

NACRC Election Roundtable Discussion

*Moderator: Linda Lunceford, Weber County Clerk/Auditor, Weber County, Utah
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Linda Lunceford initiated a discussion on the Help America Vote Act with an overview of the provisions mandated under the federal election reform bill covering voter identification requirements, provisional voting, voting system standards, and adoption of statewide voter registration maintenance programs. After reviewing the federal mandates, the discussion was opened up to the attendees to discuss these same topics starting with provisional voting:

The initial discussion began with provisional voting and the approaches taken by the jurisdictions in attendance. A brief poll of those in attendance revealed that the majority of jurisdictions currently possess provisional voting while others such as the State of Nebraska and Texas possessed conditional or affidavit voting until 2002 for Nebraska with Texas unveiling the new procedure in 2004. While those jurisdictions currently possessing provisional voting feel that provisional voting is a positive feature, the burden on election officials centers on the official canvass period after an election and processing provisional voters within the period between Election Day and the official canvass. The State of Colorado ran into problems with the implementation of the provisional voting as it is provided for those voters who have not returned their absentee ballots. Of those states in attendance, the period for reviewing provisional votes varies with California providing 29 days and others providing for a period of 7 days. The challenge for states and local jurisdictions will be with shaping the review procedures covering provisional voters to accommodate a quick and reliable review of the provisional votes as well as how each state defines jurisdiction as provided under the HAVA. Some states have defined "jurisdiction" at the county level while others have defined the same as the voting precinct. The overall difference will impact the tabulation of individual ballots with the counting of votes cast by a provisional voter for district and higher offices; whereas, other states will disqualify a provisional voter if the vote is cast in the wrong voting precinct regardless of the district, state, or federal offices the voter qualifies for. Oregon and Washington (state) have eight days to review provisional ballots and finish circulating provisional votes from county to county for final tabulation. The general consensus from those jurisdictions currently possessing provisional voting is that less than one percent of the provisional voters are disqualified. David Orr, Cook County Clerk (IL), raised the question of whether it would be best to process those provisional votes cast in close races first for immediate release followed by those provisional votes cast in races possessing wider voter margins. *Will the statewide voter registration lists reduce the amount of disqualified provisional votes even further or will less than one percent remain the norm?*

The next major topic of interest centered on voting system standards and addressing the growing debate on verifiable paper trails issued at the time a voter votes on an electronic voting system. Illinois has passed legislation covering this topic with the general intent of requiring individual paper receipts in a DRE voting system. Other states, such as TX

are maintaining the acceptance of an electronic version as an acceptable audit trail. Representatives from New Mexico cited past problems with lever machines, which issued paper receipts, based on printers malfunctioning and the lack of consistent reliability of paper receipts to provide a legible account of the votes cast on the machines. Harris County, Texas brought up the concern over the general merit of the discussions on the audit trail issue, by focusing on the possibility that DREs represent a paradigm shift in voting systems and the logic applied by the critics of DRE systems fail to take into account that the paper receipts themselves could be subject to manipulation based on the principles applied by the critics citing “hidden codes” and malicious intent of software programmers. Manipulators of electronic voting systems could, based on the same logic applied by the critics, ensure that the vote margin would be outside the standard vote margins triggering an automatic recount. A featured handout from the League of Women Voters has put this organization on record as balancing the conflicting federal mandates between accessibility for the disabled and the use of electronic voting system does not necessitate the incorporation of voter verifiable paper receipts due to the fact that disabled voters would be unable to review their paper receipts independently. In summary, the general consensus is that safeguards have to be established in the use of DRE voting systems to maintain the integrity of the election process, but the discussions will continue on what the best method will be for doing so.