by statute – understood to mean registered to vote	No response to confirmation notice
Puerto Rico	Not defined by statute – understood to mean registered to vote	Not defined by statute – understood to mean no vote in past election(s)
Rhode Island	Registered to vote	No response to confirmation notice
South Carolina	Registered to vote	Not on registration list
South Dakota	Registered to vote	No response to confirmation notice
Tennessee	Not defined by statute	Removed from registration list
Texas	Registered to vote	Canceled voter registration
Utah	A voter who is not inactive	No response to confirmation notice
Vermont	Registered to vote	Voter sent a challenge letter under suspicion of change of address
Virgin Islands	Not defined by statute – understood to mean registered to vote	Not defined by statute
Virginia	All voters are active	No response to confirmation notice
Washington	Registered to vote	Correspondence returned as undeliverable
West Virginia	Legal resident of the State	No response to confirmation notice

Table 4. Active and Inactive Voters<sup>9</sup>

State	Active Voter (A1h)	Inactive Voter (A1i)
Wisconsin	Not defined by statute – understood to mean registered to vote	Not defined by statute – understood to mean no longer on poll book
Wyoming	Registered to vote	No response to confirmation notice

## Section 2: Voter Registration

The Statutory Overview included eight questions about voter registration and States' voter registration databases (VRD).<sup>10</sup> Responses to five of these questions are presented in Table 5. The columns show the following information:

- ▶ Whether the VRD System in each State is top-down, bottom-up, or hybrid (B1a);
- ▶ For bottom-up and hybrid systems, how often the information contained in local databases is reconciled with information retained at the statewide level (B1b);
- ▶ The types of information about voters that each State's VRD System is able to check against outside databases (B4);
- ▶ Events in each State that cause officials to tag the voter as inactive in the VRD System (B2);
- ▶ Events in each State that cause officials to remove the voter's registration from the VRD System altogether (B3).

Two additional questions not displayed in the table but summarized in the text below include whether the States use the National Change of Address (NCOA) service to identify voters that have moved, and whether States allow voter registration via the Internet. The following is a summary of the States' responses to each of these questions.

**Top-down/Bottom-up (B1a).** Question B1 asked whether each State had a top-down or bottom-up VRD System. The question defined a top-down system as one in which the data are hosted on a central platform of hardware and is maintained by the State with data and information supplied by local jurisdictions. A bottom-up system was defined as one in which the data are hosted on local hardware and is periodically compiled to form a statewide voter registration list.<sup>11</sup>

Under these definitions, 38 of 54 States (70 percent) indicated a top-down system, eight (15 percent) indicated a bottom-up system, and eight (15 percent) indicated a hybrid. California, Illinois, Nevada, New Mexico, New York, Ohio, South Dakota, and Tennessee reported that they use a bottom-up system. Arizona, Florida, Mississippi, Oklahoma, Puerto Rico, Texas, Washington, and Wisconsin reported employing a hybrid system. Note that North Dakota does not have voter registration, but it does keep a central database of persons who have voted in an election that can be considered top-down. Voters can be tagged as inactive and even removed from this database for record-keeping purposes; it has no effect on a person's ability to vote.

**Frequency of Reconciliation of Databases (B1b).** With top-down systems, there is presumably no local database, and therefore no need to reconcile a local database with the central database. Only States who

<sup>10</sup> In this report, we use the term "VRD Systems" as a generic term to include voter registration databases or systems.

<sup>11</sup> Some states, including Florida and Montana, reported that they use a hybrid system, but the explanation of the system was consistent with the definition of a top-down system. These States are classified in this analysis as a top-down system.



reported bottom-up and hybrid systems were asked to report how often local governments transmit registration information to the statewide list.

Of the eight States that reported employing a bottom-up system, five reported a daily or 24-hour transmission of registration information from the local jurisdictions to the State level, while two reported a real-time or near real-time data communication between the two. Ohio indicated that the frequency of reconciliation varies by county.

Of the eight States that indicated the use of a hybrid voter registration system, six reported real-time or near real-time updating of the State database and only two reported daily transmission of registration information from the local jurisdictions to the States.

**Database Matches (B4).** Question B4 asked States if they share information electronically with their State driver's license agency and whether the VRD can be linked with databases from other agencies. Forty-six of the 54 States reported that their voter registration database (or equivalent) is often matched to the records in their State's driver's license agency.<sup>12</sup> Twenty-seven of the 54 responding States report linking their VRD System with the Social Security Administration. The Virgin Islands indicated that it currently only shares information with the courts, but is working to put in place a process that matches information with the department of motor vehicles and the Social Security Administration.

*Other Matching Systems.* Many States reported matching voter information against other government records. Examples include records of deaths (State Departments of Public Health) and felony convictions (Federal and State court systems, State Police, U.S. Attorneys). Some States also have the ability to track changes of address by matching the VRD System records against address changes in the motor vehicle database, or by identifying duplicates within the VRD System itself.

**Triggers — Active to Inactive (B2).** Question B2 asked States to describe their process for moving voters from the active to the inactive list. Twenty of 54 responding States indicated that they label voters inactive for failure to vote. For most States, this occurs after failure to vote over any four-year time period that includes two Federal elections. However, some States, such as the District of Columbia, do this after each Federal election. Officials sometimes send postcards asking voters and nonvoters to confirm that they continue to reside at the address on file. If the voter does not respond or the notice is returned as undeliverable, the voter is labeled as inactive in the database. Thirty-two States indicated that officials send a postcard and mark the voter inactive if it is returned as undeliverable. Eighteen States indicated that officials send a postcard and mark the voter inactive if the voter does not respond by completing it and returning it, considering it a failure to respond or nonresponse to a confirmation notice. Some States will move voters from an active list to an inactive list when a State is informed of a change of address. Some States will send a postcard if the U.S. Postal Service's National Change of Address (NCOA) service indicates that the voter has moved. A felony conviction can result in becoming inactive in South Carolina and Wisconsin. Some States, such as Idaho, Michigan, New Hampshire, Ohio, and the Virgin Islands indicated that they do not use the active/inactive distinction in their VRD Systems.

**Triggers — Removal (B3).** Thirty-three of the 54 States that responded to the Statutory Overview indicated that they currently remove voters who did not vote for a period of time (generally over two Federal elections) and did not respond to a confirmation notice or the notice was returned as undeliverable; this is listed as "nonvoting" in the table. Other reasons for removal include request of the voter, death, felony conviction, adjudication of mental incompetence, registration in another jurisdiction, and other indicators of change of address. Wisconsin indicated that it never fully removes voters from its VRD System, but instead marks them as inactive.

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<sup>12</sup> This includes States who reported sharing data with their Department of Transportation or their Department of Public Safety, which in some States is where the driver's license agency is located.

Table 5. Voter Registration<sup>13</sup>

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Alabama	Top-down	N/A	Department of Public Health (death records); Department of Public Safety (DL and SSNs); Administrative Office of Courts (felon records)	Nonvoting (4), undeliverable notices	Death, nonvoting (4), registration elsewhere, felon, mental incompetency
Alaska	Top-down	N/A	DMV	Undeliverable	Nonvoting (4)
American Samoa	Top-down	N/A	SSA	Nonvoting	Nonvoting
Arizona	Hybrid	Real-time	DMV; Arizona Department of Public Health (death records); Federal and State Court Systems (Felon and Incapacitated Records)	Undeliverable notices	Request, death, NCOA outside county, nonvoting, felony, mental incompetency
Arkansas	Top-down	N/A	DMV; SSA; Vital Records (death records and felon records)	Undeliverable notices; NCOA to a different county or congressional district	Death, nonvoting, registration elsewhere, NCOA outside county, felony, mental incompetency, not qualified
California	Bottom-up	Daily	DMV (DL, address changes); SSA; Department of Public Health (death records); Department of Rehabilitation and Corrections (felon records)	Undeliverable, address correction confirmation returned with forwarding address outside county, NCOA	Request, death, registration elsewhere, NCOA outside county, felony, mental incompetency
Colorado	Top-down	N/A	Department of Revenue (Name, Date of Birth, Gender, DL, SSN); Department of Health and Environment (death records); Department of Corrections (felon records)	Nonvoting, undeliverable	Inactive to cancelled, request, death, felony, NCOA outside of State, duplicate registration
Connecticut	Top-down	N/A	DMV; SSA; Department of Public Health (death records); Department of Corrections (felon records)	Undeliverable, failure to respond to canvass notice pursuant to NVRA	Request, nonvoting (4), felony, death

<sup>13</sup> The following abbreviations are used in this table: DL (driver's license number); DMV (Department of Motor Vehicles); NCOA (National Change-of-Address); SSA (Social Security Administration); SSN (Social Security Number); N/A (not applicable). Note that the numbers in parentheses after the words "undeliverable" or "nonvoting" indicate the number of years that pass between periodic uses of these two processes. For example, "undeliverable (2)" indicates that the State sends out postcards every 2 years to determine who has moved. By the same token, "nonvoting (4)" indicates that an inactive voter will be removed from the Statewide VRD System if he or she fails to vote for 4 years after being labeled as inactive. Where no number is given, the number of years was not specified. "Not specified" means that the process was not explained in the State's response.

Table 5. Voter Registration<sup>13</sup>

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Delaware	Top-down	N/A	DMV	Not specified	Death, registration elsewhere, NCOA outside State, felony, mental incompetency, inactive for two elections
District of Columbia	Top-down	N/A	DMV (DL, Name, Address)	Nonvoting, Undeliverable	Nonresponse, nonvoting
Florida	Hybrid	Real-time	DMV (DL); SSA; Department of Law Enforcement (felon records)	Undeliverable, no response to address verification	Request, death, NCOA outside State, nonvoting, felony, mental incompetency, not qualified
Georgia	Top-down	N/A	Department of Driver Services (DL, Name, Date of Birth, U.S. Citizenship); SSA; Department of Community Health (death records); Department of Revenue; Administrative Office of the Courts (felon records); Department of Corrections (felon records)	Undeliverable, no response to address verification	Request, NCOA outside county/State, falsification of voter registration, felony, mental incompetency, death, eligibility challenged and upheld
Hawaii	Top-down	N/A	Department of Customer Services, Driver's License Section (DL)	Undeliverable confirmation postcard	Nonvoting
Idaho	Top-down	N/A	DMV; SSA	N/A	Death, NCOA outside county/State, nonvoting (4), felony, no response to challenge notice, request
Illinois	Bottom-up	24 hours	DMV; SSA; Department of Public Health (death records); Department of Corrections (convictions)	Undeliverable	Nonvoting (4)
Indiana	Top-down	N/A	Bureau of Motor Vehicles (DL); SSA; Department of Health (death records); Department of Corrections (convictions)	Nonvoting, undeliverable, NCOA	Death, nonvoting, NCOA outside county, felony

Table 5. Voter Registration<sup>13</sup>

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Iowa	Top-down	N/A	Department of Transportation (DL); State Health Department (death records)	Undeliverable, NCOA, nonvoting	Death, registered elsewhere, NCOA outside county, felony, mental incompetency, request, challenge, nonvoting
Kansas	Top-down	N/A	DMV; SSA; Department of Corrections (felon records); Department of Health and Environment (deceased persons)	Nonvoting, undeliverable, NCOA	NCOA outside county, registered elsewhere, undeliverable, nonvoting, death, felony
Kentucky	Top-down	N/A	Transportation Cabinet Division of Driver Licensing (DL); State Public Assistance Agencies	NCOA outside county, nonvoting, undeliverable	Request, death, mental incompetency, felony, nonvoting, failure to respond to confirmation
Louisiana	Top-down	N/A	Office of Motor Vehicles (DL); SSA; Death Master File; Emergency 911 System; Department of Public Safety and Corrections (felon records)	Not qualified, NCOA	NCOA outside parish, failure to respond to confirmation
Maine	Top-down	N/A	Bureau of Motor Vehicles (DL); SSA; Office of Vital Statistics (death records)	Failure to respond to NVRA notice, undeliverable	Death, NCOA, request, nonvoting (4)
Maryland	Top-down	N/A	Motor Vehicle Administration (DL); Department of Vital Statistics (death records); Judicial Information System (felon records)	NCOA, failure to respond to confirmation notice, nonvoting	Request, death, felony, NCOA outside State
Massachusetts	Top-down	N/A	Registry of Motor Vehicles (DL, SSN); SSA; Department of Public Health (death records)	Failure to respond to street listing and confirmation notice	Nonvoting (4), death, registration in another jurisdiction, request
Michigan	Top-down	N/A	Driver License Agency (DL)	N/A	NCOA, failure to respond to confirmation
Minnesota	Top-down	N/A	Driver Vehicle Services (DL); SSA; Court Records	Nonvoting	Never removed (only made "inactive")
Mississippi	Hybrid	Real-time	DMV (DL)	Failure to respond to NVRA notice	Failure to respond to NVRA notice

Table 5. Voter Registration<sup>13</sup>

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Missouri	Top-down	N/A	SSA; Department of Health and Senior Services (death records); Department of Corrections (felon records)	NCOA, failure to respond to confirmation notice	NCOA, fail to respond to NVRA notice, nonvoting, death, mental incompetency, felony
Montana	Top-down	N/A	DMV; SSA; Department of Public Health and Human Services (death records); Department of Corrections (felon records)	Nonvoting, undeliverable, NCOA	Request, death, mental incompetency, felony, nonvoting, registration elsewhere, failure to meet qualifications
Nebraska	Top-down	N/A	DMV; SSA; death records database; felon records database	Undeliverable, failure to respond to NVRA notice	Nonvoting, NCOA
Nevada	Bottom-up	Daily	DMV; SSA; Office of Vital Statistics (deceased persons)	Undeliverable, nonvoting	Death, mental incompetency, felony, nonresponse, request, duplicate registration
New Hampshire	Top-down	N/A	DMV; SSA; Department of Corrections (felon records); Division of Vital Records (death records); NCOA	N/A	Death, nonvoting, NCOA outside jurisdiction, felony, duplicate registration
New Jersey	Top-down	N/A	Motor Vehicles Commission (DL, SSN); Department of Health and Senior Services, Bureau of Vital Statistics (death records); Department of Corrections, State Parole Board, Judiciary Administrative Office of the Courts (incarcerated records, on probation records, on parole records)	When confirmation notice is sent	Death, felony, mental incompetency, request, NCOA outside of State, failure to respond to confirmation
New Mexico	Bottom-up	Real-time	None	NCOA	Nonvoting (4 consecutive Federal elections), NCOA, mental incompetency, felony, death, request, cancellation by Board of Registration
New York	Bottom-up	Near real-time	DMV (DL, SSN)	Undeliverable, NCOA	Not qualified
North Carolina	Top-down	N/A	DMV (DL, Address Changes); SSA (SSN, Address Changes)	Nonvoting, nonresponse	Death, felony, NCOA, nonresponse



Table 5. Voter Registration<sup>13</sup>

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
North Dakota	Top-down	N/A	Department of Transportation (DL, Name Address); Department of Vital Records (death records); North Dakota Association of Counties (marriage name changes records); State Courts (protection order records)	Nonvoting	Death, NCOA outside of State
Ohio	Bottom-up	Varies by county	DMV (DL, Name, Address, SSN); SSA	N/A	Death, nonvoting, NCOA outside county, felony, challenge
Oklahoma	Hybrid	Daily	Department of Public Safety (DL, SSN); Department of Health (death records)	Nonresponse to confirmation notice	Death, mental incompetency, nonvoting, registration elsewhere, felony, request
Oregon	Top-down	N/A	DMV; SSA	Nonvoting, undeliverable	Death, request, nonvoting, registration elsewhere
Pennsylvania	Top-down	N/A	Department of Transportation (DL, Address Change, Name Change)	Failure to respond to NVRA notice	Request, NCOA outside county, death, nonvoting
Puerto Rico	Hybrid	Near real-time	Department of Transportation and Public Works (DL, SSN)	Nonvoting	Challenge
Rhode Island	Top-down	N/A	DMV	Undeliverable, nonvoting, nonresponse	Undeliverable, nonvoting, nonresponse
South Carolina	Top-down	N/A	DMV for new registrants only	Undeliverable, felons, death, request, nonresponse to confirmation notice	Death, NCOA, felony, nonresponse to confirmation notice
South Dakota	Bottom-up	Daily	State Vital Records; Judicial System	Nonvoting, undeliverable (4), NCOA, nonresponse to confirmation notice	Mental incompetency, death, felony, registration elsewhere, duplicate registration
Tennessee	Bottom-up	Daily	Department of Safety	Upon mailing of confirmation notice	Request, nonvoting
Texas	Hybrid	Daily	None	Undeliverable (2)	Request, duplicate registration, death, challenge, undeliverable, NCOA

Table 5. Voter Registration<sup>13</sup>

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Utah	Top-down	N/A	Driver License Agency (DL); SSA	NCOA, undeliverable	Death, NCOA, request, undeliverable, nonvoting
Vermont	Top-down	N/A	DMV; SSA	Nonresponse to or undeliverable confirmation notice	NCOA, challenge, death, registration elsewhere, request
Virgin Islands	Top-down	N/A	Court System (felon records)	N/A	Nonvoting (2), nonresponse
Virginia	Top-down	N/A	Department of Health (death records); State Police (felon records); U.S. Attorney's Office (felon records); State Circuit Courts (mental incompetency adjudications); DMV (SSN; non-citizen records); SSA (death records); U.S. Postal Service (street address records);	Nonvoting, undeliverable, nonresponse to confirmation notice, NCOA	Death, felony, mental incompetency, citizenship
Washington	Hybrid	Near real-time	Department of Licensing (DL, SSN); SSA	Undeliverable notices, NCOA outside State	Death, nonvoting, NCOA outside State, felony, mental incompetency
West Virginia	Top-down	N/A	None	Undeliverable, nonresponse to confirmation notice (1), NCOA	Death, felony, mental incompetency, request, challenge, nonvoting
Wisconsin	Hybrid	Real-time	Department of Transportation (DL); SSA (SSN); Department of Corrections (felon records); Office of Vital Records (death records)	Undeliverable, mental incompetency, felony, registration elsewhere, challenge, 4 year maintenance, death, condemnation of address, administrative action, request, voter fraud	Never removed (only made "inactive")
Wyoming	Top-down	N/A	Department of Transportation (DL); the Division of Criminal investigation (felon records), the Department of Health, and the State Board of Parole (Paroles Granted)	Nonvoting	Nonvoting, death, registration elsewhere, NCOA outside county, disqualification, request

In addition to the responses shown in Table 5, States were asked whether they used the National Change of Address service to identify voters who have moved and whether they use the internet to facilitate the voter registration process. These two issues are discussed below.

**National Change of Address Service (B5).** Twenty-four States indicated they use the National Change of Address (NCOA) service available from the U.S. Postal Service to help identify voters who have moved.<sup>14</sup> Additionally, Arizona, District of Columbia, and Indiana indicated that they "may" use NCOA. Eight other States indicated that NCOA is used by their local governments and municipalities.<sup>15</sup> Minnesota indicated using NCOA monthly to verify addresses, while Rhode Island and West Virginia utilize NCOA every other year. Eight States indicated using a vendor to check their records against NCOA.<sup>16</sup> Four States indicated that they review the NCOA data for accuracy before determining whether a voter has moved. Four other States, California, Connecticut, Nevada, and New York, described the procedure for sending notification to the former address to give voters an opportunity to address the discrepancy and update their addresses.

Many States reported that they label a voter as inactive in the statewide voter registration database when NCOA indicates a change of address, although many others did not specify the consequence of such an indication. Seven of the States that reported using NCOA gave some response about their satisfaction. Only four of those States indicated general satisfaction with NCOA (Delaware, Iowa, South Dakota, Virgin Islands). Pennsylvania indicated satisfaction, but also noted some inaccuracies, particularly the discrepancies that can result when only one member of the family relocates. Four States (Arkansas, Kansas, Louisiana, and Vermont) indicated some dissatisfaction with using NCOA. Arkansas reported having used NCOA before but discontinuing its use because it was unsuccessful and costly. Kansas indicated that the errors related to one member of a family relocating as well as other errors that make using NCOA costly. Louisiana reported that it has been using NCOA for years and has not had good experiences. Vermont reported that it does not use NCOA because it has found it to be ineffective. Lastly, Hawaii indicated that it is currently considering using NCOA.

**Internet-Facilitated Voter Registration (B7).** The Statutory Overview responses indicate that most States make limited use of the Internet to facilitate voter registration. Forty States indicated offering a voter registration form online that required the voter to print and sign the form before submitting it via mail. Of the 40 States offering this, 28 noted a 'fillable pdf' online voter registration form. Of these 28, only three (Alaska, Kentucky, and South Carolina) indicated voters could print, sign, scan, and email the form. The remaining 25 States indicated that they accept printed and signed forms by mail and in person. Additionally, Maine, Mississippi, Montana indicated that they will accept scanned and emailed voter registration forms only from UOCAVA voters, while others (Nebraska, Nevada, Puerto Rico) indicated the forms from UOCAVA voters will still need to be signed and mailed before their votes can be counted. Seven States offer online voter registration including Arizona, Colorado, Indiana, Louisiana, Oregon, Utah, and Washington. Four of those (Colorado, Indiana, Louisiana, and Utah) indicated that the voter must hold a valid State identification or driver's license to utilize the online system. Nevada reported one county offering online voter registration for the first time in 2010 with plans to expand the option for online registration to the entire State soon. Among the seven States offering online registration, some noted additional online features. Arizona allows voters to check polling place and registration status online, and Arizona residents utilizing the Motor Vehicle Division website can select an option to be included on to the permanent early voter list. Washington also allows verification of voter registration and within-county change of address online.

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<sup>14</sup> They are California, Connecticut, Delaware, Iowa, Kansas, Louisiana, Maine, Minnesota, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Virgin Islands, and West Virginia.

<sup>15</sup> They are Florida, Massachusetts, Mississippi, Montana, Tennessee, Texas, Vermont, and Washington.

<sup>16</sup> The eight States are Delaware, Georgia, Iowa, Kansas, Maine, Nebraska, New York, and Ohio.

## Section 3: Felon Disenfranchisement

Question B6 of the Statutory Overview asked States to report on their laws regarding disenfranchisement of felons. The results are presented in Table 6 below. Fifty-one of the 54 responding States disenfranchise felons in some manner, with the exceptions being Maine, Puerto Rico, and Vermont.

**Character of Disenfranchising Offense (B6).** Forty-five States (83 percent) indicated that any felony is sufficient to trigger disenfranchisement. A few States require disenfranchisement for only certain felonies. Alabama, Alaska and Georgia disenfranchise only those who are convicted of felonies involving “moral turpitude,” and Mississippi disenfranchises individuals who commit one of 22 enumerated crimes. The response from Kentucky indicates that there are situations in which the State disenfranchises those convicted not only of felonies, but also of misdemeanors.

**Disenfranchisement Period (B6).** Twenty-two of the 54 States that responded to the Statutory Overview disenfranchise felons until the unconditional discharge of their sentences, including parole and probation. The second most common approach, taken by 14 States, is to disenfranchise felons only for the period that they are in actual physical confinement. Other States indicated that restoration of rights occurs only after a waiting period following discharge (Nebraska and the Virgin Islands), or that the rights of felons are never restored short of an official pardon (Kentucky, Mississippi, and Virginia). In Delaware, persons convicted of the enumerated “disqualifying” felonies are permanently disenfranchised. Other disenfranchised persons may reregister after officials review their files and determine they have unconditionally discharged their sentences, paid all fines, and have not been convicted of a felony in the past five years. Tennessee indicated that conviction of certain crimes between specified time periods precludes individuals from having their rights restored.

**Restoration Process (B6).** As summarized in Table 6, 24 of the 54 States (44 percent) indicated that felons who have regained their eligibility to vote do not need to take any action to vote again except to reregister. Ten States indicated the restoration process is “automatic,” although it is not clear whether the voter must reregister in some of these States. In an additional nine States listed as “non-automatic”, a person who has regained eligibility may register but officials must make an affirmative determination of eligibility including convicted felons who can only reregister after having been pardoned. In Missouri, voting is not allowed after conviction of a felony or misdemeanor connected with the right of suffrage.

Table 6. Felon Disenfranchisement<sup>17</sup>

State	Character of Offense	Disenfranchisement Period	Restoration Process
Alabama	Felony of moral turpitude	Until Certificate of Restoration is issued	Non-automatic – must apply for Certificate of Restoration
Alaska	Felony of moral turpitude	Until unconditional discharge	Must reregister
American Samoa	Any felony	2 years after date of conviction or release from prison, whichever is later	Not specified
Arizona	Any felony	Until unconditional discharge	Automatic after first offense only
Arkansas	Any felony	Until unconditional discharge	Non-automatic – must provide proof of discharge from probation or parole and payment of all fees, court costs, fines, or restitution
California	Any felony	Until unconditional discharge	Must reregister

<sup>17</sup> “Not specified” means that the character of the offense, the disenfranchisement period or the restoration process was not explained in the State’s response.”N/A” indicates that the State does not disenfranchise felons.

Table 6. Felon Disenfranchisement<sup>17</sup>

State	Character of Offense	Disenfranchisement Period	Restoration Process
Colorado	Any felony	During confinement including parole, but not probation	Automatic
Connecticut	Any felony	Until unconditional discharge	Must reregister
Delaware	Any felony	Persons convicted of a felony must wait five years after completion of their sentence to regain the ability to vote. Some violent felonies must be pardoned by the Governor.	Must reregister
District of Columbia	Any felony	During confinement only	Not specified
Florida	Any felony	Not specified	Must reregister and attest to restoration of civil rights on registration application
Georgia	Felony of moral turpitude	Until unconditional discharge	Not specified
Hawaii	Any felony	Until probation, parole or final discharge	Must reregister
Idaho	Any felony	Until unconditional discharge	Automatic
Illinois	Any felony	Until discharge, not including parole	Not specified
Indiana	Any felony	During confinement only	Automatic
Iowa	Any felony	Until unconditional discharge	Automatic
Kansas	Any felony	Until unconditional discharge	Must reregister
Kentucky	Any felony, treason, elections crimes, high misdemeanors, others	Only after executive pardon	Non-automatic – only after pardon
Louisiana	Any felony	Until unconditional discharge	Non-automatic – must provide documentation showing that he or she is no longer under order of imprisonment
Maine	N/A	N/A	N/A
Maryland	Any felony	Until discharge including parole and probation, but not including community service or payment of fines	Must reregister
Massachusetts	Any felony	During confinement only	Not specified
Michigan	Any crime that results in confinement	During confinement only	Automatic
Minnesota	Any felony	Until unconditional discharge	Automatic
Mississippi	22 enumerated crimes	Until executive or legislative pardon	Non-automatic – only after pardon
Missouri	Any felony	Until unconditional discharge	Automatic unless connected with suffrage
Montana	Any felony	During confinement only	Must reregister

Table 6. Felon Disenfranchisement<sup>17</sup>

State	Character of Offense	Disenfranchisement Period	Restoration Process
Nebraska	Any felony	Until 2 years after unconditional discharge	Must reregister; no documentation required when reregistering
Nevada	Any felony	During confinement	Non-automatic – persons convicted of a violent felony and all second-time felony offenders must seek restoration of their voting abilities in the court in which they were convicted
New Hampshire	Any felony	During confinement only	Must reregister
New Jersey	Any felony	Until unconditional discharge	Must reregister
New Mexico	Any felony	During confinement	Automatic
New York	Any felony	During confinement including parole, but not including probation	Must reregister
North Carolina	Any felony	Until unconditional discharge	Must reregister
North Dakota	Any felony	During confinement only	Not specified
Ohio	Any felony	During confinement only	Must reregister
Oklahoma	Any felony	Until unconditional discharge	Must reregister
Oregon	Any felony	During confinement only	Automatic
Pennsylvania	Any felony	During confinement	Must reregister
Puerto Rico	N/A	N/A	N/A
Rhode Island	Any felony	During confinement only	Must reregister
South Carolina	Any felony or elections crime	Until unconditional discharge	Must reregister
South Dakota	Felony of imprisonment	Until unconditional discharge	Must reregister
Tennessee	Any felony	Receipt of pardon, until unconditional discharge	Non-automatic – must apply for restoration
Texas	Any felony	Until unconditional discharge	Must reregister
Utah	Any felony	During confinement only	Automatic
Vermont	N/A	N/A	N/A
Virgin Islands	Any felony or crime of moral turpitude	Until 1 year after unconditional discharge	Automatic
Virginia	Any felony	Until pardoned	Non-automatic – most convicted felons may apply to the Governor for voting rights restoration 3 years after sentence completion. Violent felonies, drug sales, and electoral offenses must wait 5 years.
Washington	Any felony	Until unconditional discharge	Must reregister
West Virginia	Any felony	Until unconditional discharge	Must reregister
Wisconsin	Any felony	Until unconditional discharge	Must reregister
Wyoming	Any felony	Not specified	Non-automatic – must apply for restoration

## Section 4: Election Counting & Reporting

Question C1 of the Statutory Overview had four parts asking States about the process by which votes are counted and then reported. The results are discussed below and summarized in Table 7.

**Mail-in Voting (C2).** Twenty-three States (43 percent) indicated that they require an “excuse” (such as expecting to be out of town) for a voter to request a mail-in ballot. Thirty States (56 percent) indicated they do not require an excuse, but allow any person to cast a mail-in ballot. One State, Indiana, indicated that it requires an excuse to cast a mail-in ballot, but does not require an excuse to cast an in-person absentee ballot. Oregon votes entirely by mail.

**In-person Early Voting (C3).** Thirty-three of 54 States (61 percent) indicated that they allow in-person early voting (defined as casting a no-excuse, in-person ballot prior to Election Day). Some of these States referred to the practice as early voting, while others referred to it as in-person early voting or by some other term. Four States indicated they permit in-person early voting, but only with an excuse; these four States are Alabama, American Samoa, Delaware, and Virginia. The remaining 17 States indicated they do not have early voting of any kind.

**Early/Absentee Counting Location (C1a).** Six States indicated that they count all early and absentee ballots in the precincts themselves, while 28 States reported a central count for all of these ballots. The other 19 States indicated that ballots could be counted either centrally or at the precinct. The choice depends on several factors: 1) whether mail-in ballots are counted with one method and in-person ballots another, 2) the type of technology used, and 3) local practice and custom. Washington reported that votes are counted centrally with one exception – a county that retains and tabulates the ballots on precinct tabulators at the polling sites.

**Redirection of Central Count Ballots (C1b).** Question C1b of the Statutory Overview asked whether States that centrally count ballots report the results down to the precinct level for accounting purposes, rather than just reporting them at the jurisdictional level. Twenty-seven of the States reported that votes are redirected to the appropriate precinct for reporting in the canvass and two States, Oklahoma and Vermont, indicated that they do redirect votes to the appropriate precinct, but only for specific types of voting. Fourteen States indicated that they do not redirect votes to the appropriate precinct. Three States (Kansas, Missouri, and Oregon) indicated that redirection varies by jurisdiction and Ohio reported that the Board of Elections determines whether or not votes will be redirected.

**Counting UOCAVA Ballots (C1d).** The Statutory Overview asked States to indicate how they *count* and *report* UOCAVA ballots. Thirty-eight States indicated they counted and reported UOCAVA ballots the same as absentee ballots and one additional State, Pennsylvania, indicated that it counts UOCAVA ballots the same as absentee ballots unless they are late. The remaining States reported a variety of approaches including: counting and reporting UOCAVA ballots the same as early ballots; counting and reporting UOCAVA ballots the same as “other” ballots; counting UOCAVA ballots separately; counting UOCAVA ballots centrally; or counting UOCAVA ballots separately or centrally depending on the electoral race.



Table 7. Counting and Reporting Process

State	Excuse Required for Absentee Voting (C2)	In-Person Early Voting (C3)	Early / Absentee Counting Location (C1a)	Central Ballots Redirected (C1b) <sup>18</sup>	UOCAVA Reporting Methods (C1d)
Alabama	Yes	Only with excuse	Precinct	N/A	Same as absentees
Alaska	No	Yes	Central	No	Same as absentees
American Samoa	Yes	Only with excuse	Central	No	Same as absentees
Arizona	No	Yes	Central	Yes	Same as early ballots
Arkansas	Yes	Yes	Central	Yes	Same as absentees
California	No	Yes	Central / Precinct	Yes	Not reported separately
Colorado	No	Yes	Central	Yes	Same as absentees
Connecticut	Yes	No	Precinct	N/A	Separately
Delaware	Yes	Only with excuse	Central	Yes	Same as absentees
District of Columbia	No	Yes	Central	Yes	Same as absentees
Florida	No	Yes	Central / Precinct	Yes	Central count / Same as absentees
Georgia	No	Yes	Central	Yes	Same as absentees
Hawaii	No	Yes	Central / Precinct	No	Same as absentees
Idaho	No	No	Central / Precinct	Yes	Same as absentees
Illinois	No	Yes	Central / Precinct	Yes	Counted Centrally
Indiana	Yes - An excuse is required to cast a mail-in ballot, but not an in-person absentee.	Yes	County election board determines location	Yes	Same as other ballots
Iowa	No	Yes	Central	No	Same as absentees
Kansas	No	Yes	Central	County officials decide	Not reported separately; manually counted
Kentucky	Yes	No	Central	No	Same as absentees
Louisiana	Yes	Yes	Central	Yes	Same as absentees
Maine	No	Yes	UOCAVA Centrally Counted/ Absentee at Precinct	No	Centrally tabulated and reported as a statewide UOCAVA precinct
Maryland	No	Yes	Central	No	Same as absentees
Massachusetts	Yes	No	Precinct	N/A	Same as absentees
Michigan	Yes	No	Precinct	N/A	Same as absentees

<sup>18</sup> N/A indicates that the State reported that ballots are counted at the precinct level and C1b is therefore not applicable. To read the State's complete response, log onto [www.eac.gov](http://www.eac.gov).

Table 7. Counting and Reporting Process

State	Excuse Required for Absentee Voting (C2)	In-Person Early Voting (C3)	Early / Absentee Counting Location (C1a)	Central Ballots Redirected (C1b) <sup>18</sup>	UOCAVA Reporting Methods (C1d)
Minnesota	Yes	No	Central / Precinct	Yes	Counted Centrally by Precinct
Mississippi	Yes	No	Central	Yes	Same as absentees
Missouri	Yes	No	Central	Varies by jurisdiction	Same as absentees
Montana	No	Yes	Local officials decide	No	Same as absentees / not separately
Nebraska	No	Yes	Central	No	Reported separately
Nevada	No	Yes	Central	No	Same as absentees
New Hampshire	Yes	No	Precinct	N/A	Same as absentees
New Jersey	No	No	Central	No	Same as absentees
New Mexico	No	Yes	Central	Yes	Tallied in a category of overseas voters
New York	Yes	No	Central / Precinct	Yes	Same as absentees
North Carolina	No	Yes	Precinct	N/A	Same as absentees
North Dakota	No	Yes	County officials decide	Yes	Same as absentees
Ohio	No	Yes	Central	Board of elections decides	Same as absentees
Oklahoma	No	Yes	Central	No, except for provisional ballots	Same as absentees
Oregon	No	No	Central	County officials decide	Same as all other ballots
Pennsylvania	Yes	No	Central / Precinct	Yes	Same as absentees, unless late
Puerto Rico	Yes	No	Central	Yes	Same as absentees
Rhode Island	Yes	No	Central	Yes	Same as mail ballots
South Carolina	Yes	No	Central / Precinct	No	Same as absentees
South Dakota	No	Yes	Central	Yes	Same as absentees
Tennessee	Yes	Yes	Central	Yes	Same as absentees
Texas	Yes	Yes	Central / Precinct	Yes	Same as early ballots
Utah	No	Yes	Central	Yes	Same as absentees
Vermont	No	Yes	Central / Precinct	Yes (only applies to vote-by-phone ballots)	Same as absentees
Virgin Islands	Yes	No	Central	No	Same as all other ballots

Table 7. Counting and Reporting Process

State	Excuse Required for Absentee Voting (C2)	In-Person Early Voting (C3)	Early / Absentee Counting Location (C1a)	Central Ballots Redirected (C1b) <sup>18</sup>	UOCAVA Reporting Methods (C1d)
Virginia	Yes	Excuse only, in person absentee voting	Localities have both options	No; reported in a central absentee precinct	Same as absentees
Washington	No	Yes	Central except for one county	Yes	Same as absentees
West Virginia	Yes	Yes	Depends whether in-paper or electronic	Yes	Same as absentees
Wisconsin	No	Yes	Central / Precinct	Yes	Same as absentees
Wyoming	No	Yes	Central / Precinct	Yes	Same as absentees

States were also asked to report whether any all vote-by-mail (VBM) elections are conducted in their States in Question C4 of the Statutory Overview. The analysis of the responses to this question is presented below.

**All Vote-by-Mail (C4).** Only eight of 54 States (15 percent) indicated that all VBM elections are permitted to occur for State and/or Federal elections: California, Colorado, Idaho, Minnesota, Nebraska, New Jersey, Oregon and Washington. Oregon conducts all elections by mail, as does the State of Washington, with the exception of Pierce County. Additionally, four other States (New Mexico, Montana, Missouri, and Kansas) indicated that all VBM elections are permitted to occur for local elections, and, with the exception of Montana, typically just "by request" for "issue-only elections." For example, New Mexico indicated that for issues such as the imposition of a new property tax rate, an all VBM election may occur. Finally, Hawaii indicated that for historical reasons the area of Kalawao is identified as a county and uses a vote-by-mail system. The remaining 41 States either indicated that all VBM is not permitted for any circumstance or reported that all VBM was "not applicable."

While most States that may conduct all VBM elections did not give any further details as to their procedures for doing so, a few did. For example, Colorado indicated that as of recent (2010) legislation, all VBM elections can be conducted in off-year elections, as well as primary elections. In 2010, for example, 45 Colorado counties conducted their primaries by mail ballot. However, Colorado law prohibits the administration of all VBM elections for general elections. Idaho, Minnesota, and New Jersey indicated that all VBM is used only in very small municipalities or on a precinct-by-precinct basis for very small precincts.

## Section 5: Provisional Voting

Table 8 summarizes States' responses to Question C5 that asked about the triggers for the use of provisional ballots and provisional voting. The analysis of Question C6, which asked whether the provisional ballots count when cast in the wrong precinct, is also reported in Table 8. Table 2, above, provides additional details on States' definitions of provisional or challenged ballots.

**Triggers for Provisional Voting (C5).** Table 8 presents whether or not States require voters to cast a provisional, rather than a regular ballot, in various situations. Reasons mentioned by more than five States are presented in Table 8 as separate columns. The most common reason for issuing a provisional ballot is when the voter's name does not appear in the poll book (mentioned by 39 States), followed closely by when the voter fails to present sufficient ID (mentioned by 34 States). Twenty-six States require a provisional ballot when a voter is challenged as ineligible and 13 States require a provisional ballot when a voter's qualifications cannot be immediately

established. Twenty-two States indicated that they require a provisional ballot when a voter is voting during extended polling hours. Other commonly cited reasons include: a voter's registration containing an error in the voter's party listing (11 States), and a voter requesting an absentee ballot and not having cast it (17 States). Idaho and Minnesota do not use provisional ballots as they allow Election Day registration. New Hampshire indicated that voters are allowed to register on Election Day, but if a registration is challenged as ineligible, the voter must sign an affidavit. In such an instance, New Hampshire local officials are instructed to contact the State Department of Justice immediately, so this situation is typically resolved at the polls. Vermont indicated that provisional ballots are only used on very limited occasions when a voter attempts to vote at the wrong precinct and insists on using a provisional ballot despite being told that it will not count.

**Standards for Counting Provisional Ballots (C6).** Question C6 of the Statutory Overview asked States to indicate whether or not they count provisional ballots that are cast in the wrong precinct. The question also asked about the process used by local election officials to determine whether or not to count a provisional ballot.

Twenty-seven States indicated that they do not count provisional ballots cast in the wrong precinct and seven States indicated that provisional ballots cast in the wrong precinct would be counted. An additional four States said provisional ballots would only be counted if they were cast in the same county in which the voter is registered, including Arizona, Colorado, Louisiana and Pennsylvania. Some States identified other specific circumstances for counting such ballots, including: a voter providing a valid voter ID; for Federal offices; for offices common between the voting and registered precinct, if registration is verified; a voter being unable to make it to the polling place; a voter registered in the voting county; and for emergency workers during a declared disaster. Utah will count a provisional ballot cast by a voter in a precinct other than the precinct of registration if the voter provides ID showing residence in the new precinct. However, without the proof of residence, the ballot will not count. In New York, ballots cast in the wrong precinct are counted only in split precincts, where a split precinct is a combined polling place that serves voters of more than one precinct. States listed as "partial" in the table indicated that they only count the votes for contests in which the voter is eligible to vote, in other words contests that also appear on the ballot in the correct voting precinct.

Table 8. Provisional Voting

State	Situations That Require Provisional Voting (C5) <sup>19</sup>							Counted If Cast in Wrong Precinct (C6)
	Name Not on Poll or Registration List	Registration Reflects Error in Party Listing	Voter Eligibility Cannot Be Immediately Established	Challenge of Voter as Ineligible	Voter Does Not Have Proper ID	When Voting During Extended Polling Hours	Voter Requested Absentee Ballot But Has Not Cast It	
Alabama	X			X	X	X	X	Must complete voter update form
Alaska	X			X	X			Yes
American Samoa				X	X			Subject to review by election officials
Arizona	X			X	X	X	X	Only if cast in precinct in same county as registered
Arkansas	X			X	X	X	X	No
California	X		X			X	X	Yes
Colorado			X		X		X	Only if cast in precinct in same county as registered
Connecticut	X			X	X			No
Delaware	X		X	X		X		No
District of Columbia	X	X	X	X	X	X	X	Yes
Florida	X			X	X		X	No
Georgia	X				X	X		Situation – voting at the incorrect precinct is not necessarily a reason for rejection
Hawaii	X							No
Idaho	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

<sup>19</sup> Blank cells in the table indicate that the situation was not mentioned by the State; this could be a result of a State's failure to mention the circumstance or that the State does not require provisional voting under the circumstance described. Idaho and Minnesota do not have provisional balloting systems and indicated that the term "provisional/challenged ballot" has no meaning for them. The abbreviation N/A for "Not Applicable" is used in the table for these States.

Table 8. Provisional Voting

State	Situations That Require Provisional Voting (C5) <sup>19</sup>							Counted If Cast in Wrong Precinct (C6)
	Name Not on Poll or Registration List	Registration Reflects Error in Party Listing	Voter Eligibility Cannot Be Immediately Established	Challenge of Voter as Ineligible	Voter Does Not Have Proper ID	When Voting During Extended Polling Hours	Voter Requested Absentee Ballot But Has Not Cast It	
Illinois	X			X	X	X		No
Indiana				X	X	X		No
Iowa	X			X	X			No
Kansas	X			X	X	X	X	Partial
Kentucky	X			X	X	X		No
Louisiana	X			X	X	X		Only if cast in a precinct in same parish as registered <sup>20</sup>
Maine	X	X	X	X	X	X		Validity is only reviewed if large enough number to affect results of the election
Maryland	X	X		X	X	X	X	Yes
Massachusetts		X			X	X		Yes
Michigan	X		X		X			No
Minnesota	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mississippi	X							No
Missouri	X		X					No
Montana	X		X	X	X		X	No
Nebraska	X				X	X	X	No
Nevada	X			X	X	X	X	No
New Hampshire				X				No
New Jersey					X		X	Partial

<sup>20</sup> For purposes of the EAVS, parishes are considered to be county-equivalents.

Table 8. Provisional Voting

State	Situations That Require Provisional Voting (C5) <sup>19</sup>							Counted If Cast in Wrong Precinct (C6)
	Name Not on Poll or Registration List	Registration Reflects Error in Party Listing	Voter Eligibility Cannot Be Immediately Established	Challenge of Voter as Ineligible	Voter Does Not Have Proper ID	When Voting During Extended Polling Hours	Voter Requested Absentee Ballot But Has Not Cast It	
New Mexico	X		X					Yes
New York	X	X			X			Counted in split precincts only
North Carolina	X	X			X	X		Partial
North Dakota						X		N/A
Ohio	X			X	X		X	No
Oklahoma	X	X			X			No
Oregon			X					Partial
Pennsylvania	X	X	X	X	X	X		Only if cast in precinct in same county as registered
Puerto Rico	X							Partial
Rhode Island				X				Federal votes only
South Carolina				X				No
South Dakota	X			X				No
Tennessee	X		X					No
Texas	X	X			X		X	No
Utah	X			X	X			Only if ballot is same
Vermont	X							No
Virgin Islands	X	X						Subject to review by District Board
Virginia	X				X	X	X	No
Washington					X	X	X	Yes
West Virginia		X						No
Wisconsin			X		X			No
Wyoming	X			X				No



## Section 6: Voter Identification

The Statutory Overview asked about identification (ID) requirements for the following voting activities: 1) registration; 2) in-person voting; 3) mail-in or absentee voting; and 4) UOCAVA voting. Table 9 presents the responses to these four questions. For this analysis, voter identification is defined as physical identification such as a driver's license, State ID card, utility bill, bank statement, paycheck, or other government-issued ID. For first-time voters who register by mail, HAVA requires a driver's license number, State ID number or last four digits of the social security number for verification purposes. Many States require or request additional forms of ID for in-person, mail-in, and UOCAVA voting. States showed considerable variation in whether ID is required and what forms of ID are accepted.

HAVA's first-time voter requirements generally fall under the Registration ID column (D2a). In this column, "HAVA ID" means that the State requires the standard HAVA ID for registration purposes (driver's license, State ID, or SSN4), or some other document, such as utility bill, bank statement, paycheck, or other government-issued ID.<sup>21</sup> Where "HAVA ID" does not appear or additional information is included in the cell, that State requires something other than the HAVA ID standard. For the In-person, Mail-in, and UOCAVA columns (D2b-d), "none" means that the State indicated in its Statutory Overview response that no ID is required or that only a signature may be required. Where specific documentation is listed in the last three columns of the table, it is assumed that these documents are required or requested of all voters (unless otherwise stated).

**ID for Registration (D2a).** Table 9 provides a description of States' varied ID requirements. Thirty-three States (61 percent) indicated that they require the standard HAVA ID for those registering to vote. Eight States, including Georgia, Idaho, Iowa, Missouri, Montana, Nevada, Tennessee, and Wisconsin, indicated that they accept some forms of ID above and beyond HAVA ID requirements including, for example, a passport, a military ID card, a credit card with signature, and tribal ID card. Note that a number of States do not require an actual ID document, but will accept simple provision of a driver's license number, Social Security number, or other identification number. In addition, copies of government issued documents are frequently accepted.

**ID for In-person Voting (D2b).** Thirty-four of the 54 States (63 percent) indicated that they require some form of ID when voting in-person. Sixteen States indicated that no ID is required. Iowa and Minnesota indicated that ID is required in certain situations, such as a voter that is challenged, a first-time voter, if an ID is required under HAVA, and for inactive voters. New Hampshire indicated that it only requires the oral provision of name and address.

**ID for Mail-in or Absentee Voting (D2c).** More than half of the States (33 of the 54) do not require any ID beyond a signature or self-affirmation to cast a mail-in or an absentee ballot. Colorado, Iowa, Puerto Rico and Utah require ID of only some populations of voters, such as first-time voters, those who did not present ID at registration, as well as pending and "inactive" voters. Missouri and Oklahoma require that a mail-in ballot be notarized. North Carolina and Wisconsin require a signed witness statement.

**ID for UOCAVA Voting (D2d).** Forty States (74 percent) indicated that they do not require identification of UOCAVA voters. In Wisconsin and North Carolina, UOCAVA voters are never required to provide proof of address, but a signature of a witness is required. One variation that emerged is whether States apply HAVA's ID requirement for unverified first-time mail-in registrants to UOCAVA voters. Colorado concludes that UOCAVA voters who register to vote-by-mail are exempt from this requirement. Nevada's code does not mention an identification requirement for UOCAVA voters. On the other hand, Maryland and Vermont specifically indicated that they do require HAVA ID of first-time UOCAVA voters and Wyoming reported that it requires HAVA ID of first-time UOCAVA voters who registered by mail.

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<sup>21</sup> HAVA: 42 USC 15483, Section 303

Table 9. Voter Identification<sup>22</sup>

State	Registration ID (D2a)	In-person ID (D2b)	Mail-in voting ID (D2c)	UOCAVA ID (D2d)
Alabama	No requirement <sup>23</sup>	HAVA ID + passport, hunting or fishing license, birth certificate, social security card	HAVA ID + passport, hunting or fishing license, birth certificate, social security card	None
Alaska	DL, state ID, birth certificate, passport, hunting or fishing license	HAVA ID + voter registration card, DL, state ID, birth certificate, passport, hunting or fishing license	HAVA ID + voter registration card, DL, state ID, birth certificate, passport, hunting or fishing license	HAVA ID + voter registration card, DL, state ID, birth certificate, passport, hunting or fishing license
American Samoa	Government issued photo ID with DOB, place of birth and residency; Social security card also required	Voter registration card or government issued ID	None	None
Arizona	DL, state ID, birth certificate, passport, U.S. naturalization document, tribal ID	DL, state ID, photo tribal ID or two of the following: utility bill, bank statement, vehicle registration, Indian census card, property tax statement, nonphoto tribal ID, vehicle insurance card, recorder's certificate, nonphoto government ID, voter registration card	None	None
Arkansas	HAVA ID	HAVA ID	HAVA ID	Signature, DOB, name, and address
California	No requirement	None	None	None
Colorado	HAVA ID	HAVA ID + passport, employee photo ID, pilot's license, tribal certifying card, birth certificate, naturalization certificate, student photo ID	First-time voter: copy of ID enclosed with mail ballot.	None
Connecticut	HAVA ID	Social security card, ID w/name and one of the following: address, signature, photo; Sworn affidavit also accepted	HAVA ID	None

<sup>22</sup> The following abbreviations are used in this table: ID (identification); DL (driver's license); DOB (date of birth); EDR (election-day registration); SSN4 (last four digits of Social Security number). "Not specified" indicates that the State did not provide a sufficient response for inclusion in that particular cell.

<sup>23</sup> The Statutory Overview responses for Alabama, California, Utah, and Virginia say "none" or "no identification required" for registration; however, each of these States' voter registration forms indicate the HAVA standard requirement of a DL number or SSN4 (SSN9 for Virginia).

Table 9. Voter Identification<sup>22</sup>

State	Registration ID (D2a)	In-person ID (D2b)	Mail-in voting ID (D2c)	UOCAVA ID (D2d)
Delaware	DL, state ID, work ID w/ photo & address, "U.S. postal material"	Voter may show ID (unspecified); Sworn affidavit also accepted	None	None
District of Columbia	HAVA ID	None	None	None
Florida	HAVA ID	DL, state ID, passport, debit/credit card, military ID, student ID, retirement center ID, neighborhood association ID, public assistance ID; If photo ID does not include signature, additional ID w/ signature required	None	None
Georgia	HAVA ID + passport, military ID card, tribal ID card	DL, state ID, passport, employee ID card, military ID card, tribal ID card,	None	None
Hawaii	HAVA ID	HAVA ID	None	None
Idaho	HAVA ID + credit card bill, student ID	Voter must show ID (unspecified); signed affidavit	None	None
Illinois	HAVA ID	Not specified	None	None
Indiana	HAVA ID	Photo ID w/ name and expiration date	None	None
Iowa	HAVA ID before pre-registration deadline; HAVA ID + other documents after registration deadline	HAVA ID + other documents for inactive, pending, and EDR voters	ID required if status is "pending"	None
Kansas	HAVA ID	None	None	None
Kentucky	Not specified	DL, social security card, credit card, verification by personal acquaintance with poll worker, and photo ID with signature	None	Not specified
Louisiana	HAVA ID	DL, state ID, other photo ID w/ name and signature or sworn affidavit	None	None
Maine	HAVA ID	None	None	None
Maryland	HAVA ID	HAVA ID	HAVA ID	HAVA ID
Massachusetts	HAVA ID	None	None	None
Michigan	HAVA ID	Photo ID: passport, military ID, student ID, tribal ID; Sworn affidavit also accepted	None	None
Minnesota	HAVA ID	None, unless challenged and for EDR voters	DL, state ID, SSN4	Passport #, DL#, state ID#, or SSN4

Table 9. Voter Identification<sup>22</sup>

State	Registration ID (D2a)	In-person ID (D2b)	Mail-in voting ID (D2c)	UOCAVA ID (D2d)
Mississippi	HAVA ID	None	None	None
Missouri	HAVA ID + birth certificate, tribal doc., proof of U.S. citizenship, other form of personal ID	HAVA ID + Missouri postsecondary ID, DL or state ID from another state; Personal acquaintance of 2 poll workers with affidavit	Notarization of ballot required	None
Montana	HAVA ID + photo ID: military, school, tribal ID	HAVA ID + photo ID: military, school, tribal ID	None	Not specified
Nebraska	HAVA ID	None	None	None
Nevada	HAVA ID + passport, insurance plan ID, tribal ID, income tax return, property tax statement, rental lease	DL, state ID, Voter registration card, military ID	None	None
New Hampshire	Many forms accepted; Approved photo ID preferred	Oral provision of name and address	Signature only	Signature only
New Jersey	HAVA ID	None	None	None
New Mexico	HAVA ID	None	None	None
New York	HAVA ID	HAVA ID if poll book marked "ID required"	None	None
North Carolina	HAVA ID	None	None; witness requirement	None; witness requirement
North Dakota	N/A	ID with address and DOB (including State ID/DL and tribal ID); Personal acquaintance w/poll worker or sworn affidavit also acceptable	None	None
Ohio	HAVA ID	HAVA ID	HAVA ID	Not specified
Oklahoma	HAVA ID	None	Notarization of ballot	none
Oregon	HAVA ID	None	None	None
Pennsylvania	HAVA ID	None	None	None
Puerto Rico	Naturalized citizens must present naturalization certificate, or passport, Puerto Rican electoral ID card; Registering within 60 days prior to the election requires a birth certificate	Puerto Rican electoral ID card	None (except for unverified first-time mail-in registrants who must submit photo ID)	None (except for unverified first-time mail-in registrants who must submit photo ID)
Rhode Island	HAVA ID	None	None	None
South Carolina	HAVA ID	Voter registration card, DL, state ID,	None	None

Table 9. Voter Identification<sup>22</sup>

State	Registration ID (D2a)	In-person ID (D2b)	Mail-in voting ID (D2c)	UOCAVA ID (D2d)
South Dakota	HAVA ID	Photo ID: DL, state ID, passport, tribal ID, student ID. Sworn affidavit also acceptable	Not specified	None
Tennessee	HAVA ID + social security card, credit card w/ signature; For address: lease agreement, utility bill, or other document with signature	Voter registration card, DL, social security card, credit card, or other official document	Not specified	None
Texas	HAVA ID	HAVA ID + birth certificate, U.S. citizenship papers, passport, official mail	None	None
Utah	No requirement	HAVA ID + photo ID: DL, state ID, , concealed weapon permit, passport, military ID card, tribal ID card, Bureau of Indian affairs card, tribal treaty, birth certificate, social security card, hunting license, naturalization document, adoption records, Medicare/aid, student ID card	None, unless voter did not show ID at time of registration	None
Vermont	HAVA ID	HAVA ID	HAVA ID	HAVA ID
Virginia	No requirement	DL, state ID, voter registration card, social security card, employee photo ID	Not specified	Not specified
Virgin Islands	Passport, birth certificate, naturalization certificate, baptismal certificate, military discharge form	Some form of ID (unspecified)	None	None
Washington	HAVA ID	HAVA ID + student photo ID, tribal photo ID, voter ID card	HAVA ID	None
West Virginia	HAVA ID	None	None	None
Wisconsin	HAVA ID + residential lease, employee ID, college photo ID	None	None; witness required	None; witness required
Wyoming	HAVA ID	HAVA ID	HAVA ID	HAVA ID

## Section 7: Post-Election Audits

About half of the responding States either require post-election audits or have laws that enable officials to conduct audits of ballots at their discretion. Table 10 shows that States differed in not only if they conduct audits, but also in how they conduct an audit.

**Audits Required (C7).** Of the 54 States that responded, 30 (56 percent) reported that they require audits after elections and 24 indicated that they do not require audits. Virginia reported that its law was recently changed to implement a pilot program to evaluate the cost, time and accuracy of audits, and to study the accuracy of the optical scan tabulators. As part of the pilot program, one or more jurisdictions will conduct a post-election audit of one or more optical scan tabulators in one or more precincts in elections for which the margin between the top two candidates for each office on the ballot exceeds 10 percent. Vermont law authorizes the Secretary of State to conduct random post-election audits on a discretionary basis.

**Audit Scope (C7).** Table 10 shows a wide range of approaches that States use to perform required audits. The scope of an audit for States that perform them is most often a set percentage of the original vote or a designated number or percentage of precincts. A few States tailor the scope of the audit depending on the size of the county (Minnesota and Nevada) or the margin of victory (Oregon). New York audits three percent of the voting machines rather than the votes or precincts. In Utah and in Virginia under their pilot programs, specific types of voting machines are audited. In Utah, one percent of the total number of AccuVote TSx and precinct-count AccuVote OS voting machines are audited. In Virginia, optical scan tabulators are audited. Three of the States that reported that they require audits did not specify the scope of the required audit.

**Audit Method (C7).** Twenty-one of the 54 States (39 percent) perform audits where a small number of ballots are counted manually to confirm the accuracy of the original count. North Dakota reported that it performs a machine audit. Four States, Colorado, Nevada, North Carolina and Washington, use both manual and machine recounting to audit the original contest result. Six States did not specify the audit method.

**Re-Audit Triggers (C7).** Nine States specified situations in which a re-audit would be conducted as a result of the findings of an initial audit including Alaska, Connecticut, Minnesota, Montana, Nevada, New Mexico, North Carolina, West Virginia, and Wisconsin. Reasons for conducting a re-audit include remaining discrepancies or errors, significant differences or decreases in the winning margin. Twenty-three of the responding States did not specify whether or not re-audits occur. Re-audits vary in scope. In Minnesota and Montana, additional precincts are audited and in New Mexico an additional sample of ballots is audited.

Table 10. Post-election Audits<sup>24</sup>

State	Audits Required	Audit Scope	Audit Method	Re-audit Trigger	Re-audit Scope
Alabama	No	N/A	N/A	N/A	N/A
Alaska	Yes	A review of precinct registers, tallies, and ballots cast; a review of absentee and questioned ballots	Hand recount of one precinct that accounts for at least 5% of ballots cast in that district	Discrepancy of 1%	Hand recount of ballots in affected jurisdiction
American Samoa	Yes	Report vote numbers, not correct discrepancies	Not specified	Not specified	Not specified
Arizona	Yes	At least 2% of the polling locations in that county or two polling locations, manual audit of 5,000 or 1% of audits; in event of recount at least 5%	Manual	Not specified	Not specified
Arkansas	Yes	Not specified	Manually compile countrywide totals from polling location return records; match with electronic totals	Not specified	Not specified
California	Yes	At least 1% subject to manual tally; DRE machines conduct a 100% manual tally	Manual	Not specified	Not specified
Colorado	Yes	5% of precinct- count ballots, 5% of one central count scanner/vote center, and 5% of DRE	Manually/Electronically	Not specified	Not specified
Connecticut	Yes	10% of all precincts	Manual	0.50%	SoS will investigate and may order recanvass in close races

<sup>24</sup> DRE refers to “direct recording electronic” voting machines, most typically touch screens. “N/A” represents Not Applicable and “Not Specified” indicates that a State did not specify the audit scope, method, re-audit trigger or re-audit scope in their response to Question C7.



Table 10. Post-election Audits<sup>24</sup>

State	Audits Required	Audit Scope	Audit Method	Re-audit Trigger	Re-audit Scope
Delaware	Yes	Random audit of election districts where there were unusual situations (fusion candidates, cross-county districts, etc)	Not specified	Not specified	Not specified
District of Columbia	Yes	At least 5% of the precincts with precinct level vote tabulation; 5% of voter verifiable records	Manual audit in public	Not specified	Not specified
Florida	Yes	2% of precincts' votes in 1 randomly selected race	Manual	Not specified	Not specified
Georgia	No	N/A	N/A	N/A	N/A
Hawaii	No	N/A	N/A	N/A	N/A
Idaho	No	N/A	N/A	N/A	N/A
Illinois	Yes	Where in-precinct counting equipment used- 5%	Manual	Not specified	Not specified
Indiana	No	N/A	N/A	N/A	N/A
Iowa	No	N/A	N/A	N/A	N/A
Kansas	No	N/A	N/A	N/A	N/A
Kentucky	No	N/A	N/A	N/A	N/A
Louisiana	No	N/A	N/A	N/A	N/A
Maine	No	N/A	N/A	N/A	N/A
Maryland	Yes	Two audits: 10% of precincts for voting system verification and all precincts for post-election audit	Manual	Not specified	Not specified
Massachusetts	No	N/A	N/A	N/A	N/A
Michigan	No	N/A	N/A	N/A	N/A
Minnesota	Yes	Depends on county size. 2-3 precincts for smaller counties. For larger counties, 4 precincts or 3% of precincts, whichever is greater	Manual	0.5% or greater than 2 votes in a precinct where 400 or fewer votes are cast	Review of additional precincts required if discrepancy persists
Mississippi	No	N/A	N/A	N/A	N/A

Table 10. Post-election Audits<sup>24</sup>

State	Audits Required	Audit Scope	Audit Method	Re-audit Trigger	Re-audit Scope
Missouri	Yes	At least 5% of precincts	Manual	Not specified	Not specified
Montana	Yes	Post election audits of one Federal office, one statewide office, one legislative office, and one ballot issue	Manual	Discrepancy	Additional precincts
Nebraska	No	N/A	N/A	N/A	N/A
Nevada	Yes	If county population > 100k, select machines equal to 2%; If county population < 100k, select machines equal to 3%	Either mechanical or manual	Error	Errorless count must be made before mechanical recording devices approved
New Hampshire	No	N/A	N/A	N/A	N/A
New Jersey	No	N/A	N/A	N/A	N/A
New Mexico	Yes	Electronic voter tabulators; conducted for all fed. offices, government and statewide elective offices (when winning candidate won by small percentage)	Manual	If winning margin decreases	Second sample equal to the first in size, full recount of the ballots for that office conducted
New York	Yes	3% of machines	Manual	Not specified	Not specified
North Carolina	Yes	One or more full precincts, full counts of: mailed absentee ballots, one stop early voting sites; Consult statistician for sample size	Manual and mechanical count	If difference between manual and mechanical counts is significant	If the difference between manual and mechanical counts are significant, complete manual count shall be conducted
North Dakota	Yes	Random testing of the voter system programming for one precinct in each County	Machine; Processing pre-audited group of ballots; errorless count must be secured	Not specified	Not specified

Table 10. Post-election Audits<sup>24</sup>

State	Audits Required	Audit Scope	Audit Method	Re-audit Trigger	Re-audit Scope
Ohio	Yes - required in State-wide general elections during even-numbered years and the presidential primary election of March 2012	Not specified	Not specified	Not specified	Not specified
Oklahoma	No	N/A	N/A	N/A	N/A
Oregon	Yes	Depends on margin of victory; 10%, 5%, or 3% of ballots	Manual	Not specified	Not specified
Pennsylvania	Yes	Recount of random sample of the lesser of 2%, or 2,000 ballots	Not specified	Not specified	Not specified
Puerto Rico	No	N/A	N/A	N/A	N/A
Rhode Island	No	N/A	N/A	N/A	N/A
South Carolina	No	N/A	N/A	N/A	N/A
South Dakota	No	N/A	N/A	N/A	N/A
Tennessee	Yes	Not specified	Not specified	Not specified	Not specified
Texas	Yes	1% of precincts or 3 precincts, whichever is greater	Manual	Not specified	Not specified
Utah	Yes	1% of the total number of AccuVote TSx and precinct-count AccuVote OS voting machines	Manual	Not specified	Not specified
Vermont	Not required - at discretion of the Secretary of State	Discretion of the Secretary of State	Manual	Not specified	Not specified
Virgin Islands	No	N/A	N/A	N/A	N/A
Virginia	No, Pilot Program to evaluate audits was recently established	1 or more optical scan tabulators in 1 or more precincts in 1 or more localities (discretionary)	Manual	Not specified	Not specified

Table 10. Post-election Audits<sup>24</sup>

State	Audits Required	Audit Scope	Audit Method	Re-audit Trigger	Re-audit Scope
Washington	Yes	4% of the DRE's or 1 DRE per jurisdiction, whichever is greater	1/4 manually, 3/4 mechanically; In counties voting entirely by mail, random check of ballot counting equipment allowed	Not specified	Not specified
West Virginia	Yes	In electronic voting systems elections, 5% of total precincts	Manual	Difference >1%	Entire jurisdiction recounted
Wisconsin	Yes	50 reporting units randomly selected; at least 5 units of each type of system being used will be selected	Manual	Any error (1 in 10,000,000).	Vendor must explain discrepancy; If vendor unable to provide explanation, all voting machines manufactured or serviced by that vendor will be suspended
Wyoming	Yes	Country clerk random audit of ballots on 5% of tabulating equip. for that county, not less than one machine	Not specified	Not specified	Not specified

## Section 8: Polling Place Operations

The Statutory Overview asked States to describe polling place operations including any requirements for poll worker training as well as laws that regulate access to polling places for election observers. Responses to these questions on polling places, their workers, and any election observers are described in this section.

**Frequency of Poll Worker Training (C8).** The frequency of poll worker training varies from State to State and in some cases from locality to locality, as shown in Table 11 below. Nineteen of the 54 States (35 percent) reported that they train their poll workers before each election. In addition, Arkansas indicated that it trains poll workers 12 months prior to an election and New Mexico reported that it trains poll workers within a year prior to the election. New York reported that it trains poll workers annually, while eight other States indicated that they train their poll workers every two years. Indiana and Mississippi train poll workers every four years. Kansas and Pennsylvania indicated that local discretion determines the frequency of poll worker training. New Jersey requires new poll workers to undergo training 30 days prior to the election and all poll workers are required to undergo training every two years. California’s Secretary of State’s Office provides a set of best practices to local election officials and recommends administering training within six weeks of the election. Six States indicated that they have no State-level requirements that require poll worker training including Oregon, which has no need for Election Day poll workers in its all vote-by-mail elections. Ten States did not specify the frequency with which training is provided.

**Which Poll Workers Are Required to be Trained (C8).** Thirty-three States require that all of their poll workers undergo training. The remaining States varied in their requirements as to which poll workers are to undergo training. Washington indicated that although it requires all poll workers to undergo training, poll workers who have been trained and served for a sufficient length of time are exempt from the training. Virginia requires that the chief and assistant chief poll workers be trained. Similarly, North Carolina trains chief judges and judges of elections, but noted that election assistants can also attend the trainings. Arkansas requires that only one poll worker per polling place receive training. Six States do not require poll worker training and three did not specify who is required to undergo training.

**Observers (D3).** Of the 54 responding States, only 2 indicated that they expressly do not allow observers at the polls – West Virginia and Puerto Rico. In Puerto Rico, however, observers are allowed at special voting sites like hospitals or jails. Twenty-five States allowed a specified number of observers who must be appointed by a party, candidate, advocacy group, or ballot issue group. Three States indicated that they do not limit the number of observers including Michigan New Hampshire, and Oregon. Michigan allows any interested individual to observe from the “public area” of the polling place and New Hampshire indicated that the polls are open to the public. Oregon does not have polling places, but allows observers at ballot processing offices in numbers determined by the counties. American Samoa and Kansas leave it to the discretion of local officials whether or not to allow observers.

Table 11. Poll Worker Training<sup>25</sup>

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
Alabama	Before each election	All	One per political party	Must be appointed by political party

<sup>25</sup> “Not specified” indicates that a State did not indicate the frequency of training, training participants, number of observers or authorization to be an observer in response to Questions C8 and D3.

Table 11. Poll Worker Training<sup>25</sup>

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
Alaska	Every 2 years	All	One per political party	Must be appointed by political party, candidate, or issue group
American Samoa	Before each election	All	Chief Election Officer's discretion	Permission from "Chief Election Officer"
Arizona	Before each election	All	One per political party	Must be appointed by political party
Arkansas	12 months prior to election	One worker per polling place	Not specified	"Certified" but certification not specified
California	Not specified	Not specified	Not specified	Open to public as long as rules are obeyed
Colorado	Before each election	All election judges	One per party or issue	Must be selected by political party
Connecticut	Before each election	All	Not specified	Must be requested by candidate
Delaware	Before each election	All election officers	Challengers allowed - one per party on ballot	Must be appointed by political party
District of Columbia	Not specified	All	Not specified	Must be requested by candidate
Florida	Before each election	All	One per political party, candidate, or issue position	Must be appointed by political party chairperson, candidate, or issue group
Georgia	Before each election, except for elections between the primary and general election	All	One per candidate, no more than 2 for each precinct	Must be appointed by political party
Hawaii	Not specified	All	One per political party	Must be appointed by political party
Idaho	Before each election	All	One per political party, candidate, or issue position	Must be appointed by political party chairperson, candidate, or issue group
Illinois	No State requirement	No State requirement	Two per political party or candidate and one per group	Must be registered to vote, appointed by political party, chairperson, candidate or issue group
Indiana	Every 4 years	Poll worker in charge of polling place	Not specified	Mentions "credentials" but does not specify
Iowa	Before each election	All	One per political party, candidate, or issue position	Must be appointed by political party chairperson, candidate, or issue group
Kansas	Local discretion	Local discretion	Local discretion	Local discretion

Table 11. Poll Worker Training<sup>25</sup>

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
<b>Kentucky</b>	Before each election	All	Two per political party; one per candidate not representing a major party	Must be appointed by candidate groups from party
<b>Louisiana</b>	Not specified	All	One watcher per polling place	Not specified
<b>Maryland</b>	Before presidential and gubernatorial primaries, and before the general election	All	Not specified	Must be appointed by respective groups; but also allows non-accredited
<b>Maine</b>	Every 2 years	Clerk and registrar of each municipality	Not specified	Not specified
<b>Massachusetts</b>	No State requirement	No State requirement	Not specified	Observers are allowed
<b>Michigan</b>	Every 2 years	All	Unlimited	Challengers from political party not required to apply, but those from an incorporated organization need to apply with the locality where the election is being held
<b>Minnesota</b>	Every 2 years	All election judges	Media observers and challengers	Appointed by party, candidate, organization
<b>Mississippi</b>	Every 4 years	All	One per candidate; two challengers	Selected by the political party
<b>Missouri</b>	Not Specified	Election judges	Not specified	Not specified
<b>Montana</b>	Every 2 years; Chief judges may be required every year	All	One per political party; more from candidates and groups if no interference with election process	Permission by election administrator
<b>Nebraska</b>	Not specified	Not specified	One party-appointed observer. Unlimited nonpartisan observers at officials' discretion	Must be appointed by political party
<b>Nevada</b>	Not specified	Election board	Not specified	Authorization from Secretary of State
<b>New Hampshire</b>	No State requirement	No State requirement	Open to public	Open to public



Table 11. Poll Worker Training<sup>25</sup>

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
<b>New Jersey</b>	New poll workers are required to go through training 30 days before election, training is required for all poll workers every 2 years	All	Not specified	Not specified
<b>New Mexico</b>	Within a year of the election	All	One per organization	Written request from organization
<b>New York</b>	Annually	All	Not specified	Must be appointed by political party or candidate
<b>North Carolina</b>	Before each election	All chief judges and judges of election	Not specified per party, but unlimited nonpartisan observers at officials' discretion	Must be appointed by political party
<b>North Dakota</b>	Before each election	All	No more than three per party	Appointed by political party
<b>Ohio</b>	Not specified	All	One per political party, candidate group, or issue committee	Must be appointed by political party, candidate group, or issue committee
<b>Oklahoma</b>	Every 2 years	All	One per candidate and political party	Must be commissioned in writing by 5 p.m. on the Wednesday before the election
<b>Oregon</b>	N/A	N/A	No limit - based on space and staff availability	Anyone may be an observer; no specific authorization needed
<b>Pennsylvania</b>	Local discretion	Local discretion	Not specified	Must be appointed by political parties or candidates
<b>Puerto Rico</b>	Before an election	All	None allowed with some exceptions	N/A
<b>Rhode Island</b>	Not specified	All	Not specified	Open to public as long as they are not electioneering, cannot enter voting area
<b>South Carolina</b>	Not specified	Poll managers	One per candidate, but at general elections only 2 per 1,000 registered voters at the polling place	Open to public
<b>South Dakota</b>	Before each election	Chief poll workers only	Not specified	Open to public
<b>Tennessee</b>	Before each election	Not specified	Not specified	Local discretion

Table 11. Poll Worker Training<sup>25</sup>

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
Texas	No State requirement	No State requirement	Not specified	Must be appointed by political party or candidate
Utah	No State requirement	No State requirement	Three per political party and per issue position	Must be appointed by political party or issue group
Vermont	Every 2 years	Chief poll workers only	Two per political party, candidate, or issue position	Not specified
Virgin Islands	No State requirement	No State requirement	Two per candidate at primaries; three per political party at generals	Must be appointed by candidate or political party
Virginia	Before each election	Chief poll workers and assistant chief poll workers	One per political party or independent candidate (local discretion to allow up to 3)	Must be appointed by political party or candidate
Washington	Before each election	All - those who have previously received instructions and served for a sufficient length of time and are qualified are exempt.	Not specified	Must be appointed by political party or other committee
West Virginia	Before each election	All	None allowed	Only employees of Secretary of State or County Clerk's office
Wisconsin	Every 2 years	All	Not specified	Open to public
Wyoming	Before each election	All	Not specified	Must be appointed by political party

## Section 9: Other Data

Additional topics covered by the Statutory Overview included States' processes for capturing "over-votes" and "under-votes" and whether or not States have revised their administrative complaint procedures since they were first implemented. EAC's analysis of States' responses to these questions is summarized below. This section also presents the responses to a new question that was added to the Statutory Overview this year. The question asks about the States' processes and procedures for implementing the Military and Overseas Voter Empowerment (MOVE) Act that was signed into law on October 22, 2009. A detailed analysis of the responses to this question appears in Table 12.

**Capturing Under- and Over-Votes (D1):** Question D1 of the Statutory Overview asked States to identify the processes used to capture under-vote and over-vote counts. The combination of both under-votes and over-votes is sometimes referred to as "residual votes." Twenty-eight States indicated that the voting technology in use in their State collects statistics regarding both under- and over-vote counts. California, Michigan, and

Virginia reported that they do not collect such statistics on a statewide level. Two additional States indicated that their voting technology collected only over-vote counts (Arizona) or under-vote counts (Connecticut).

Colorado, Delaware, Georgia, New Jersey, New Mexico, and Tennessee reported that their voting technology specifically prevents over-votes. However, none of these States mentioned whether over-vote statistics are kept for absentee ballots that do not use the voting technology. Additionally, Kansas reported that its DREs and optical scan systems prevent over-votes and notify the voter of under-votes. In Utah, the optical scan equipment will separate over- and under-voted ballots and voters are given the opportunity to correct the ballot. New Hampshire indicated that election officials are trained to identify over-votes and under-votes. Puerto Rico provided no information with regard to this particular question.

**Revision of HAVA Administrative Complaint Procedures (E1):** Question E1 of the Statutory Overview asked States whether they have revised their procedures to allow individuals and entities to file complaints regarding HAVA procedures. In the 2008 Statutory Overview, EAC reported that Maryland, Montana, Virginia and Washington revised their procedures regarding the filing of complaints. In addition to those four States, Illinois, Iowa, Kentucky, New York, and Puerto Rico indicated in the 2010 Statutory Overview that they have revised their procedures. The remaining 45 States indicated that they have not revised their administrative complaint procedures. Illinois indicated that it switched from Emergency Rules to Permanent rules in August, 2005 and Iowa indicated that it added a new chapter in response to Section 402 of HAVA. Kentucky reported that it only recently revised its regulation, and New York and Puerto Rico indicated that they have revised their proceedings, but did not specify how or what in particular was revised.

**Implementing the Military and Overseas Voter Empowerment (MOVE) Act (E2):** The Military and Overseas Voter Empowerment (MOVE) Act was signed into law in October of 2009. The purpose of the law is to ensure that military personnel overseas have sufficient time to request and receive ballots, and that States allow enough time for the submitted ballots to be counted toward the election results. The 2010 Statutory Overview added Question E2 to ascertain the methods and processes used by States to implement the provisions of the Act. Specifically, Question E2 asked the States and territories for the following:

- ▶ The method and procedures that States use to protect the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots;
- ▶ The methods and means of electronic communication for all voting-related materials to UOCAVA voters identified and implemented by the States and territories;
- ▶ The methods used to track ballots so that voters could determine whether their ballots were received by the appropriate election official;
- ▶ The plans for capturing data related to the number of registration applications, ballot applications, and blank ballots transmitted to, and received from UOCAVA voters via electronic means.

Table 12, below, summarizes the results. American Samoa and the Virgin Islands did not answer the question. “Protected by statute” means the State indicated that the protection of voters’ sensitive information is addressed in State statute. “No response” means the State did not answer question E2, while “not specified” means the State may have responded to other parts of question E2 but not the section about securing voters’ personal information.

**Maintaining Security and Confidentiality of Information.** The specific items of information that are deemed exempt from public disclosure or confidentiality are defined by statute in all States. None of the 52 States that responded to the question indicated a need to define additional pieces of personal information as confidential as a result of the MOVE Act, with the exception of email addresses. Nineteen States did not specify whether there were any changes in State law, regulations, or procedures regarding security and confidentiality of information. Of the 36 States that did address this part of the question, 12 States (33%) indicated that at least

some information was protected by statute, and 24 States (67%) described the other means by which the privacy and security of voter information was maintained, typically through technological means such as restricted access to information via secure protocols, encryption of databases, and secure encrypted transmission of information. Additionally, some of these States took additional measures such as stripping protected information from certain types of lists that are generated and made public. Regardless of whether the methods were procedural or technological, States implemented and enforced security with regard to the personal information of all voters, not just those covered by UOCAVA or the MOVE Act.

**Table 12. MOVE Related Procedures / Processes<sup>26</sup>**

State	Security / Integrity / Personal Information	Electronic Communication for UOCAVA	Ballot Tracking Mechanism	Plans for Capturing Data on Transmissions To and From UOCAVA Voters
Alabama	No Response	Not Specified	Web	State Tracks data – Method Not Specified
Alaska	Protected by Statute. Disposal of registration records also regulated. For absentee ballots, the ballot portion is separated from voter information	E-mail, Fax, Web	Web	No Plans to Capture by Electronic Method
American Samoa	No Response	No Response	No Response	No Response
Arizona	Security provided by secure upload ballots system available only to UOCAVA voters	Web	E-mail, Toll-free Phone Number, Fax	State Tracks data – Method Not Specified
Arkansas	No Response	E-mail, Web	No Response	No Response
California	Protected by Statute	E-mail, Fax, Web	Not Specified	State Tracks data – Method Not Specified
Colorado	No Response	Not Specified	Web	State Tracks data – Method Not Specified
Connecticut	No Response	E-mail, Web	Web	No Response
Delaware	Protected by Statute	E-mail	Web	No Response
District of Columbia	Implemented via encrypted forms and PDF files	E-mail, Fax, Web	Not Specified	No Plans to Capture by Electronic Method
Florida	Protected by Statute. Privacy is not guaranteed in facsimile transmission of ballots	E-mail, Fax, Web	Web, E-mail	No Response
Georgia	No Response	E-mail, Fax, Web	Web	Maintained at State Level
Guam	No Response	No Response	No Response	No Response
Hawaii	No Response	E-mail	Mail Tracking Number	State Tracks data – Method Not Specified
Idaho	Secure encrypted intranet transmissions	Web	Web	State Tracks data – Method Not Specified
Illinois	No Response	E-mail, Fax, Web	No Response	No Response

<sup>26</sup> "No Response" indicates that the State or territory did not respond to the question. "Not Specified" indicates that a State or territory did respond to the question, but a description of the relevant procedure or process was not provided in the response. "Protected by statute" (security/integrity column) means the State indicated that the protection of voters' sensitive information is addressed in State statute.

Table 12. MOVE Related Procedures / Processes<sup>26</sup>

State	Security / Integrity / Personal Information	Electronic Communication for UOCAVA	Ballot Tracking Mechanism	Plans for Capturing Data on Transmissions To and From UOCAVA Voters
Indiana	Secure online Voter Registration system	E-mail	Web	State Tracks data – Method Not Specified
Iowa	SSN and Driver’s License information removed from registration lists	E-mail, Fax, Web	Web	State Tracks data – Method Not Specified
Kansas	Security is provided through the direct communication between the voter and the county election officer. Ballot envelopes are sealed and signed.	E-mail, Fax, Web	Toll-Free Phone Number	Maintained at State Level
Kentucky	No Response	E-mail, Fax	Web	Maintained at State Level
Louisiana	Protected by Statute	E-mail, Fax, Web	No Response	No Response
Maine	Secure electronic method of requesting absentee ballots	E-mail, Fax, Web	E-mail	Maintained at State Level
Maryland	Protected by Statute	E-mail, Fax, Web	Web	Maintained at State Level
Massachusetts	No Response	E-mail, Fax	Web	Maintained at State Level
Michigan	Protected by Statute. Election officials are trained in data security and confidentiality issues.	E-mail, Fax	Web	No Plans to Capture by Electronic Method
Minnesota	Protected by Statute. Voter information maintained in a restricted secure database.	E-mail, Web	Web	Maintained at State Level
Mississippi	No Response	E-mail, Fax, Web	No Response	State Tracks data – Method Not Specified
Missouri	All electronic transmissions are secure	Not Specified		State Tracks data – Method Not Specified
Montana	Ever effort made to maintain security information. Ballot marking wizard provides secure sessions	E-mail, Fax, Web	Web	Maintained at State Level
Nebraska	All appropriate measures to ensure ballot security	E-mail, Fax	Web	State Tracks data – Method Not Specified
Nevada	Secure facsimile and secure email	E-mail, Fax, Web	Web	Maintained at Local Level
New Hampshire	Absentee voter applicant name, address, and party affiliation available to candidates on the ballot; not publicly available	E-mail	Web	State Tracks data – Method Not Specified
New Jersey	No Response	E-mail, Fax	No Response	No Response

Table 12. MOVE Related Procedures / Processes<sup>26</sup>

State	Security / Integrity / Personal Information	Electronic Communication for UOCAVA	Ballot Tracking Mechanism	Plans for Capturing Data on Transmissions To and From UOCAVA Voters
<b>New Mexico</b>	Not necessarily protected via facsimile or email communication	E-mail, Fax	No Response	Maintained at State Level
<b>New York</b>	No Response	E-mail, Fax	No Response	No Response
<b>North Carolina</b>	Secure facsimile and secure email account	E-mail, Fax	Not Specified	Maintained at State Level
<b>North Dakota</b>	Protected by Statute	E-mail	Web	Maintained at State Level
<b>Ohio</b>	Procedures exist to protect security and integrity of ballot request and delivery	Not Specified	Web	No Response
<b>Oklahoma</b>	Protected by Statute	E-mail, Fax	E-mail	Maintained at State Level
<b>Oregon</b>	No Response	No Response	Web	No Response
<b>Pennsylvania</b>	Secure login required by voters with User ID and password	E-mail, Fax, Web	Web	No Response
<b>Puerto Rico</b>	No Response	No Response	No Response	No Response
<b>Rhode Island</b>	Security provided by the State central voter registration system	Fax	Web	Maintained at State Level
<b>South Carolina</b>	Personal information available only to voter	E-mail, Fax	Web	Maintained at State Level
<b>South Dakota</b>	Security policies and procedures already in place prior to MOVE	E-mail, Fax, Web	Web	Maintained at State Level
<b>Tennessee</b>	Protected by Statute	E-mail, Fax, Web	Web	State Tracks data – Method Not Specified
<b>Texas</b>	No Response	E-mail, Fax	Web	Maintained at State Level
<b>Utah</b>	All steps possible taken to ensure voter privacy	E-mail, Fax, Web	Web	Maintained at State Level
<b>Vermont</b>	Privacy is same as for all voters; Public information includes name and address of voters requesting absentee ballot	E-mail, Fax	Web	Maintained at Local Level
<b>Virgin Islands</b>	No Response	No Response	No Response	No Response
<b>Virginia</b>	Facsimile or email of documents containing sensitive information by State or local officials is not allowed	E-mail, Fax	Web	Maintained at State Level
<b>Washington</b>	Most voter information is public	E-mail, Fax	Web	No Plans to Capture by Electronic Method
<b>West Virginia</b>	Security procedures and processes in place before the MOVE Act	E-mail, Fax, Web	Web	Maintained at State Level

Table 12. MOVE Related Procedures / Processes<sup>26</sup>

State	Security / Integrity / Personal Information	Electronic Communication for UOCAVA	Ballot Tracking Mechanism	Plans for Capturing Data on Transmissions To and From UOCAVA Voters
Wisconsin	Protected by Statute	Not Specified	Web	Maintained at State Level
Wyoming	No Response	E-mail, Fax	Web	Maintained at State Level

Tables 13 through 15 below are provided as a supplement to the information provided in Table 12. For specific responses provided by States, please visit EAC’s website ([www.eac.gov](http://www.eac.gov)).

**Methods of Electronic Communication.** The MOVE Act requires that States transmit voter registrations, absentee ballot applications, and other election related information electronically to voters.<sup>27</sup> States responded to this requirement by supporting a variety of electronic communications, as illustrated in Table 13 below. A total of 50 States responded to this part of the question. States typically offered multiple methods of electronic communication – which is why the numbers in the middle column total more than 50 – with the most popular being email (84 percent of States responding) and fax (70 percent of States responding).

Table 13. Methods of Electronic Communication

Method	Number of States	Percent of States Responding (n=50)
Email	42	84%
Fax	35	70%
Web	24	48%
Unspecified “electronic transmission”	5	10%

Note: States can be included in more than one column.

Of the States offering email and fax communication, many require completed ballots to be returned either in hard-copy form through the U.S. Postal Service or via fax with subsequent mailing of the original as a security measure. Eleven States indicated that they participated in the Federal Voting Assistance Program (FVAP) allowing them to provide web services to distribute ballots and provide voting information. Those eleven States are included in the “web” row in Table 13.

**Ballot Tracking Methods.** States offer a number of different methods that allow voters to track the status of their ballot applications and submissions. These methods are summarized in Table 14 below with three States (Arizona, Florida, and Missouri) reporting more than one method.

Most States that responded indicated that they offer ballot tracking via the web or a proprietary online system that is web-enabled (80 percent). Other methods of ballot tracking include email (11 percent) and a toll-free telephone number (7 percent). For the email and telephone methods, the voter calls the number or sends an email, and a State or local election board official will respond with the status.

<sup>27</sup> Public Law 111-84, Section 577

**Table 14. Methods of Ballot Tracking**

Method	Number of States	Percent of States Responding (n = 44)
Website / Online system	35	80%
Email	5	11%
Toll-free telephone number	3	7%
Fax	1	2%
Mail tracking number (e.g., FedEx)	1	2%
Unspecified tracking method	3	7%

Note: States can be included in more than one column.

**Plans for Data Capture.** States were asked to provide their plans for capturing data on UOCAVA voters' requests for voter registration forms, blank ballots, and the receipt of those forms and ballots from the voters via electronic means (electronic is defined as email, fax, or Internet). Table 15 summarizes the results. Forty States responded to this question. Twenty-three States (58 percent) indicated that they already capture UOCAVA voter information, including transmission and receipt of applications and/or ballots by electronic means. Although these data may be maintained at the State or local level, they are located in the State's Voter Registration Databases or Election Management Systems. An additional thirteen States (33 percent) noted that they collect UOCAVA data but did not indicate whether they capture data on the transmission and receipt of applications and/or ballots via electronic means.

**Table 15. Method of UOCAVA Data Capture**

Method	Number of States	Percent of States Responding (n=40)
Data maintained at State level	19	48%
Data maintained at local level	4	10%
State tracks data – unspecified tracking of electronic method	13	33%
No plans to capture data on electronic methods	4	10%



# Appendix A

# U.S. ELECTION ASSISTANCE COMMISSION



## *2010 Election Administration & Voting Survey*

# *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	
Title	
Office/Agency Name	
Address 1	
Address 2	
City	
State	
Zip Code	
Email Address	
Telephone (area Code and number)	
Fax Number (area code and number)	

## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

  X   No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

  X   Changed Since 2008

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

2008 Response:

b. Under-vote

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

2008 Response:

c. Blank ballot

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

2008 Response:

d. Void/Spoiled ballot

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

2008 Response:

e. Provisional/Challenged ballot

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

2008 Response:

f. Absentee

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

**2008 Response:**

g. Early voting

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

**2008 Response:**

h. Active Voter

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

**2008 Response:**

i. Inactive Voter

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

**2008 Response:**

j. Other terms (please specify) \_\_\_\_\_

\_\_\_\_ No Change Since 2008      \_\_\_\_ Changed Since 2008

**2008 Response:**

A2. Please provide the legal citation for any **significant** changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

**No Change Since 2008**     **Changed Since 2008**

**2008 Response:**

## SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

No Change Since 2008     Changed Since 2008

**2008 Response:**

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

No Change Since 2008     Changed Since 2008

**2008 Response:**

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

No Change Since 2008     Changed Since 2008

**2008 Response:**

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

No Change Since 2008     Changed Since 2008

**2008 Response:**

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

**No Change Since 2008**     **Changed Since 2008**

**2008 Response:**

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

**No Change Since 2008**     **Changed Since 2008**

**2008 Response:**

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

**No Change Since 2008**     **Changed Since 2008**

**2008 Response:**

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

**No Change Since 2008**     **Changed Since 2008**

**2008 Response:**



## SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

- a. Are the votes counted centrally or at the precincts?

No Change Since 2008       Changed Since 2008

2008 Response:

- b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

No Change Since 2008       Changed Since 2008

2008 Response:

- c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

No Change Since 2008       Changed Since 2008

2008 Response:

- d. How are UOCAVA ballots counted and reported?

No Change Since 2008       Changed Since 2008

2008 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

No Change Since 2008     Changed Since 2008

**2008 Response:**

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

No Change Since 2008     Changed Since 2008

**2008 Response:**

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

No Change Since 2008     Changed Since 2008

**2008 Response:**

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

No Change Since 2008     Changed Since 2008

**2008 Response:**

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

No Change Since 2008     Changed Since 2008

**2008 Response:**

C7. Please describe your state's laws regarding post-election audits, if any.

No Change Since 2008     Changed Since 2008

**2008 Response:**

C8. Please describe any state requirements for poll worker training.

No Change Since 2008     Changed Since 2008

**2008 Response:**

## SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

No Change Since 2008     Changed Since 2008

2008 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

No Change Since 2008     Changed Since 2008

2008 Response:

b. casting an in-person ballot;

No Change Since 2008     Changed Since 2008

2008 Response:

c. casting a mail-in or absentee vote;

No Change Since 2008     Changed Since 2008

2008 Response:

d. casting a ballot under UOCAVA;

No Change Since 2008     Changed Since 2008

2008 Response:

- e. any other stage in registration or voting process in which identification is required (please specify).

No Change Since 2008       Changed Since 2008

**2008 Response:**

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

No Change Since 2008       Changed Since 2008

**2008 Response:**

## SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

No Change Since 2008     Changed Since 2008

### 2008 Response:

E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.

Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:

- Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)
- Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)
- Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))

Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).

**This question was not asked in 2008. Please provide your answer below.**

E3. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

No Change Since 2008     Changed Since 2008

### 2008 Response:

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.