



"Sue Sautermeister "  
<sue\_sautermeister@yahoo.com>

08/06/2006 12:03 PM

To Lotero@eac.gov

cc

bcc

Subject response to voter questionnaire

Ms Latero

Bryan Whitener sent out the draft of the survey for the 2006 election to the members of the EAC advisory board

my comments

1. easy to read
2. don't split sections or questions between two pages (it occurs a few times only)
3. page 14, #43, in our situation the numbers of poll workers varies depending upon the number of registered voters in a precinct, but this question doesn't allow for a response where the numbers of poll workers vary among the precincts
4. page 14, #46, do you want multiple responses here? we have several who are involved
5. page 16, #53, not enough room to respond if you want everyone who had input to list name & info since not just one person will necessarily be completing the form
6. lastly, i hope this goes out early enough so that those who will be completing the form know what will be asked of them so they can compile the info as they go along

Sue



"Melanie Abplanalp "  
<melaniea@washco.state.ut.us>  
s>

08/07/2006 09:59 AM

To lotero@eac.gov

cc

bcc

Subject washington county survey request

Laiza,

Thanks for letting us get a heads up on the new stats that we should be tracking.

I noticed that as I was doing this, most of the questions were fairly relevant. I know that some states are a little ahead of us, but I think the information can be useful in the future.

I did have some concerns about the time it would take, unless we could get Vista to track this info for us. I had to gather the info from many sources, and it took longer than I expected.

Here are some specifics,

We do not have information to track yet by Mail, or in Clerk's office, DMV, or other registrations with dates.

We cannot identify dupilcates, address changes or rejected registrations. I thought tracking the deleted list was interesting, but I can see why they would like to have that info.

Tracking the amounts of confirmation cards would be a great help to me, it would be good to see how many go out, and how many come back! Track expenses better.

Election totals seemed to be over kill, but if we could track the info in 1 or 2 places I would be willing to do the in depth detail that they would like.

If you have questions call me!

Melanie Abplanalp

435-652-5891

melaniea@washco.state.ut.us



"Jim Harmening"  
<jim@bitmail.com>

08/07/2006 10:09 PM

Please respond to  
jim@bitmail.com

To lotero@eac.gov

cc

bcc

Subject Public Comments on Election Administration Proposed  
Survey

Dear Ms. Otero,

I hope this helps, it is a great Survey and I hope the Election Jurisdictions actually collect the data you are asking for!

Thanks

Jim Harmening  
7805 Palm Drive  
Orland Park, IL 60462

708-288-3314



public comments EAC Survey.doc

## **Election Administration Voting Survey Draft**

Q10. I would suggest splitting up the Tax Assessor and the Tax Collector. In Illinois and many other jurisdictions throughout the country, they are two different offices.

Q11. In Illinois there are so many townships, cities and villages, that you may get a list several thousand. Likewise there are many public service agency locations.

I am not sure what the goal is for Q11 or what information is to be collected? Name, address, city, state, zipcode, person in charge, phone number? It doesn't appear that the question is detailed enough about what information is to be collected and that it tries to collect too much information (at least for a large state with many local offices.)

Q13 – there are kind of redundant answers e-mail/electronic and VPN are similar. Is Disk / tape the same? How about CD? Some people may use a USB drive? Either have a category of

Electronic with sub sections under it

Electronic

Tape

Diskette

E-mail

USB

Website Form

Website File Upload

FTP

VPN

Under Other you may want to put a line for them to write it in.

Great survey and good luck with the responses!

Jim Harmening



"Silrum, Jim"  
<jsilrum@nd.gov>  
08/09/2006 05:28 PM

To lotero@eac.gov  
cc "Jaeger, Al A." <ajaeger@nd.gov>, "Oliver, Lee Ann M." <loliver@nd.gov>, "Odenbach, Danette" <dodenbac@ndaco.org>  
bcc  
Subject 2006 Election Administration and Voting Survey

Dear Laiza,

Today as I was preparing a note to send to North Dakota's county election officials to encourage them to review the survey that is under review prior to the General Election in November, I noticed something in the Absentee Ballots section that made me think I should send a comment upon which I hope you too will ponder before the survey is finalized. I don't think we talked about this when we were together in April for the preliminary survey meeting, but if we did I apologize for not paying attention.

Question 36 asks for the number of absentee ballots (excluding FWABs) requested and the number not counted.

1. FWAB is spelled out in question 38, but since this is the first place it is used, this is the place it should be spelled out.
2. I understand the need for collecting both of these items of information, but the two numbers are quite disjointed from each other unless another number is asked for between these two.
3. The number would be the number of ballots returned.

I would suggest the following order and wording of the questions if I may be so bold:

36. Total number of statewide and by county/local jurisdiction of **advanced ballots** transmitted to military and overseas citizens for the November 7, 2006, Federal General Election: [keep the three subcategories with the total line]
37. Total number of statewide and by county/local jurisdiction of **absentee ballots** requested and returned (do not include FWAB) for the November 7, 2006, Federal General Election: [keep the four subcategories with the totals line – one column for requested and one column for returned]
38. This one could stay just as it is
39. If you added a total line to this question, you would know the number of absentee ballots not counted or rejected that were received from domestic civilians
40. If you added a total line to this question, you would know the number of absentee ballots not counted or rejected that were received from military and overseas citizens

The survey asks for the number of advanced ballots transmitted, but it doesn't ask how many of those were returned; rejected or not counted and why unless we are supposed to assume that these ballots should be tabulated with all the other absentee ballots based on the definition of "**Absentee voting**" at the beginning of this section. Perhaps this could be explained with the questions relating to the return of absentee ballots or these numbers could be separated as you have separated them for the two questions differentiating their delivery to the voter.

Please feel free to call me if you have any questions for me. Maybe I have been as clear as mud to you or maybe I have missed the obvious that would make the current order clearer to me.

Thanks for letting me comment,

P.S. I know you have talked in the past that the 2006 survey would be one in which the numbers would be entered by each state through a web application. Do you know whether this will be a manual data entry method by those of us in the state election offices? If it is, I am concerned that there will be a high potential for "fat finger" errors to the submitted data. Or, can you describe the survey tool that is being planned for use?

Thanks,

*Jim Silrum*

Deputy Secretary of State  
State of North Dakota  
600 East Boulevard Avenue  
Bismarck ND 58505-0500  
701-328-3660 - Voice  
701-328-2992 - Fax  
[www.nd.gov/sos](http://www.nd.gov/sos)  
[jsilrum@nd.gov](mailto:jsilrum@nd.gov)



"Pat Hollarn "  
<phollarn@co.okaloosa.fl.us>  
08/25/2006 05:44 PM

To lotero@eac.gov  
cc  
bcc

Subject DRAFT 2006 Election Administration and Voting Survey

Laiza,

I found the Draft 2006 Survey to be comprehensive and well done, and just have one subject to be addressed, if deemed warranted.

After Question #40, before ending the section on UOCAVA absentee ballots, would it be possible to add a question, or questions, concerning the absentee requests that were honored based on the UOCAVA voters' 2004 requests (per HAVA's mandated two-general-election-cycle requests)? It might be a multi-part question, to include these issues:

- How many absentee ballots were issued in 2006 to UOCAVA voters who requested a ballot in 2004, but from whom the election official had no contact since the 2004 request?
- Was any additional contact made to those voters prior to the 2006 elections?
- How many of those 2006 absentee ballots (from the 2004 request) came back "Return as Undeliverable" from the Postal Service?
- How many came back voted?
- How many never came back?

I am planning on including this subject in my presentation on Sept 21 in St. Louis, which is before the close of the Public Comment period, so I will be able to further explain the value of this information.

***Pat Hollarn, Supervisor of Elections***

1804 Lewis Turner Blvd, Ste 404

Fort Walton Beach FL 32547-1285

Tel: 850-651-7272 Fax: 850-651-7275

Email: [phollarn@co.okaloosa.fl.us](mailto:phollarn@co.okaloosa.fl.us)

Web site: [www.govote-okaloosa.com](http://www.govote-okaloosa.com)



"Jo-Anne Chasnow "  
<jac1000@juno.com>  
09/28/2006 12:50 PM

To lotero@eac.gov  
cc  
bcc  
Subject Comments on Draft Voting Survey

U.S. Election Assistance Commission  
1225 New York Avenue, NW., Suite 1100  
Washington, DC 20005.  
ATTN: Ms. Laiza N. Otero  
([lotero@eac.gov](mailto:lotero@eac.gov))

Dear Ms. Otero,

Attached please find comments submitted by Project Vote responding to the "Draft 2006 Election Administration & Voting Survey" of the U.S. Election Assistance Commission.

Please confirm receipt, and please be certain to notify me if you have any problems opening up the attachment.

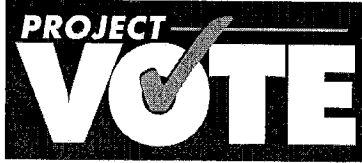
Many thanks.  
Sincerely,

Jo-Anne Chasnow  
Policy Director, Election Administration Program  
Project Vote  
201-863-3412, [jac1000@juno.com](mailto:jac1000@juno.com)



[www.projectvote.org](http://www.projectvote.org) Project Vote Comments on EAC 2006 Survey.doc





**Project Vote**  
2101 S. Main Street  
Little Rock, Arkansas 72206  
501.376.6451 phone 501.376.3952 fax

September 27, 2006

U.S. Election Assistance Commission,  
1225 New York Avenue, NW., Suite 1100  
Washington, DC 20005.  
ATTN: Ms. Laiza N. Otero  
([lotero@eac.gov](mailto:lotero@eac.gov))

Dear Ms. Otero:

We are writing today to provide comments on the "Draft 2006 Election Administration & Voting Survey". Thank you for this opportunity.

- I. On Page 1, the survey provides a "definition" of a duplicate registration. However, a vital piece of the definition is missing: same birth date. Without matching birth date, it is impossible to definitively identify duplicate registrations. We encourage you to add the words "same birth date".
- II. We believe additional questions should be included as a subset of question #12 if the respondent answers "yes" in either of the two "yes" boxes. The first question we recommend that you include is "If yes, how often?" and the second is "When was the last training offered?" It is vitally important to know some details about training of public employees who are offering voter registration.
- III. We believe you should insert a question following question #16. Our recommended language is: "If the voter registration application is not successfully matched against any existing record, is the next step to assign the registrant with a unique identifying number? If not, what IS the next step?"
- IV. In question #18, there is a "yes" box, followed by "(If yes, please identify which states)." Please consider adding to the words within the parenthesis the following phrase: "and the elements that must 'match' to establish a duplicate". We further recommend a follow-up question: "If duplicates are found, how are those duplicates handled?"

- V. In question #19, please add the word "all" between the word "Are" and the word "applicants", so that it reads "Are all applicants whose applications are rejected notified of the rejection and the reason for the rejection?"
- VI. We encourage you to reinsert a question that was asked in the prior survey, to be added after question #21: "Identify any restrictions on the acceptance of voter registration applications such as paper weight, fax, electronic, mail (for non-NVRA states), batch, third-party handling (changed from delivery to handling), etc." These sorts of restrictions have placed significant burden on many of the civic organizations engaged in voter registration across the country. A question soliciting information from the states would be very informative and encourage transparency.
- VII. We also encourage you to add another additional question here, related to acceptance of the national application: "Do all election jurisdictions in your state accept a completed National Mail-In application as a complete voter registration application?"
- VIII. It would appear that two sections of the previous survey have been entirely eliminated. One section is "Voter Registration Drives". Voter registration drives are a centerpiece of participatory democracy. But little by little the ability for these drives to function is being eroded. Specifically, we encourage including the following questions:
- a. "Does your State manage the number of applications given to the outside groups and the number and timing of the return of those forms by these non-governmental registration organizations. If so, how?"
  - b. "Does your State allow organizations to print additional copies of the state voter registration applications by photocopying a blank application?"
  - c. "Does your State use serial numbers or other identifying codes on voter registration applications given to non-governmental organizations or individuals in order to be able to identify who handled completed applications that are received by State and local officials?"
- IX. The other section that has been entirely eliminated is "Public Information". Confirmation of whether applicants have actually been placed onto the voter rolls, especially when a state does not have a public access portal, is critical, especially for voter registration organizations. It is vitally important to know if voter registration cards are available for public inspection; and with newly created statewide databases, to know if voter registration files are available for sale – and if so how much they cost.

We then recommend the following questions, included in the previous version of the survey, be included here as well:

- a. "Are voter registration records public information?"
  - b. "Are voter registration files available for sale to the public? If so, how much do they cost?"
- X. Finally, we encourage you to add a section specifically for the states to report the breadth of voting machine problems experienced in 2006. This will respond to the rash of problems that jurisdictions around the country have experienced with elections in the 2006 primaries and most likely will experience in the 2006 general elections.

Thank you for the opportunity to share these comments.

Sincerely,

Jo-Anne Chasnow  
Policy Director, Election Administration Program  
Project Vote



"Michael Cragun"  
<mcragun@utah.gov>  
09/28/2006 10:53 PM

To lotero@eac.gov  
cc  
bcc

Subject DRAFT 2006 Election Administration and Voting Survey

Laiza,

The one thing I have worried about since you shared this draft with us at the Standards Board Meeting in May is that election officials may not have adequate data to answer many of the questions that ask for information between Election Day 2004 through Election Day 2006. It seems to me that if you want data collected for a two year period, you need to tell the election officials about the expectation before the two year period begins.

Thanks,  
Michael

Michael Cragun, Deputy Director  
Office of the Lieutenant Governor  
State of Utah  
PO Box 142325  
Salt Lake City, Utah 84114-2325  
(801) 538-1041  
(801) 538-1133 fax  
mcragun@utah.gov



"Carol Paquette"  
<paucar@earthlink.net>

09/29/2006 03:03 AM

Please respond to  
paucar@earthlink.net

To lotero@eac.gov

cc

bcc

Subject comments on 2006 election administration survey

Laiza -

This survey has really improved. Someone has been working hard on this. I hope the attached comments are understandable and helpful. I was sorry to see that there are no questions on types of voting systems in use and identification of any problems, but maybe EAC is collecting that data from some other source. You can reach me at 703.532.0524 if you have questions. Good luck with the survey! There are many of us eagerly awaiting the results!

Carol Paquette  
[paucar@earthlink.net](mailto:paucar@earthlink.net)  
EarthLink Revolves Around You.



2006 Election Survey comments.doc

9/28/2006

COMMENTS ON DRAFT OF 2006 ELECTION  
ADMINISTRATION AND VOTING SURVEY

1. Recommend that "Voter Registration Applications" heading be changed to "Registered Voters", and that new heading "Voter Registration Application Processing" be inserted after question 2. Rationale: 1st 2 questions only refer to numbers of voters; other questions deal with application processing. Adjusting the headers helps the respondent navigate the instrument.
2. Recommend to move "Duplicate registration application ..." description to question 7 where it is referred to. Rationale: Use of ease for respondent by providing explanatory material where it is referenced.
3. In question 1, would it be clearer to use "at the conclusion of registration processing" or similar wording in place of "close of registration?" Rationale: Not all registrations are processed by the close of the registration period. I assume that the information sought is the final number of registered voters. This revised wording would also encompass Election Day registrations.
4. In question 2, should November 2, 2004 be added to get comparative data?
5. In question 6, what about applications generated by voter registration drives run by civic organizations and political parties? These constituted a big processing issue in 2004.
6. In question 7, it would be interesting to know the reason, for applications being rejected (in addition to being a duplicate, as noted).
7. In question 8, does "new, valid registrations *processed*" mean entered in to the voter database? Also, what is meant by "re-registrations across jurisdictional lines"? Is this a change of address?
8. Recommend that the words "conducting voter registration" in question 9 be replaced with "responsible for registering voters," as used in question 10. Rationale: This just makes clear that both questions are talking about the same function.
9. Capitalize Armed Forces in question 11 to be consistent with usage in question 6 (or vice versa!).
10. In question 12, it would be interesting to know which agencies are provided training for the "SOME, BUT NOT ALL" response.
11. In question 13, recommend that "official responsible for voter registration" be reworded to something like "election official responsible for approving voter registration applications." Rationale: This more clearly differentiates the election folks and their role from the other agencies involved. Also recommend that responses be divided into two categories: how delivered and what media used. For example, a tape could be delivered by courier, by hand (what's the difference between these two?), U.S. mail, inter-office mail, etc. Electronic delivery could be by fax, email, VPN. Ftp is missing as an important electronic means. Power Profile System needs to be explained. What are you trying to find out by this question? How quickly updates can be processed or how efficiently the process takes place? Not clear what one would learn from this set of responses. For

example, a tape delivered manually that is compatibly formatted to run directly against the voter database would be much more efficient to process than an automated ftp that requires data format conversion.

12. In question 14, recommend that “forms” be replaced with “applications.”  
Rationale: Consistent terminology. What is meant by “verifies”? Does it mean the official with authority to approve application? What is meant by “processes”? Is this merely data entry; does it include validation of any sort? Some local election offices have administrative personnel enter applications into electronic pending file via keystroking the data or scanning the form, and then a senior official reviews and approves for upload to voter registration file.
13. In question 15, recommend that “processed voter registration form” be replaced with “accepted (or approved) voter registration application.” Rationale: Keeps terminology consistent and clear.
14. In question 16, recommend that parenthetical explanation be reworded to read: This refers to the process of verifying the information provided in the voter registration application. It does not refer to the process of verifying voter eligibility at the polling place. Rationale: Clarifies the language. Also, what does “Link” mean in the responses? The word “records” should be added to the end of the second and fifth responses. Social Security Administration should be capitalized. What is a “disposition notice”?
15. Recommend that wording in question 17 be changed to read: “What data fields are compared to identify duplicate registrations?” Rationale: This wording better suits the response choices given.
16. In questions 20 and 21, suggest that questions be further refined to identify nature of linkage, e.g., periodic batch ftp uploads, real-time transaction-based data transfer, etc. This begins to provide some interesting data.
17. Don’t understand what is meant by the terms “electronically” and “manually” in the responses. Can you clarify?
18. In question 23, would be interesting to know if there are differences in what the state and local officials can do for the “Both” response.
19. Recommend that a heading such as REMOVING (OR PURGING) VOTERS FROM VOTER REGISTRATION DATABASE be inserted after question 23. Rationale: Ease of use for the respondent. This is the topic that the next several questions deal with.
20. Questions 24 and 28 seem to be asking for the same information with slightly different wording.
21. In question 25, need a citation for parenthetical [Section 8(d)(2) confirmation]. Is this NVRA?
22. In question 28, suggest you clarify what “moved outside of jurisdiction” means in first response. I assume it means left the state? Recommend that the word “registrations” be replaced with “voters” in the last response.
23. In question 29, aren’t “car registrations” and “lists of automobile registrations” the same thing?
24. Recommend that next section heading be revised to “2006 ELECTION RESULTS”. Rationale: I assume that the data sought is the official certified

election results, not the preliminary election returns. Certified results are not available until 30 or so days after the election, as defined by state law.

25. In first line, change "Ballots" to "Ballot" for grammatical consistency with rest of sentence. Under Note:, delete "For" for grammatical correctness.
26. Is "Ballots Counted" going to be a problem for election officials? As I understand it, normally ballots don't get counted, only votes get counted. Is EAC asking election officials to collect new data ? (There's nothing wrong with this, in my view) But if so, do election officials understand what's being asked for? (And maybe I'm just wrong in my understanding.)
27. Description of "At the polls" is a bit confusing when the counting activity is included. Some jurisdictions have central count systems for voting machine results, so no ballots are counted at the polling place. Some jurisdictions send absentee ballots to the polling place to be counted, so all ballots are counted there. If you are trying to distinguish between polling place and absentee, maybe that can be accomplished by just saying where the ballot is voted and cast.
28. Recommend that description of "Domestic civilian absentee ballot" be revised to something like the following. "Domestic civilian absentee voter refers to a non-military citizen who is otherwise eligible to vote, but is temporarily absent from their place of residence on election day, and meets their State's requirements to vote absentee."
29. Recommend that "Domestic military citizen" be revised to something like: "Domestic military absentee voter is statutorily defined as: etc.,etc."
30. Recommend that "Overseas military citizen" be revised to "Overseas military absentee voter is statutorily defined as: etc.", and that "Overseas civilians" be revised to "Overseas civilian absentee voter etc." These two descriptions should be moved to immediately follow the Domestic military absentee voter, so all descriptions of different categories of absentee voters are together.
31. What about the category of permanent absentee voters? Many states have this designation for voters with medical conditions or disabilities that make it difficult for them to get to the polls, residents of nursing homes, etc. Since they are not absent from their place of residence they don't quite fit into the domestic civilian absentee category above. This is also a category where voting fraud is often an issue.
32. Under "Early voting" description I would add the word "special" in the second line: "were no special eligibility requirements." Probably a nitpick, but avoids possible (but somewhat silly) interpretation that normal eligibility requirements don't apply.
33. Recommend that FWAB description be revised to something like: Federal Write-In Absentee Ballot (FWAB) is an emergency absentee ballot available for use by military and overseas citizens when they have properly requested but have not received a regular absentee ballot from their local jurisdiction in time to return it before the deadline. I would move this description to follow provisional ballot.
34. Would revise provisional ballot to something like: "Provisional ballot refers to a ballot issued to a voter at the polling place when their eligibility to vote has not been determined. Provisional ballots are prescribed by Section 302(a) of the Help America Vote Act."



35. Would it be possible to add further sub-questions to question 31? For those who answer yes, suggest you ask what is the time period, Also, what is the process, i.e., do voters have to go to clerk's office or are satellite locations provided, etc.? Since this is defined by state law it shouldn't be too hard to answer.
36. In question 32, I would split the responses as follows: (A) Ballots cast in person – at the polls, early voting, provisional ballots; and (B) Ballots cast absentee – domestic civilian absentee, domestic military absentee, overseas military absentee, overseas civilian absentee, FWAB
37. In question 35, I don't understand how "Ballot not timely received (absentee)" would be a reason to reject a provisional ballot? Similarly "Incomplete ballot form"? First of all, I don't really know what this means. If it means a ballot in which no votes have been cast for some of the races, that's not a reason to reject, because voters are not required to cast votes in all races for their ballot to be accepted.
38. Suggest that description of absentee voting is not needed if previous suggestions on rewording absentee voter categories are used. I think this description sort of misses the point of this voting option, which is not voting before Election Day (although true), but not being able to vote on Election Day due to inability to get to the polls – either through physical absence or for other state-defined reasons.
39. I think the correct term is "advance ballot" rather than "advanced ballot." Also appears in question 37.
40. In question 36, would add a column for Number Received and change Not Counted heading to Number Rejected. Would also ask for how many of each of these 4 categories of ballots were delivered to the voter and how many returned to the election office by mail, fax, email or courier.
41. In question 37, column heading for responses should be Number Received and Number Rejected.
42. Would use the same column headings for question 38.
43. In question 39, would change "Elector deceased" to "Voter deceased". Why introduce a new term? Would change "Elector voted early at the polls" to something like "Voter voted in person (either early voting or on election day)". Would add the word request to "No ballot request application on record". What does "Spoiled ballot" mean?



"Bonnie Glaser"  
<bg@earc.berkeley.edu>  
09/29/2006 02:24 PM

To lotero@eac.gov  
cc  
bcc  
Subject Comments on the 2006 Election Administration and Voting Survey

Dear Ms. Laiza N. Otero:

Please find attached a letter to you with our comments on the 2006 Election Administration and Voting Survey, sent at 2:30 EDT on September 29, 2006.

Sincerely,

Bonnie Glaser, Ph.D., Senior Researcher  
Election Administration Research Center  
University of California, Berkeley  
510-642-8506



Comments on EAC 2006 survey.pdf

September 28, 2006

ATTN: Ms. Laiza N. Otero  
US Election Assistance Commission  
1225 New York Avenue, NW., Suite 1100  
Washington, DC. 2005

Dear Ms. Laiza N. Otero:

We submit the following comments about the 2006 Election Administration and Voting Survey, pertaining to “c) ways to enhance the quality, utility, and clarity of the information to be collected.”

These comments are based on our experience conducting research with state and local election officials and in local election jurisdictions, both in terms of what data is possible to collect and what would be useful for research. Questions are referred to as ‘Q#’ in comments below.

#### Voter Registration Applications

Q4-Q6: It is likely that local election officials do not record if registrations come in by mail or in person, so it might be easier to make Q4 and Q5 optional. The same idea applies to Q6, that is, it is unlikely that the local election officials record where these additional registration forms come from; even if they do record which ones come from an outside agency, they will not necessarily specify the agency in all cases.

Q10. In the case of California, each county has either a County Clerk who is the Registrar or a Registrar, rather than two titles that “share responsibility for registering voters” the responsible party is called by different titles in different jurisdictions. The question could be worded more clearly along these lines “mark all possible titles of the individual in each jurisdiction that is responsible for registering voters.”

Q11. The usefulness and purpose of this question is not clear. The choices provided are a mix of what is required by law and what is a state option, which could lead to confusion in completing this and responses that do not reflect what the question is meant to measure.

#### Election Day Results

Q31. Early voting will likely vary across local jurisdictions and over time. For this question to illicit a more clear response, we recommend “Did any local jurisdiction in your state conduct early voting for the November 7, 2006 Election.” It also might help to ask the number of local jurisdiction that did conduct early voting.

Q32. This break down of ballots cast and of ballots counted by different methods, especially the five different forms of absentee ballots, will provide extremely useful information for understanding the different voting programs and their prevalence in each

state. However, states that have a large number of jurisdictions may have difficulty getting this level of breakdown from each jurisdiction. While states should be encouraged to collect this, perhaps they should have instructions for compiling the results from less than all the jurisdictions (perhaps adding to their counts something like: “this is the number of ballots cast and counted in 40 out of 58 counties that provided this information”).

Q35. This question will produce valuable information. However, it will be difficult for states to collect the number for each reason for each jurisdiction. We see that in the previous survey the question was simply “Identify the five most common reasons that provisional ballots were rejected,” which did not require explicit counting of the reasons. We suggest offering an alternative way to report these reasons if the state is not able to count the incidence of each one. Also, “administrative error” could mean different things to different survey respondents. For that choice, we recommend something a little more specific about the kind of administrative error, such as “poll worker error,” or a space to list the type of administrative error.

#### Absentee Ballots

We are confused by the definition of “absentee ballots,” because in California any registered voter can request an absentee ballot without a reason or special qualification.

Q40. This data is only useful in the context of each state’s laws. For example, do all states require that the ballot be notarized? Some require the registration form for military and overseas (FPCA) is notarized, but do they require that for the voted ballot as well?

#### Poll Workers

Q43-Q45. Collecting information on poll workers is very important; however, these three questions are too general to provide useful data. The previous survey asked for the required number of poll workers per precinct as established by law, and this question should be asked again, but with an option to give more than one answer. For example, in California the law is 3 workers per precinct, but for various reasons, such as language needs, voting technology, size of polling place, and precincts per polling place, the required number is more than 3 for certain precincts.

Also the counties in California have their own preferred level of staffing (often 4 or more) based on various needs at different polling places. In many cases, the legal minimum is not considered adequate staffing. For practical purposes, the success in staffing polling places is better reflected by evaluating how well they met their own perceived needs. The states could ask local jurisdictions to report some numbers on that question. For example, “how many precincts in your jurisdiction should have 3, 4, 5, and 6 workers at all times, and how many precincts did have that number.”

If there are “split shifts” where two poll workers are hired for one day, then the number in Q44 will not be useful compared to the number in Q43. Q44 could read the number of “poll worker days served” so that two workers who split the day are counted as one.

Q45 will not necessarily produce useful answers because states will try to minimize this number; poll worker staffing is an extremely sensitive topic. Asking about actual staffing relative to preferred staffing (as suggested above) might be more productive than asking about compliance with the laws, and will still reflect difficulties with recruitment.

It would also be beneficial to ask more from states about poll workers than their total number hired and the adequacy of staffing levels. Some other important topics could be

- the five most common methods of recruitment,
- the five most common barriers to recruitment,
- the extent of problems with last minute dropouts and no-shows (such as the number per jurisdiction of individuals who were signed up but declined to work in the last week before the election or failed to show on Election Day), and
- whether any jurisdiction allows half day or multiple shifts.

#### Voting Jurisdictions and Polling Places

Q50. This question will be very difficult to answer, as it requires a “yes accessible” or “no not accessible” evaluation of thousands of polling places, rather than a degree of accessibility. Many polling places may be substantially more accessible than other polling places, but not completely ADA compliant on every measure. Also, many polling places are not accessible on their own, but are adapted by the elections office just for Election Day, and it's unclear how to tease those out from others in this number. Q50 needs to be broken down into several questions or needs to include a more explicit definition of “accessibility” for the purposes of the question.

Q51. It is unclear why there is this question on visual impairment and not any other type of disability. It seems as though there should be a question on each major disability category or none at all. It is also unclear why any questions about voting equipment were dropped from this version of the survey. Asking about the number of “accessible voting machines” per polling place would be a better measure of accessibility to independent voting for voters with various disabilities. A measure of the prevalence of non-electronic accessibility devices must also be collected, in order to account for those jurisdictions which meet this requirement without “machines.” Note that all states should answer in Q51 that all their polling places have the capacity for a visually impaired voter to cast a private ballot, as required by law. Because some jurisdictions use the “accessible” machines for all voters, the average number of accessible machines per polling place (for those jurisdictions which use machines for accessibility) should be more than one. That average would be an interesting number to compare across states, capturing both the uptake of accessible voting machines as well as the extent of accessibility. While we understand that the “accessibility” of different machine types is not absolutely confirmed, especially for all disabilities on all machines, collecting this data may still give a fairly good indication of the intent of jurisdictions to provide accessibility.

Thank you for the opportunity to share our thoughts about this important survey of election administration. Please contact us if you have any questions about these remarks.

Sincerely,

Bonnie Glaser and Karin Mac Donald  
Election Administration Research Center  
UC Berkeley  
111 Moses Hall  
Berkeley, CA 94720  
510-642-8506



"Wittman, Bradley S"  
<WittmanB@michigan.gov>  
09/29/2006 02:36 PM

To lotero@eac.gov

cc "Thomas, Christopher M" <ChristopherT@michigan.gov>,  
"Anastor, Rayan" <AnastorR@michigan.gov>

bcc

Subject Comments: DRAFT 2006 Election Administration & Voting  
Survey ( Michigan)

Greetings Ms. Otero: The following comments are offered with respect to the proposed 2006 Election Administration and Voting Survey released by the U.S. Election Assistance Commission (EAC) in August. We are directing our comments to your attention pursuant to the instructions published in the Federal Register on August 1, 2006.

In general terms, we find the data requests provided under the section of the survey entitled "2006 Election Day Results" overly detailed and ambiguous in places -- a problem noted in the 2004 Election Day Data Survey released by the EAC and the subject of much discussion at the meeting convened by the EAC on April 4, 2006 to review and critique the survey tool.

It bears note that despite the fact that Michigan's Qualified Voter File (QVF) system has been programmed to capture many of the data elements requested in the proposed EAC survey, it will still be necessary for this office to contact every local clerk in the state (i.e., Michigan's 1,516 city and township clerks) to collect key portions of the requested information.

This task will entail the analysis of the final version of the EAC survey to identify the data elements which must be collected from the city and township clerks, the development and design of our own survey tool, the distribution of the reformatted survey tool to the state's 1,516 local clerks, the compilation of the responses we receive, and the correction of any errors that we are able to identify in the compiled data. This is essentially the same procedure we followed when preparing our responses to the EAC's 2004 post-election surveys.

As you may be aware, we aggregated the data we collected after the 2004 general election by county given the complexity and burden such data collection exercises pose for Michigan. It is our intent to aggregate the data collected after the 2006 general election in the same manner when responding to the EAC's 2006 post-election survey.

In view of the above concerns, we strongly urge the simplification of the EAC's proposed 2006 post-election survey. As stands to reason, the more complex and ambiguous the data requests, the greater the chance for errors, confusion and unreliable results. Specific observations and recommendations are outlined below:

ITEM 32

1) Item 32 asks for the number of ballots "cast" at the polls and the number of ballots "counted" at the polls. Under the definitions, "ballots cast" means those ballots that have been submitted but not "verified and/or counted." Aside from the fact that a unique -- and therefore confusing -- definition has been given to the term "ballots cast," what would be an example of a ballot that has been "cast" at the polls but not "counted"? Would provisional ballots held for later evaluation fall into this category? (We note that there are separate data entry lines for "provisional ballots" later in the survey.)

2) In many cases, it is impossible for election officials to distinguish those

ballots mailed to "domestic civilian" absentee voters from those ballots mailed to "domestic military" absentee voters. Consequently, any data that relies on the accuracy of this distinction would be highly unreliable.

3) Similarly, it is often impossible for election officials to distinguish those ballots mailed to "overseas military" absentee voters from those ballots mailed to "overseas civilian" absentee voters. Again, any data that relies on the accuracy of this distinction would be highly unreliable.

4) As you are aware, a Federal Write-In Absentee Ballot (FWAB) can be rejected for a variety of reasons -- including the fact that the voter returned the absentee ballot issued by his/her voting jurisdiction in time to be counted. Given the definition given to "ballots cast" (i.e., submitted but not counted), it would appear that the number of FWAB's that will fall under the "ballots cast" category will be alarmingly high and very misleading.

5) Again, given the definition of "ballots cast," would the "ballots cast" entry for provisional ballots under Item 32 be the same as the entry for the number of provisional ballots "rejected" under item 34?

ITEMS 36 and 38 (ITEM 37 does not apply in Michigan)

See comments above regarding the difficulty of accurately distinguishing ballots sent to "domestic civilian" absentee voters verses "domestic military" absentee voters and "overseas military" absentee voters verses "overseas civilian" absentee voters.

ITEMS 39 and 40

Requesting breakdowns of the specific reasons why absentee ballots mailed to "domestic civilian" absentee voters and "military and overseas" absentee voters were rejected would be tedious and burdensome data to document. Consequently, the accuracy of any data collected would be questionable.

Recommendation

Given the issues identified above, the simplification of the data requested under the "2006 Election Day Results" portion of the survey is strongly recommended. The following is suggested:

- A) Number of voters who participated in the election (include all voters who attended the polls including those voters who were issued a provisional ballot; all voters who returned an absentee ballot which was counted; and all voters who submitted a FWAB which was counted).
- B) Number of absentee ballots distributed to all voters.
- C) Of the absentee ballots distributed to all voters, the number distributed to 1) voters within the territorial limits of the United States and 2) voters outside of the territorial limits of the United States.
- D) Number of absentee ballots returned in time to be counted.
- E) Of the absentee ballots returned in time to be counted, the number returned by 1) voters within the territorial limits of the United States and 2) voters outside of the territorial limits of the United States.
- F) Number of absentee ballots which were rejected and not counted including those that were returned late.
- G) Of the absentee ballots which were rejected and not counted, the number



returned by 1) voters within the territorial limits of the United States and 2) voters outside of the territorial limits of the United States.

H) Number of provisional ballots issued to voters.

I) Of the number of provisional ballots which were issued to voters, the number which were counted and the number which were rejected and not counted.

J) Number of Federal Write-In Absentee Ballots (FWAB's) submitted by 1) domestic military voters and 2) overseas military and civilian voters.

K) Of the number of Federal Write-In Absentee Ballots (FWAB's) which were submitted, the number which were counted and the number which were not counted.

Thank you for extending the opportunity to comment on the proposed survey. Please do not hesitate to contact this office if you have any questions regarding our comments.

Best Regards,  
Bradley S. Wittman  
Director, Elections Liaison Division  
Michigan Department of State  
Bureau of Elections  
P.O. Box 20126  
Lansing, MI 48901-0726  
Phone: (517) 373-2540  
Fax: (517) 241-4785



"Nicole Trella"  
<ntrella@elections.state.md.us>

09/29/2006 04:06 PM

To lotero@eac.gov

cc

bcc

Subject FW: Comments on 2006 Draft Survey

---

**From:** Nicole Trella

**Sent:** Friday, September 29, 2006 1:09 PM

**To:** 'lotero@eac.gov'

**Subject:** Comments on 2006 Draft Survey

Please see attached comments.

Thanks,

Nikki Trella

Maryland State Board of Elections

410-269-2843

<<Comments to Proposed 2006 Elec Admin & Voting Survey.pdf>>



Comments to Proposed 2006 Elec Admin & Voting Survey.pdf

MARYLAND

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

Gilles W. Burger, Chairman  
Bobbie S. Mack, Vice Chairman  
Joan Beck  
Andrew Jezic  
A. Susan Widerman



Linda H. Lamone  
Administrator  
  
Ross Goldstein  
Deputy Administrator

September 29, 2006

**Via Electronic Mail Only**

Laiza N. Otero  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W. Suite 1100  
Washington DC 20005

Dear Ms. Otero:

Thank you for the opportunity to provide comment on the proposed 2006 Election Administration and Voting Survey. My comments relate only to the "2006 Election Day Results" portion of the draft survey.

Applying the proposed definitions of "early voting" and "absentee voting" to Maryland's absentee voting laws<sup>1</sup>, the State has "early voting" and does not have "absentee voting." As a result, we would not be required to submit the information requested under the "Absentee Ballots" section of the survey (i.e., the number of requested and not counted absentee ballots, the number of rejected absentee ballots and the reasons for the rejections, etc.). I assume that this is an unintended consequence of the definitions.

If early voting is generally considered "in person" voting and absentee voting is typically conducted "by mail," perhaps the distinction between the two terms could be based on those criteria, instead of whether eligibility requirements exist. Alternatively, a footnote or parenthetical comment could be added under the "Absentee Ballots" section that requires states with "early voting" that is conducted generally by mail to complete this section, even though the definition is not technically met.

Question 32 asks for a breakdown of the ballots cast and ballots counted for domestic military citizens, overseas military citizens, and overseas citizens. It is important to note that statistics for these categories of voters can only be provided if the voters voted by absentee ballot. A voter who falls into one of these categories, is in Maryland on Election Day, and wishes to vote in person at the polling place will be counted as "at the polls." To clarify that these voters voted by absentee ballot, the report could refer to these categories as "Domestic military citizen absentee ballots," "Overseas military citizen absentee ballots," and "Overseas civilian absentee ballots." These descriptions would be similar to the description of "Domestic civilian absentee ballots."

<sup>1</sup> During the 2005 Legislative Session, the Maryland General Assembly passed legislation repealing the eligibility requirements for a voter who wishes to vote by absentee ballot. Under the new law, *any* voter may request an absentee ballot.

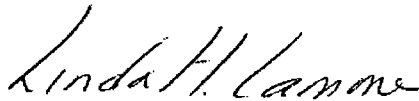
Letter to Ms. Otero  
Page 2  
September 29, 2006

Question 38 requests information about the number of Federal Write-In Absentee Ballots (FWABs) received. Question 36 requests the number of requested and rejected ("not counted") absentee ballots but specifically excludes FWABs. Question 40 is silent as to whether the reasons why any FWABs were rejected should be included, although the lack of responses specific to FWABs suggests that these ballots are not to be included. If Question 40 is **not** intended to report the rejection reasons for FWABs, there is no place to report the number of FWABs either counted or rejected. This will likely result in misleading absentee ballot statistics.<sup>2</sup>

To avoid this result, I suggest either: (1) including a separate question requesting the number of FWABs received, the number of FWABs rejected, and the reasons for the rejections; or (2) specifically including FWABs in Question 40. If the Election Assistance Commission includes a request for the number of rejected FWABs and the reasons why the ballots were rejected, rejection reasons specific to FWABs (i.e., "not registered" and "no ballot application on record") need to be included.<sup>3</sup>

Thank you again for the opportunity to comment on the proposed 2006 Election Administration and Voting Survey. If you have any questions about these comments, please contact Nikki Baines Trella at 410-269-2843.

Sincerely yours,



Linda H. Lamone  
State Administrator

---

<sup>2</sup> In responding to the 2004 Military and Overseas Absentee Ballot Survey, Maryland reported that the total number of absentee ballot returned was 9,538. As requested, this number did not include 1,768 FWABs received by local election officials in Maryland. We also reported that the total number of absentee ballots counted (including FWABs) was 10,205. By not including FWABs in the number of received absentee ballots, it looks like more absentee ballots were counted than were received.

<sup>3</sup> The Federal Voting Assistance Program's 2004 Post-Election Voting Survey of Local Election Officials included a specific question about the number of FWABs that were rejected and the reasons why the ballots were rejected. (See Question 8 of the survey.) Another rejection reason would be that the voter's State absentee ballot was voted and timely received.



"Mike McCarthy"  
<Mike.Mccarthy@state.mn.us  
>  
09/29/2006 04:28 PM

To "lotoero@eac.gov" <lotoero@eac.gov>  
cc "Jim Hansen" <Jim.Hansen@state.mn.us>, "Alberto  
Quintela" <Alberto.Quintela@state.mn.us>  
bcc  
Subject 2006 Election Administration and Voting Survey

Ms. Otero,

Please find enclosed the comments of Secretary Kiffmeyer regarding the 2006 Election Administration and Voting Survey.

Mike McCarthy  
Minnesota Secretary of State's Office

<<EAC Comment 09.29.06.doc>>

-----

NOTICE: E-mail correspondence to and from the Office of the Secretary of State of Minnesota may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties



EAC Comment 09.29.06.doc



MINNESOTA SECRETARY OF STATE OFFICE

Mary Kiffmeyer, Secretary of State

MEMORANDUM

Date: September 29, 2006

To: United States Elections Administration

From: Mary Kiffmeyer  
Minnesota Secretary of State

Re: Comments on Draft 2006 Election Administration and Voting Survey

First, as Minnesota Secretary of State, and on behalf of the State of Minnesota, I wish to commend the hard work of everyone who has contributed to developing the proposed Information Collection Activity.

I have provided comments on areas of the collection activity that I believe could benefit from revision. My hope is that you will find my commentary helpful, and that it will serve to enhance this activity. In response to the four questions presented, I make the following comments.

**(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;**

- Much of the information requested may have relevance for election administration. However, even though Minnesota has a well developed Statewide Voter Registration System, having had no notice that some of this information would be collected this election cycle means that some of this information has not been tracked in the past in a form which would provide an answer to the question.
- As examples, question (32) asks for a separate count of "Domestic Military Citizens," and "Overseas Military Citizens." Because the information requested on the Federal Post Card Application permits sending voting materials to a forwarding address, it is not always clear if a service member is overseas or not. In addition, question (36) asks for number of ballots "Not

Counted.” Ballots “Not Counted” is not defined. Does it include ballots mailed out, but returned as undeliverable or not returned at all, along with rejected ballots? The answer to this question, as it is written, may give a misleading result.

- Question (39) requests information as to the reasons for the rejection of domestic civilian absentee ballots which is beyond the specific information maintained by the local election official. The reasons for rejection are noted by this state but placed into fewer categories in the state registration system than the expectation of this question. With notice, this information can be categorized as requested, but it cannot be done after the fact.
- Although question (45) asks the number of polling places “that did not have the required number of poll workers” for the election, it seems implausible that answers to a question of this type, i.e., asking a local election jurisdiction to admit it did not comply with state law, will result in an accurate answer.
- Questions (41) and (42) are to the number of undervotes and overvotes reported. However, currently, this information is not tracked in the system and cannot be tracked without redoing part of the system. With notice, this can be done, but it will require a substantial systemic change in the state which cannot be accomplished on such short notice, and so close to the 2006 election.

**(b) the accuracy of the agency’s estimate of the burden of the proposed information collection;**

- I believe this estimate underestimates the cumulative burden of the proposed information collection on all levels of election officials. Some of the information proposed to be collected has not been required to be tracked in the past so it may be unavailable. In addition, NVRA reporting requirements are now being placed upon all states as required reporting with this proposal, with no notice being given so states and local jurisdictions could begin collecting this information in a timely manner. In fact, as some of these requirements may increase election administration costs or conflict with current state statutory requirements; it may be necessary to amend current statutes to become consistent with these revised reporting requirements.
- In particular, proposed questions (25), (26), and (28) are not consistent with current state statutes and would place a heavy burden upon local election officials to research the answer.
- In addition, this state permits precincts to have combined polling places which would not readily appear in the Statewide Voter Registration System; so this total would have to be manually prepared this election cycle. If we had notice

that this information would be requested; the data could be entered into the system as part of routine data entry in the future.

**(c) ways to enhance the quality, utility, and clarity of the information to be collected; and**

- Provide longer notice of information which is to be sought so that systemic changes can be made prior to the request for the information.
- Permit states that do not come under the NVRA the option to respond to a question that information only required under the NVRA was not collected in that state, if that was the case, and waive the reporting requirement for that question at least until the succeeding election cycle. Those states can then begin collecting that information for the next reporting cycle.

**(d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.**

- Due to the close proximity of the 2006 election to the time when the proposed information collection activity was released for comment, the burden on respondents is significantly increased because not all of the information has been previously sought, nor collected. Consequently, when this collection activity is finalized, it will be too late for some of the information to be collected from voters by local election officials, placing an undue burden upon them for providing this information. This will be particularly burdensome on local offices with smaller staffs.
- Automated collection techniques, when coordinated with the information maintained in state registration systems, will enhance this process, and will relieve the burden on all officials affected.

**CONCLUSION**

On behalf of the State of Minnesota, as well as the citizens of the United States of America, I would like to thank the Elections Assistance Commission for allowing me to comment on the proposed Information Collection Activity. Your assistance in this process is to be commended. The integrity of not only our elections process, but that of our democracy is contingent upon setting forth standards that are based upon reliable information. This should be taken as an opportunity to bolster a system that will stand strong for generations to come. With that said, thank you for putting this process into motion, and I wish the Election Assistance Commission much success in these, and all future efforts.





"Scott Novakowski"  
<snovakowski@demos.org>  
09/29/2006 04:20 PM

To lotero@eac.gov  
cc  
bcc  
Subject Comments on Notice of Information Collection Activity;  
Proposed Information Collection; Comment Request

Dear Ms. Otero,

I attach a cover letter and comments regarding Notice of Information Collection Activity; Proposed Information Collection; Comment Request published at 71 *Fed. Reg.* 43477 (August 1, 2006). Do not hesitate to contact me with any questions.

Sincerely,

Scott Novakowski

**Scott Novakowski**

Policy Analyst

Demos: A Network for Ideas and Action

220 5th Avenue, 5th Floor

New York, NY 10001

Phone: 212-389-1415

Fax: 212-633-2015

Email: [snovakowski@demos.org](mailto:snovakowski@demos.org)

<http://www.demos.org>

Visit Demos' redesigned, web-based e-journal *Democracy Dispatches* for a daily news-feed on democracy-related issues, a blog analyzing current trends, and in-depth commentary.



EAC Cover Letter.pdf



EAC Survey Comments - FINAL.pdf

# Dēmos

A NETWORK FOR IDEAS & ACTION

September 29, 2006

*VIA E-MAIL*


Ms. Laiza N. Otero  
U.S. Election Assistance Commission  
1225 New York Avenue NW, Suite 1100  
Washington, DC 20005

Re: Notice of Information Collection Activity; Proposed Information Collection;  
Comment Request

Dear Ms. Otero:

Demos welcomes the opportunity to submit comments in response to the Notice of Information Collection Activity; Proposed Information Collection; Comment Request. The notice was published at 71 *Fed. Reg.* 43477 (August 1, 2006).

Respectfully Submitted,



Scott C. Novakowski  
Policy Analyst  
Demos: A Network for Ideas & Action  
220 5<sup>th</sup> Avenue, 5<sup>th</sup> Floor  
New York, NY 10001

Attachment

## Before the U.S. Election Assistance Commission

### Notice of Information Collection Activity; Proposed Information Collection; Comment Request

#### Comments provided by Demos: A Network for Ideas & Action

##### I. Introduction

Demos: A Network for Ideas & Action submits these comments in response to the Election Assistance Commission's Notice of Information Collection Activity; Proposed Information Collection; Comment Request published at 71 *Fed. Reg.* 43477 (August 1, 2006). Demos is a non-profit, non-partisan think tank and advocacy center dedicated to helping America achieve its highest democratic ideals. Demos' primary interest in the EAC's Election Administration and Voting Survey is to create a survey instrument that accurately collects much-needed and usable data on elections.

Demos has a strong record of producing high quality research and conducting advocacy campaigns around several of the topics covered on the proposed survey. Through the NVRA Implementation Project, a collaboration to improve states' compliance with the public assistance provisions of the National Voter Registration Act, Demos has made extensive use of the EAC's (previously the Federal Election Commission's) biennial report on the impact of the NVRA. Demos also has assumed leadership in the national debate on Election Day registration, published several reports and mounted advocacy campaigns on felony disfranchisement and published *Placebo Ballots: Will "Fail-safe" Voting Fail?*, one of the first reports to address HAVA's provisional ballot requirement. Additionally, Demos staff members have had significant graduate-level instruction and experience in survey construction. This work puts Demos in a unique position to speak to the types of data needed for the understanding of the electoral issues sought by the survey.

We offer the following recommendations with the hope that the EAC can further develop its role as a centralized clearinghouse for election-related data.

##### II. Data Gathered with Respect to the National Voter Registration Act

###### A. Additional Information Required

The EAC has the responsibility to administer a survey on the impact of the National Voter Registration Act. With respect to public assistance agencies, the current survey gathers the basic information, i.e. the number of registrations received from public assistance offices. However, additional information is necessary for more than a surface understanding of this voter registration activity. Collection of this additional information would greatly advance the survey's purpose to ascertain the impact of the law.

Specifically, we encourage the EAC to request the following additional information:

- The number of applications, recertifications, and changes of address processed by public assistance agencies;
- How often a recipient of public assistance is required to recertify or renew her benefits;
- The percentage (or raw number) of agency interactions that are conducted via telephone, mail, or internet;
- The individual public assistance programs (e.g. Food Stamps, Medicaid, TANF) administered by each office designated as a public assistance agency; and
- The number of completed voter registration applications submitted by *each* public assistance office or agency.

The current survey does not provide us with the information necessary to contextualize the raw number of applications. We recommend that the survey ask for the number of applications, recertifications, and changes of address processed by each public assistance agency – a figure that represents the total number of transactions in which voter registration should have been offered under the NVRA.<sup>1</sup>

Raw numbers can be misleading without this information. For example, assume that a state registered 10 individuals in its public assistance offices. If that office only had 11 client interactions requiring an offer of voter registration services, it did a fantastic job. However, if 100,000 individuals completed NVRA-covered transactions, registering only 10 of these individuals may be indicative of a serious failure to implement the law. Furthermore, it is wholly possible that as office traffic rises faster than the number of applications completed, an increase in the raw number of applications is actually accompanied by a decrease in the percentage of clients completing voter registration applications.

In order to most accurately gauge an agency's NVRA-covered traffic flow, two additional pieces of information would be quite helpful. It is important to know what percentage (or the raw number) of an agency's interactions are conducted via telephone, mail, or Internet. While some states require voter registration to be offered to clients interacting remotely, many do not. Additionally, information on how often a recipient is required to renew or recertify benefits will be useful in understanding how many times a single recipient is offered the opportunity to register.

Collecting the above information relating to office traffic is not likely to place an undue burden on public assistance agencies. We know that the federal government already requires agencies to track much of this information for the Food Stamp program and we suspect that it may be tracked for Medicaid and WIC as well. Even if Food Stamps was the only program for which this data were available, its traffic flow could serve as a proxy measurement for general public assistance use.

---

<sup>1</sup> This information is different than agency caseload, a number that does not capture recertifications, changes of address or initial applicants who were denied benefits but who are still required to be offered the opportunity for voter registration upon application. Nevertheless, caseload data would be preferable (as an indicator of covered transactions) to nothing.

Finally, we urge the EAC to seek two additional pieces of information to ensure that voter registration services are being offered at public assistance agencies: (1) identification of individual programs (e.g. Food Stamps, Medicaid, TANF) administered by each office designated as a voter registration agency; and (2) the number of completed voter registration forms submitted by *each* public assistance agency or office. Collecting such information would help ensure that all covered programs are offering voter registration and facilitate identifying offices that may be having difficulties or are especially successful in implementing the law.

#### B. Existing Questions

Drawing on our knowledge of effective surveying, we offer the following additional comments about the survey's format and language used in questions relating to the National Voter Registration Act.

**Question 6** asks for the number of registration applications received from or generated by several categories of designated voter registration agencies including "All public assistance agencies that are mandated as registration sites under the NVRA." **Question 11** asks elections officials to identify "each and every" state "office or agency" that is designated as a voter registration agency.

We recommend moving Question 11 toward the beginning of the survey so that it appears before Question 6, as it did in the survey instrument used in the previous EAC report. This proposed ordering will require officials to list relevant NVRA agencies *before* tallying the total number of applications received from such agencies.

In addition, the format of the list of categories that follows Question 11 looks more like a multiple-choice check-off than a template for a listing of designated agencies. The current placement of the question next to others in which similarly formatted answer templates actually *are* multiple choice check-offs adds to the assumption that Question 11 should be answered similarly. We suggest that the answer to this question be reformatted to make clear to respondents that they need to list all agencies for each category listed.

Finally, the request for a listing of "each and every state and local government *office or agency* designated as a voter registration agency" in **Question 11** is vague and subject to multiple interpretations. For example, a respondent could list the name and address of each *office* (meaning the physical building) that is designated as a voter registration agency. Alternately, a respondent could simply list "Department of Social Services," meaning the abstract *agency* with multiple physical *office* locations that administer assistance. In order to maximize the usefulness of the survey, we recommend that respondents list the overarching agencies designated as providing public assistance (i.e. Department of Social Services) as well as the address of each physical office building at which registration is conducted.

**Question 7** asks for the "Total number statewide and by county/local jurisdiction of registration applications identified in response to Question 6 [regarding different designated

voter registration agencies] that were: Duplicates of other valid voter registrations; Changes of address, name, or party; or Invalid or rejected (other than duplicates).”

From the wording and context of Question 7, it is not clear if the category for “Changes of address, name, or party” is meant to include all such changes or only those making these changes within their local jurisdiction. Since Question 8 (asking for the number of new, valid registrations) specifies that name, address changes, and changes of party within the local jurisdiction are *not* to be counted as “new, valid registrations,” it seems that a voter changing an address *outside* of their jurisdiction would be counted as “new” under Question 8 rather than a change of address under Question 7. If this is the case, Question 7 of the survey should clarify that respondents should report only the number of address, name, or party changes within the local jurisdiction.

Without this clarification, it is entirely possible that the same application might be counted in more than one category, e.g. a change of address outside the local jurisdiction might be counted as both a new registration and also a name, address, and party change. The possibility of this double-counting will reduce the value of the data collected. Furthermore, this ambiguity may lead to different interpretations in different states, hindering meaningful cross-state comparisons.

**Question 12** inquires about the voter registration training provided to employees of designated voter registration agencies. The proposed multiple choice answers are helpful in that respondents must clearly state the level of training that is provided. For the second answer listed (stating that the office conducts training for “some, but not all” agencies), we recommend inserting a follow-up question asking for which agencies training is provided. A common theme in the NVRA Implementation Project’s work in public assistance agencies is that front line agency workers are not provided adequate training on voter registration procedures. A question asking to whom training is provided would be helpful in understanding why a state may or may not be successful in implementing the NVRA.

### **III. Data Gathered with Respect to Election Day Registration**

As registration deadlines may pose a barrier to a significant number of citizens who wish to cast a ballot, it is important for policy reasons that we have an accurate count of the number of citizens who utilize policies allowing them to register and cast a ballot on the same day.

**Question 2** asks for the total number of persons in each county/jurisdiction who registered to vote on Election Day. The survey states this question is “Only applicable to states with Election Day registration (Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming).” We suggest that Montana be included among the list of states to answer this question. In 2005, Montana passed a law allowing its citizens to register and vote on Election Day at the county election administrator’s office. *See* Mont. Code Ann. § 13-2-304 (effective July 1, 2006). This law will be fully implemented in the November 7, 2006 General Election. A comprehensive count of the number of citizens who utilize Election Day registration should include the number of voters in Montana who register and vote on Election Day.

In addition, several states, including five states that have Election Day registration, also allow what we have termed “same day registration.” Under this system a citizen may register to vote and cast a ballot on the same day during periods of early voting. To further gain an understanding of how many voters register and vote in the same day, it would be helpful to add the following question:

“If your state allows early voting, how many citizens registered to vote and cast a ballot on the same day during the period of early voting?”

#### **IV. Data Gathered with Respect to Felon Disfranchisement**

Felon disfranchisement laws are often complicated and a recent study<sup>2</sup> indicates many elections officials themselves do not completely understand the laws. We are concerned that the wording of the series of questions relating to felon disfranchisement will cause more confusion among those completing the survey and those utilizing its results. Our comments and recommendations to avoid such confusion follow below.

**Are the following classes of persons eligible to vote?**

**A1) Those who have been convicted of a felony?**

- Yes**
- No**

A simple “yes” or “no” response to this question cannot accurately capture most states’ laws. “Those . . . convicted of a felony” is a “class of persons” that may include both those able and unable to vote within a single state.

In New York, for example, only those incarcerated or on parole for a felony conviction are barred from voting. Those on probation, even if for a felony conviction, remain eligible to vote. Those “convicted of a felony” who have completed their sentence of incarceration also *can* vote. So how should a New York official answer this question? Answering “yes” (as would seem to be required since a certain number of those convicted of a felony can vote) would void Question A2, which we do not believe is the intention of the Commission nor the best way to ascertain information about a state’s felon disfranchisement practices.

A recent study<sup>3</sup> has documented a widespread belief in affected communities in several states (including New York) that a felony conviction permanently bars an individual from voting even when that is not the case. We fear that the inclusion of this question will further perpetuate

---

<sup>2</sup> See “Boards of Elections Continue Illegally to Disfranchise Voters with Felony Convictions” (2006) by the Brennan Center for Justice at the NYU School of Law and Demos: A Network for Ideas & Action, available at <http://www.demos.org/pubs/NYSurveyReport031506.pdf>.

<sup>3</sup> See “Studies of Voting Behavior and Felony Disenfranchisement Among Individuals in the Criminal Justice System in New York, Connecticut, and Ohio” (2005) by Ernest Drucker and Ricardo Barreras, available at <http://www.sentencingproject.org/pdfs/drucker.barreras.pdf>.

misinformation about felon voting laws. We recommend alternative language for the question, which we have provided at the end of this section.

**A2) If “No”, are they eligible to register or re-register upon pardon, issuance of certificate of eligibility, or restoration of their Civil Rights?**

As with A1, the phrasing of this question does not capture the nuances of state felon disenfranchisement laws. As a result, different respondents are likely to interpret questions differently, thereby reducing meaningful use of the survey results.

First, the question refers to the “restoration of Civil Rights” but, in many states, restoration of *civil* rights is much different than, and not necessarily connected to, restoration of *voting* rights. In New York, for example, a felon’s voting rights are automatically restored upon completion of the sentence of incarceration or discharge from parole, whereas restoration of civil rights would be applied for at a later time. At least in the case of New York, asking about restoration of civil rights does not seem to make much sense.

Similarly, there is a good deal of variation among state laws on certificates of eligibility and other similar certificates that the survey’s language does not capture. Using New York as an example once more, those on parole can apply for a Certificate of Relief from Disabilities, which would allow them to vote while still on parole. This is much different than a policy that requires application for a certificate of relief after completion of the individual’s entire sentence.

Finally, the inclusion of pardon, issuance of certificate of eligibility, and restoration of Civil Rights together does not provide any valuable information when presented as a “yes” or “no” question. A pardon, which is generally granted by a governor, is much different from a certificate of eligibility in which an individual must often navigate a complex set of bureaucratic procedures to obtain. Finally, in a state like New York, asking about restoration of civil rights is largely meaningless, as a felon would likely have finished serving her sentence (and thus have had her voting rights automatically restored) prior to applying for restoration of civil rights.

The remainder of the questions regarding felony disenfranchisement laws is also confusing. We propose the following clearer and more user-friendly set of questions:

- Does your state currently disenfranchise:
  - Individuals who are currently incarcerated for a felony conviction? Yes No
  - Those currently on parole for a felony conviction? Yes No
  - Those currently on probation for a felony conviction? Yes No
- Can an individual disenfranchised for a felony conviction ever regain the right to vote? Yes No
  - If yes, what are the requirements for voting rights restoration?
    - Completion of sentence of incarceration
    - Discharge from parole and/or probation
    - A pardon
    - Other \_\_\_\_\_



- Does an individual disfranchised due to a felony conviction have to pay all fines, fees, and/or child support prior to having her or his voting rights restored?
- Does an individual whose voting rights have been restored have to produce documentation of her status when registering to vote?
- Who notifies elections officials to remove an individual from the voting rolls due to a felony conviction?
- If applicable, are elections officials notified when an individual convicted of a felony is once again eligible to vote?
  - If yes, how are elections officials notified of this change in eligibility?

## V. Data Gathered With Respect to Provisional Ballots

According to the EAC, in the 2004 election, elections officials ultimately rejected over half a million provisional ballots. To date, we know very little about why so many provisional ballots were rejected. There has been no systematic analysis of the specific reasons why provisional ballots were not counted. It is essential that this information be compiled to allow clear insight into the effectiveness of provisional ballots.

While it is a significant improvement to ask respondents for the number of rejected ballots categorized by the reason for rejection, rather than asking for the five most frequent reasons why a ballot was rejected (as was done on the previous survey), the response categories proposed under **Question 35** are not mutually exclusive. A fundamental principle in creating survey questions of this sort is that each response should fit into one, and only one, category. Here it is possible for the same provisional ballot to be accurately counted in multiple categories. For example, it is not clear what the difference is between the categories labeled “Name missing from voter list” and “Not registered.” If a person’s name were missing from the voter list, it would also follow that the same person could also be considered to be “not registered.” In another case, if someone does not produce ID at the polls and fails to return with ID within 24 hours, do they belong in the category of “No identification provided” or “Non-appearance within 24 hours”? Also, some states may allow a voter longer than 24 hours to appear with ID. Such ambiguity will make it difficult to create meaningful cross-state comparisons.

Finally, we are doubtful that some of the categories listed are indeed reasons to lawfully reject a provisional ballot. For example, can a provisional ballot be rejected because the voter is a “First time voter registration on Election Day”? In such an instance, the ballot would likely be rejected because the registrant did not have the proper ID to register at the polls on Election Day and was not able to subsequently provide adequate ID, rather than simply because the voter registered for the first time on Election Day. Another suspect category is that of “Elector challenged.” An elector being challenged would be a reason to cast a provisional ballot, not to have that ballot rejected.

## VI. Conclusion

Demos is encouraged by the EAC’s dedication to becoming a national clearinghouse on election data. We applaud the Commission’s efforts in combining and revising its various

survey instruments in a manner that captures accurate information. We urge the EAC to adopt our suggestions to clarify the questions asked of elections officials and to provide the data necessary to accurately evaluate and improve our electoral system.



"Neal McBurnett"  
<neal@bcn.boulder.co.us>  
09/30/2006 01:30 AM

To "Laiza Otero" <lotoero@eac.gov>  
cc  
bcc

Subject Comment on EAC's 2006 Election Information and Voting  
survey

This comment is submitted in response to the request in the Federal Register, Document 06-6602

[http://eac.gov/eav\\_survey.asp](http://eac.gov/eav_survey.asp)

Questions about audits are completely missing from the proposed 2006 Election Information and Voting survey. Audits are critical to the security of elections and voter confidence, and insights and feedback on current audit practice is sorely needed so they can be improved.

The following information, at a minimum, should be provided for each county or other voting jurisdiction.

- 1) Was a post-election audit of election results performed?
- 2) How many electronic voting devices were used in the election?
- 3) How many electronic voting devices were audited?
- 4) Were all contests per device audited, or just some of them? How many?
- 5) How many problems or issues arose during the audits?
- 6) How were the issues resolved?
- 7) Was your audit designed to help also detect problems with your central tally equipment?

More information on problems with current audit procedures is available at

<http://www.coloradovoter.net/moin.cgi/ManualCountAudit>

Thank you,

Neal McBurnett

<http://mcburnett.org/neal/>