Next Steps on Election Reform

REPORT ON A FORUM SPONSORED BY:
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On March 3–4, 2005, approximately 40 people from state and local government, advocacy organizations, academic institutions, the news media and the U.S. Election Assistance Commission (EAC) gathered for a forum in Chantilly, Virginia, to discuss the 2004 election and the next steps on election reform.

An obvious focus of the group's discussions was the Help America Vote Act (HAVA) of 2002. Where there were disagreements among the forum participants, they tended to revolve around legal requirements in areas from provisional voting to the design of statewide voter registration databases.

However, there was wide agreement on an array of other issues – management issues – at the heart of America's efforts to improve elections.

We need more resources and steady funding for elections in this country. We need to professionalize elections management. We need to ramp up research and development on voting technologies and processes.

And we need to instill a service focus into elections. In the view of the League of Women Voters, these issues present an opportunity for progress – an opportunity to build on the foundation provided by HAVA and to make elections work for the voter.

This report captures some of the comments and discussion during the forum. We publish it in the hope that it will bring the forum's content to a wider audience and draw added attention to what America can and must do to deliver on the promise of free and fair elections.

Kay J. Maxwell, President
League of Women Voters of the United States

WHERE ARE WE NOW: RECAPPING ELECTION 2004. Long lines were a symptom of deeper problems that demand innovative thinking and greater resources at all levels.

SUMMARY: 2004 was an election best remembered because of the lines. In polling places across the country, a combination of higher turnout, poor planning and management problems resulted in long lines and extensive waits for Americans seeking to exercise their most fundamental democratic right. However, while the media and much of the public were focused on the lines and the inconveniences they caused, many other problems were bubbling up from below. Participants in the forum said that solutions will come only when federal and state governments provide resources and standards to ensure efficiency and fairness for all.

The 2000 election was infamous for introducing Americans to hanging chads, butterfly ballots and other arcane matters of election administration. It was an election that exposed deep flaws in the system and that spurred lawmakers to pass the Help America Vote Act (HAVA) of 2002.

In 2004, by contrast, the mechanics of voting and counting ballots did not receive anywhere near the same level of attention they received in 2000. Did the relative lack of conflict and controversy in 2004 mean the system worked markedly better this time around? Participants in the forum responded with a resounding "No."

"The real test of a voting system is how it does when there is a close race."

–Edward Foley

"The real test of a voting system is how it does when there is a close race," observed Edward Foley of the Moritz College of Law at The Ohio State University. "Had the 2004 presidential election been closer, it would have exposed that the system remains perilously inadequate to the task."

All that distinguished the 2004 election from the 2000 contest, according to Doug Chapin, director of electionline.org, was that "the margin of victory exceeded the margin of litigation."

Participants cited a number of serious problems that emerged during the 2004 election – problems that disenfranchised significant numbers of Americans while underscoring an array of shortcomings and failures in the system.

PROVISIONAL BALLOTS AND REGISTRATION PROBLEMS

A new development in 2004 that was intended to enfranchise more voters was the advent of provisional ballots. Required under HAVA, provisional voting enabled people to cast a special ballot in instances when their names did not appear on voter registration lists, or when there were other questions regarding voter eligibility. Election officials then could check the eligibility of these voters later.

Provisional voting enabled 1.6 million people to cast ballots; 1.1 million of these ballots were counted according to electionline.org. This was recognized by forum participants as a significant success. But participants also expressed frustration with the widely varying procedures states used to determine whether to count provisional ballots. Many also noted that the large number of provisional ballots cast in 2004 is a clear sign that America's voter registration system is in dire need of repair. (For more on the provisional ballot issue, see pages 5-6.)

Barbara Arnwine, executive director of the Lawyers' Committee for Civil Rights Under Law, noted that registration-related issues were the most commonly cited problem in a database of voter complaints maintained by the Election Protection Coalition. People showed up at the polls thinking they had registered, but poll workers told them they were not on the rolls.

Voter registration processes used by many states and localities are unreliable, error-prone and overly burdensome, according to some participants in the forum. For example, HAVA required that federal mail-in registration forms include "check boxes" where registrants could affirm that they are American citizens and are 18 years old. In instances when registrants did not fill in the box, forum participants pointed out that many election officials rejected the applications outright rather than doing what the law required: notifying these people so they could correctly complete their forms before the election.

Another group of voters whom the system failed in 2004 were the many who filed requests for absentee ballots but received them late or not at all. When these voters showed up at the polls because they could not vote absentee, their names did not appear on the rolls as eligible Election Day voters, and they were either turned away or forced to cast a provisional ballot.

Arnwine estimated that hundreds of thousands of voters were disenfranchised because of problems with absentee ballots. "Issues such as this – simple issues of how we process registrations and absentee ballots – have a real impact on the integrity of the system, and we need to do a better job," she said.

POLLING PLACE PROBLEMS AND THE NEED FOR MORE RESOURCES

Yet another set of problems raised by the group concerned polling place operations. According to Doug Lewis, executive director of the Election Center, the U.S. election system relies on 1.4 million poll workers in 200,000 polling sites across the country. Election Day problems grow rapidly in many areas because there is inadequate staffing, lack of sufficient training for poll workers and an impaired ability to supervise all locations and all personnel.

"We put those 1.4 million people out there with just one to three hours of training," Lewis said. "Unless we rethink this process altogether and transform how we do things, we are going to be stuck with situations where these problems continue to happen."

FORUM PANELS

WHERE ARE WE NOW: RECAPPING ELECTION 2004
What was the experience of the 2004 election? Did this election run more smoothly than 2000? Was HAVA implemented as expected and did it mitigate problems?

SPEAKERS: Kay J. Maxwell (moderator), Rebecca Vigil-Giron, Thomas Mann, Barbara Arnwine and Jim Drinkard

PROVISIONAL BALLOTING: CASTING AND COUNTING
Did provisional ballot requirements work to improve voter enfranchisement? How and whose were counted in 2004? What will be the relationship with statewide databases?

SPEAKERS: Doug Chapin (moderator), Ray Martinez, Miles Rapoport, Edward Foley and Judith Browne

STATEWIDE REGISTRATION LISTS: THE NEXT BIG ISSUE
Will the states be ready for 2006? What are some of the biggest hurdles (e.g. connectivity, inter-agency cooperation, compatibility of IT systems within the state, funding)? How will states deal with list maintenance and matching?

SPEAKERS: Paul DeGregorio (moderator), Sarah Ball Johnson, James Dickson, Kurt Bellman and Joanne Wright

FROM THEORY TO PRACTICE: POLLING PLACE OPERATIONS
Are polling place operations the key to voter enfranchisement? What are the best polling place procedures? What are the best practices for poll worker recruitment and training?

SPEAKERS: Doug Lewis (moderator), Larry Gonzalez, Scott Doyle and Wendy Noren

VOTING TECHNOLOGIES: TODAY AND TOMORROW
With the 2006 deadline approaching, how is modernization proceeding? How will new technologies affect access for those with disabilities and limited English proficiency? How best can second-chance voting be assured? How can reliable audits/recounts be assured?

SPEAKERS: Eric Fischer (moderator), Ted Selker, Terry Ao and Merle King

LOOKING AHEAD
What are the most important issues moving forward? What other issues are on the horizon? What are the next steps for those concerned about these issues?

SPEAKERS: Kay J. Maxwell (moderator), Trey Grayson and Michael Vu

Participants in the forum agreed with Lewis that overworked, undertrained poll workers no doubt contributed to a number of problems on Election Day 2004. During a discussion of polling place operations (see pages 9-10), participants discussed new and innovative approaches to poll worker recruitment and training that could help ease the Election Day crunch. But many remarked that inadequate staffing is a symptom of a much larger problem: the lack of resources to run elections properly.

"If people are concerned about the long lines, then we have to do something so we can get state and local government to spend more on equipment and poll workers," said Doug Lewis. "We have to change the political will so people see that elections are important enough to fund. And we may need to redesign the process so we reduce our needs and better manage limited resources."

Others pointed out that the problem of insufficient resources has a disproportionate impact on low-income and minority communities. The combination of long lines, a lack of machines and registration-related problems in many urban communities reinforces perceptions that the system is stacked against minority voters, according to Larry Gonzalez of the National Association of Latino Elected and Appointed Officials (NALEO).

NEXT STEPS: "REAL MONEY" AND STANDARDS

Looking ahead, forum participants said that providing sufficient resources to administer elections must be a priority for policymakers at all levels of government. "We are going to have to put real money into our elections in the same way that we would put real money into addressing any other serious national problem," said Miles Rapoport, president of Dēmos.

Many also argued for clearer standards from the federal government to bring more uniformity to what Rapoport called a "crazy quilt" of regulations and election administration.

Noting that the 2006 election is already close at hand, Kay J. Maxwell, president of the League of Women Voters, said, "Clearly, we still have a great deal to do to make this process work for the voter."

Assessing the Impact of the Help America Vote Act (HAVA)

The 2004 federal election was the first since the enactment of the Help America Vote Act. According to forum participants, the law had a modest impact on how things went in 2004 — "It is only beginning to play out," said Thomas Mann of The Brookings Institution. Significantly, many major components of the law, including statewide voter registration databases, have yet to be implemented (see pages 7-8 for more).

New Mexico's Secretary of State, Rebecca Vigil-Giron, noted that HAVA contributed to a number of important advances in her state in 2004, including enhanced voter education, and that the law will be "an immense asset in reaching language equity" for non-English-speaking voters. "Because of HAVA, we have a solid foundation to build on," Vigil-Giron said.

Vigil-Giron and others noted, however, that HAVA's full power as a lever for reform was not exercised in advance of the 2004 election. The U.S. Election Assistance Commission (EAC), which was created under HAVA, was credited by many participants with providing helpful guidance to the states on some issues. But the EAC was not "up and running" until well into the 2004 election cycle. In addition, the very nature of the commission as an entity without enforcement powers may pose a challenge.

"Unless we have more authority for the commission and expand its ability to monitor and enforce more uniformity in the voting process, we will continue to run into problems," said Barbara Arnwine of the Lawyers' Committee for Civil Rights Under Law. ■

PROVISIONAL BALLOTING: CASTING AND COUNTING. "Failsafe" voting reveals cracks in the voter registration system.

SUMMARY: Forum participants expressed the belief that provisional ballots are an important innovation in election administration – in 2004, more than 1.6 million people cast provisional ballots instead of being turned away at the polls. However, the procedures and standards that states used to qualify and count these ballots varied widely. In addition, the fact that so many people had to cast provisional ballots, presumably because their names could not be found on the voter rolls, highlights deeper flaws in the voter registration system.

Because of provisional ballots, hundreds of thousands of Americans who might otherwise have been turned away at the polls got a chance to cast a vote in the 2004 election. Of 1.6 million provisional ballots cast, 1.1 million were counted, according to research by electionline.org.

"If the question is whether provisional voting improved voter enfranchisement, the answer is it most certainly did," said Ray Martinez, commissioner of the U.S. Election Assistance Commission.

Added Doug Chapin of electionline.org: "If we achieved nothing else, we ensured that no voter walked away on Election Day without being able to cast a provisional ballot."

DISPARITIES IN STATE PROCEDURES

Provisional voting, however, failed to live up to its full promise because of wide differences in state procedures for determining which voters received provisional ballots and, after the election, which voters' ballots were eligible to be counted.

"In 2004, we saw huge disparity in the application of provisional voting," Martinez said. "The kind of guidance states provided to local jurisdictions on how to distribute and count provisional ballots was mixed."

The disparity in state and local practices was evident in electionline.org figures showing that some states counted as few as six percent of the provisional ballots cast. During the forum, Judith Browne of the Advancement Project reminded the group of President Bush's statement upon signing HAVA that provisional ballots guarantee that voters should not be "turned away" at the polls.

Browne and others noted that there is not much difference between being turned away and having your vote go uncounted. Miles Rapoport called uncounted provisional ballots "placebo ballots." Browne added that the issue spotlighted one of many "empty promises behind HAVA."

One issue behind the controversy over the counting of provisional ballots is whether to count ballots that have been cast in a precinct other than the one to which the voter is assigned. Jim Dickson of the American Association of People with Disabilities said his group supports counting all votes that a voter is eligible to cast, regardless of where he or she votes. It is not unusual, he pointed out, for polling places to change at the last minute – new polling places have been announced as late as election eve. Provisional voting, Dickson suggested, ought to be viewed as a way for people to have their votes counted in the event of confusion about the location of their assigned precinct. According to HAVA, he said, the decision about whether or not to count a provisional ballot should be based on the voter's eligibility, not where he or she votes.

In many states, however, the combination of confusion about the rules and strict guidelines handed down by state officials meant that significant numbers of provisional ballots went uncounted. According to Browne, the Advancement Project in partnership with the Brennan Center has initiated a number of lawsuits against states that applied a too-narrow definition of which provisional ballots to count.

Looking ahead, forum participants suggested that the EAC is going to have to get involved in clearing things up. Commissioner Martinez agreed. "We need to encourage states toward greater clarity and uniform

"In 2004, we saw huge disparity in the application of provisional voting."

–Ray Martinez

procedural standards within each state on how to implement provisional voting, and do so well before an election cycle," he said.

Martinez also talked about the importance of educating the public about provisional ballots. Voters, he suggested, need to understand their rights with regard to provisional ballots and advocate for themselves.

PROVISIONAL PREVENTION A PRIORITY

Forum participants also noted the importance of taking action before elections to reduce the need for provisional ballots. "In one sense the issuance of a provisional ballot indicates that the basic electoral system has failed," said League of Women Voters President Kay J. Maxwell. "It's good to have a backup, but over time one would like to reduce the need for it."

Rapoport added that it is important for the EAC and others not to "silo-ize" the issue of provisional voting. "There are a great number of things we can do in October and earlier that will help solve the provisional ballot issue," he said.

As an example, Rapoport said full implementation of the National Voter Registration Act (NVRA) would help to reduce the need for provisional ballots. In research with Project Vote, Dēmos found that social service agencies are not living up to their responsibilities under the law to make voter registration available.

"If you had NVRA working better, these agencies would be registering infrequent voters and people who move, and you might not see so many problems" with people not appearing on registration lists, Rapoport said.

Other participants cited the importance of reliable voter databases as a way to prevent Election Day confusion and reduce the need for provisional ballots. (For more on this issue, see pages 7-8.) Other potential solutions cited by the group were better poll worker training, more early voting, and additional resources so that election offices can process large numbers of last-minute registrations.

"The bottom line is if we do registration right, we can solve a lot of these problems," said Edward Foley of The Ohio State University.

Voter Intimidation and Suppression: A Continuing Problem

Barbara Arnwine of the Lawyers' Committee for Civil Rights Under Law reminded the forum that voter intimidation and the suppression of minority votes were an all-too-prevalent problem in the 2004 election.

Arnwine cited an array of deceptive practices, including the distribution of flyers in minority communities that told people to vote on the wrong days, or that suggested they could not vote in the general election if they had voted in a primary. Another tactic she cited was the use of automated phone calls to tell people to vote in the wrong precinct.

Other participants cited widespread news reports that partisan "observers" would be stationed at polling places to challenge voters' eligibility as a blatant tactic of intimidation. In addition, Larry Gonzalez of NALEO stated that Latino voters in selected states reported having to show several types of identification, which he referred to as "an age-old intimidation tactic." ■

STATEWIDE REGISTRATION LISTS: THE NEXT BIG ISSUE. States are scrambling to meet a looming deadline for action. The key question is how to create an effective database.

SUMMARY: The Help America Vote Act requires that all states create a statewide computerized voter registration database by January 2006. Forum participants agreed that these databases, if done right, hold the potential to reduce registration-related problems and help elections run more smoothly. But many states are behind in getting their databases up and running and there is little agreement on how a good database should work.

Commissioners Paul DeGregorio and Ray Martinez of the EAC joined other forum participants in saying that states should be working diligently to meet the January 2006 deadline. As of February 2005, DeGregorio said, only 18 states had voter registration databases in place.

Commissioner Martinez said the database issue is "one of the most important things we are working on" and noted that that the EAC will be providing guidance to the states on the issue in the months ahead. He added that the commission's goal is not to provide the "specifications" on what a statewide database should look like but to offer "general principles that ought to inform state and local governments."

"The mantra should be fail-safe registration," said Foley. "And a good database can make that a reality."

Commissioner Martinez agreed. "The promise of one official list of registered voters (in each state) is something we all should believe in because it resolves a lot of the problems we continue to face" in the administration of elections, he said.

THE KENTUCKY STORY

For proof of the potential benefits of statewide databases, the group turned to Sarah Ball Johnson of the Kentucky Board of Elections. Kentucky, Johnson said, has had a database in place since 1973; it was the fourth state to create a statewide voter registration database. Together with Michigan, Kentucky provided a model for Congress when it was drafting HAVA's provisions on statewide databases.

Thanks to the Kentucky database, Johnson said, county and state officials have easy access to a complete list of registered voters in the state. County officials are able to update the lists for their counties, while the state is responsible for maintaining the overall system and providing precinct rosters to all counties on Election Day.

"There are no turf issues between the state and counties because the counties have all this data and the database provides tools to help facilitate their work," Johnson said.

Johnson cited a number of important features of the Kentucky database that have contributed to its success, including:

- Clear delineation of responsibilities between the state and county officials.

- Centralized purging by the state so that uniform procedures can be followed for eliminating convicted felons and the deceased from the rolls.

- "Real-time integration" with social service and motor vehicle agencies that provide voter registration under the National Voter Registration Act.

- Online access for residents so they can check their registration status and find the names of their elected officials.

- Tools that support the overall management of elections, such as mailings to active and inactive voters.

BUILDING A WHOLE NEW SYSTEM

Additional perspective on some of the issues states should keep in mind in designing and implementing voter registration databases came from Jim Dickson of the American Association of People with Disabilities. Dickson said there are two ways for states to approach this challenge. They can either cobble together the existing county-by-county system, or they can "build a whole new system from the perspective of assisting election administration."

A strong advocate of the second approach, Dickson suggested that if states can do this right, they will be able to know from the database if a voter needs a ballot in Spanish or another language or has other special needs. A good central database also should enable states to transfer a voter's information easily from one precinct or jurisdiction to another in the event the voter moves or a legislative redistricting occurs.

"Statewide voter registration databases can be an important tool for streamlining election administration."

–Paul DeGregorio

FUNDING, COORDINATION ARE KEY ISSUES

Other forum participants cited the importance of strong coordination between localities and states, strong security measures, and good technology as cornerstones of good statewide systems. Last but not least, people suggested that the availability of federal funding to implement and maintain these systems will be crucial.

Sarah Ball Johnson of the Kentucky Board of Elections pointed out that the first round of funding under HAVA provides money to build databases, but future funding for maintenance is in no way guaranteed. "The ongoing maintenance of these databases costs a lot," she said.

Others echoed Johnson's point, noting that election officials won't be doing voters any favors if they adopt a half-hearted approach to developing and maintaining statewide voter registration databases.

According to Wendy Noren, county clerk of Boone County, Missouri, her state launched a statewide database in 1995 but failed to dedicate the necessary funding to maintain it. "Now it is deteriorating," she said.

Noren added that statewide databases need to be "good, robust, dynamic systems" that offer "real solutions" for voters and election administrators alike.

Still, it was emphasized again and again during the discussion that statewide databases are not a magic solution to registration and voting problems in the United States. After detailing his frustration with his state's move toward a centralized voter database, Kurt Bellman, director of elections in Berks County, Pennsylvania, said that statewide lists are "no panacea."

Judith Browne of the Advancement Project added that any statewide list is "only as good as its inputs." Citing the state of Florida's purging from the voter rolls of people who erroneously had been listed as felons, she said states should be careful about where they are getting their data.

EAC Commissioner DeGregorio said that he appreciated the opportunity to hear the group's frustrations and suggestions and that the commission will keep them in mind when developing guidance for the states. Statewide voter registration databases can be an important tool for streamlining election administration, DeGregorio noted. But states are going to need to work closely with local officials and others to design systems that ensure fairness, transparency and efficiency.

FROM THEORY TO PRACTICE: POLLING PLACE OPERATIONS.
Long lines and other problems spur calls for new thinking and better management at the polls.

SUMMARY: Election Day 2004 proved a stressful experience in many polling places across the country. Underlying the problems were fundamental management issues, such as ensuring that polling places have the necessary people and equipment to meet demand. Forum participants agreed that poll worker recruitment and training efforts are woefully inadequate to the task of staffing 200,000 polling sites and ensuring efficient and fair elections. Participants also discussed entirely new approaches to polling place operations that are designed to put the "service" back in "voter service."

In some places, the long lines on Election Day 2004 were caused by problems with the alphabetical breakdown of voters' names when they checked in – the A-D line was empty while the S-Z line snaked out to the street. In other places, there were not enough machines, machines were not turned on, or polling places were not ready to open on time. Whatever the cause, the problems highlighted basic flaws in polling place management that need to be addressed.

Doug Lewis of the Election Center reminded the group of the "huge management challenges" that election officials face. One of the biggest challenges: recruiting and training a sufficient number of poll workers. Confronted with a need to find 1.4 million people to work a long day for minimal pay, Lewis observed, "We do not have a lot of choices. In many jurisdictions the thinking is, 'If they bleed or breathe, they serve.'"

"We do not have a lot of choices. In many jurisdictions the thinking is, 'If they bleed or breathe, they serve.'"

–Doug Lewis

The recruitment challenges are compounded, Lewis said, by the need to provide enough training so that poll workers can know what to expect and how to respond to questions and problems as they arise. Currently, he noted, most states require just two to three hours of training, and many poll workers don't even get that much. For example, Lewis said that in many urban areas, election officials still are recruiting poll workers as late as Election Day morning, and in most cases these late recruits receive very little training, or none at all.

Problems with polling-place management were especially evident in minority communities in 2004, according to Larry Gonzalez of NALEO. Gonzalez

said that his organization operated a toll-free Election Day hotline that voters could call for help or if they had complaints or questions about voting procedures. Most of the complaints concerned poll workers who had been poorly trained or were plainly disregarding the law (see sidebar, "Voter Intimidation and Suppression: A Continuing Problem," for more information).

The complaints also reflected a clear lack of bilingual poll workers, Gonzalez said. "Election officials are having enough of a problem finding poll workers at all, and we are also telling them they need to find people who can speak Spanish or Vietnamese," he said.

Terry M. Ao of the National Asian Pacific American Legal Consortium reminded the group that the Voting Rights Act requires certain jurisdictions with large populations of limited-English-speaking citizens to provide bilingual assistance to voters. Despite this requirement, she said, bilingual assistance is not always available where it should be.

Citing census figures showing that 18 million Americans over the voting age of 18 have limited English-language proficiency, Ao suggested that election officials should take their responsibility to voters requiring assistance more seriously – in part, by embracing technologies that make it easier for non-English speakers to vote without requiring third-party assistance (see page 11 for more on technology).

But technology is not the only solution. Gonzalez suggested that election officials consider creating "partner programs" with community organizations that can provide access to a cadre of potential poll

workers, whether bilingual or not. Others suggested stepped-up outreach to large employers to encourage them to allow employees to work at the polls.

On the training issue, participants heard from Wendy Noren about the hands-on training provided to poll workers and "election judges" in Boone County, Missouri. Noren, who serves as county clerk, said the key to successful training is "having the right tools." She said Boone County uses a "scenarios approach" to training – presenting poll workers with various situations and working through their responses. Noren also noted that election officials have to devote the necessary resources to training. "Doing this right does not come cheap," she noted.

THINKING OUTSIDE THE BOX

Of course, better poll worker recruitment and training are not the only answers to the stresses that were evident in many polling places around the country in November 2004. Many participants in the forum suggested it is time for election officials to "think outside the box" about ways to streamline the voting process – and potentially even obviate the need for increased numbers of poll workers.

Participants suggested a number of ways in which election officials can reduce the Election Day rush at the polling place – for example, by offering and encouraging early voting. But it was a presentation by Scott Doyle of Larimer County, Colorado, that got the group thinking in earnest about ways to reinvent the current system of large numbers of widely dispersed polling places requiring large numbers of people to run them.

On Election Day 2004, according to Doyle, voters in Larimer County were free to vote in any of 31 "Vote Centers" throughout the county. Before the advent of Vote Centers in 2003, the county operated polling places in 143 precincts. The Vote Centers, Doyle said, have contributed to a "paradigm shift" in how Larimer County runs elections. The idea is to create well-staffed, full-service polling places in accessible geographic locations throughout the county. The Vote Centers, Doyle said, provide enhanced accessibility for disabled residents and eliminate any confusion about where people can vote.

"Voters love the convenience," Doyle said, citing a turnout rate in 2004 of 95 percent of active registered voters in Larimer County. "There is no longer any wrong place to vote in Larimer County."

Another benefit of Vote Centers is that they can reduce the costs of running elections while also limiting the "scramble for poll workers." Larimer County still engages in targeted outreach to find poll workers, but where election officials would have needed 1,000 poll workers under the precinct system, with Vote Centers only 500 were required in 2004.

Vote Centers also allow for improved "connectivity" among polling locations. Larimer County, according to Doyle, uses an electronic pollbook system that provides every polling place with access to the county's entire voter list.

Making the Vote Centers even more effective has been Larimer County's embrace of early and absentee voting. In 2004, according to Doyle, one-third of county voters voted early and one-third voted absentee, meaning that the Vote Centers had to process only the final third of the voting public.

The idea of Vote Centers is not unique to Larimer County, Colorado. Wendy Noren of Boone County, Missouri said her county had five locations where anyone could vote, regardless of their precinct. While Missouri has no plans for instituting central polling places on a statewide basis, Noren called them "a godsend for many voters," including college and university students who regularly move.

As they reflected on the Boone County and Larimer County stories, forum participants held them up as examples of election officials putting the "service" back in "voter service." The long lines and other problems that were evident at polling places across the country on Election Day 2004 represented a breakdown in the system. And, to the extent that these problems continue, they stand in the way of voters being able to exercise their right to vote in ways that are easy, convenient and relatively stress-free.

"Election officials want voters to vote," said Doug Lewis. "And what we are hearing are a number of good ideas about how to make the process better, and how to allow more people to participate and have their votes count."

VOTING TECHNOLOGIES: TODAY AND TOMORROW. With no "silver bullet" technology, localities need assistance and resources to resolve the tradeoffs that current systems require and to figure out what works best.

SUMMARY: Traditionally, most Americans have paid little attention to voting technologies. But not any more. After the 2000 election, the nation became intimately familiar with the pluses and minuses of the wide variety of technologies Americans use to cast their ballots – from punchcard voting and optical scan systems to electronic voting technologies. Participants in the forum highlighted the tradeoffs associated with various technologies, agreeing that no single system provides all the answers. In addition, they emphasized the role of state and federal officials in providing resources, guidance and technical assistance to localities that are trying to make their way through the voting technology maze.

Eric Fischer of the Congressional Research Service reminded the group that "voting system security" was not a major public concern until after HAVA was passed in 2002. Then, media reports about the potential of computer hackers attacking Direct Recording Electronic (DRE) voting machines created a backlash against newer voting technologies, as well as calls for a "paper trail" that would allow individual voters to verify their ballots.

Many participants in the forum pointed out that voter-verifiable paper trails do not resolve security issues but merely provide voters with psychological comfort. In addition, a paper trail raises security problems of its own and can pose problems for blind and disabled voters, as well as voters with limited literacy.

"There is no research money in this country, no organized effort for this nation to play a leading role in pushing new technologies forward."

–Ted Selker

Participants agreed that providing voters with a "summary" of their votes and implementing strong security measures are good ideas. "By showing people their votes on all races, we can reduce voting errors by two-thirds," according to Ted Selker of the Caltech/MIT Voting Project. He noted that paper records are not the only way to achieve verification of each voter's vote–and that researchers are looking into other options.

How to achieve the goal of voter verifiability, however, remains an open question. Said Michael Shamos of Carnegie Mellon University, "We still don't know how to do this."

TECHNOLOGY AND ACCESS

Voter verifiability and security are just two of the technology conundrums facing election officials across the country. Another is how to design systems that make the voting process more accessible for limited-English and disabled voters.

Terry M. Ao of the National Asian Pacific American Legal Consortium cited the capability of Direct Recording Electronic (DRE) voting machines to allow multilingual ballot translations. In Orange County, California, Ao said people using the electronic machines can vote in English, Chinese, Korean, Spanish or Vietnamese; they also can use headsets to listen to the ballots in any of these languages.

Touch-screen machines, Ao said, also can help the 1.5 million Americans who cannot hold pencils. In addition, the advent of audio ballots in some polling places across the country has created new opportunities for the blind and visually impaired.

"Voting technology can't solve all problems, but it can grant unprecedented access to the ballot for these groups that today must ask for a third party to help them vote," Ao said.

RESOURCES, GUIDANCE NEEDED

Panel members agreed on the need for expanded technical assistance and guidance so that states and localities can use technology effectively.

One strategy for assisting local election officials with technology decisions and other issues was brought to the group's attention by Merle King, executive director of the Center for Election Systems at Kennesaw State University in Georgia. With funding from the state, the center develops standards for voting technology used in the state and provides an array of other services, including: testing all election equipment, providing training, and building databases and ballots for many counties.

The work of the Center for Election Systems, King noted, is about more than technology and machines. "This is really a place for brainstorming and vetting new ideas" in areas from professional development for election workers to the design of ballots and polling places, King said.

King noted the advantages of centralizing these and other functions. "The development of standards and best practices at the state level has been important in Georgia, and having a central place where that is happening helps," he said.

Ted Selker agreed that the Center for Election Systems should be viewed as a model for other states. He also noted the importance of devoting more funding to research on innovations in voting technologies. "There is no research money in this country, no organized effort for this nation to play a leading role in pushing new technologies forward," Selker said.

King pointed out that the state of Georgia has made "a substantial investment" to create a central clearinghouse in the Center for Election Systems and that other states should understand the costs and benefits associated with centralizing these functions. Other participants in the forum suggested that states need more resources and guidance from the federal government so they can develop standards.

Debating the Federal Role

The need for additional resources and guidance from the federal government was a recurring theme during the forum. Among the key tasks requiring involvement and input from Washington is the development of new voting system standards, as well as guidance on other aspects of election administration and practice.

"This may not be an issue where localities or even states are able to solve this problem on their own," said Miles Rapoport of Dēmos. He went on to suggest a need for "an agency with stronger authority," suggesting that the federal government become more involved.

Commissioner Ray Martinez of the EAC responded to the group's calls for greater federal involvement by citing the EAC's work with the National Institute of Standards and Technology (NIST). Currently, the EAC is collaborating with NIST to develop voluntary standards and guidelines related to voting technology.

Martinez said that federally developed standards can contribute to greater certainty and more faith in the voting system. "The goal is for the American people to have faith in the results of our elections, and we need to do whatever we can to achieve that goal," he said.

However, Joanne Wright of Project Vote appeared to speak for many forum participants when she said that federal standards and guidance are not enough and that additional and sustained funding from Washington is essential.

"The simple fact is we do not fund a system in this country that can support increased voter registration and higher turnout," Wright said. ■

LOOKING AHEAD.

In the forum's closing session, participants touched on a number of election issues that merit heightened attention in the months and years ahead. Michael Vu of the Cuyahoga County Board of Elections in Ohio made a plea for greater uniformity in elections administration across states and localities.

"All I wanted from HAVA was more uniformity and consistency," said Vu. Citing disparities in state actions on issues from provisional ballots to statewide voter registration databases, Vu then expressed concern that in the wake of the new law, "we are seeing 50 states responding in 50 different ways."

In addition to advocating greater uniformity, Vu argued for a sustained investment in elections on the part of all levels of government. After noting that Cuyahoga County received adequate funding for the 2004 election, he said, "The bigger question is 2005 and 2006. Unless these issues remain in the spotlight, I don't see that the urgency and the interest will be there to sustain a sufficient level of funding."
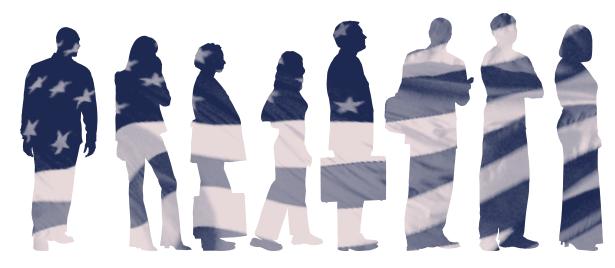
Doug Chapin of electionline.org responded to Vu's comments with a call for "professionalizing the election profession." Uniformity in election administration, as well as a sustained level of funding and other benefits, can come from a more intentional effort to create a "community of practice" among election officials, Chapin suggested.

"Unless these issues remain in the spotlight, I don't see that the urgency and the interest will be there to sustain a sufficient level of funding."

–Michael Vu

"With a shared identity and knowledge base, we can raise expectations and create strength in numbers," Chapin said. Simply creating an ongoing forum where people who are doing this work can share experiences and ideas would be an important first step. He added that the ultimate goal would be to create professional standards and codes of conduct for election officials that mirror those adopted by other professions.

Kentucky Secretary of State Trey Grayson remarked that the focus for everyone involved in elections in the United States should be on "continuous improvement."

"Elections today are better than they were in 2000; in 2008 they will be better still," said Grayson. As a result of the 2000 and 2004 elections, Americans now are paying attention to the election process to a degree that they never did before.

"We as a country will be better off as we work through these issues," Grayson said.

CONCLUSION: FOUR NEXT STEPS.

The March 2005 forum highlighted a number of urgent priorities for policymakers, election officials and others. Participants were in agreement that government at all levels should ensure that all eligible Americans who want to vote are able to do so freely and efficiently – and with full confidence that their votes will be counted as they intended.

This is the ideal, the system we aim for. Right now, our nation is not close to reaching that goal – despite the continuing advances under the Help America Vote Act. What is needed is a closer look at the next steps that will bring our election system back to health.

Participants called attention to a number of improvements, which the League of Women Voters has refined to four key steps: professionalization, a new focus on service, research and development, and new federal resources and commitment.

PROFESSIONALIZATION

Election administration is basic management. Poll workers and election officials around the country are dedicated, skilled and committed. The problem is that they are not given the resources, the training or the equipment they need.

In order to professionalize this system, we need uniform standards, training to the standards and accountability. We need to be clear what the jobs of all the different players should be, and how to make sure that everyone, from the volunteer poll worker to the chief election official, can contribute in a positive way. We cannot afford to continue situations where ambiguous responsibility means a lack of accountability.

Professionalization also means rethinking how we recruit and train poll workers, especially because we now depend on an aging volunteer workforce. And, it means reimagining the polling place – today, we are working with a 19th Century model, but imposing 21st Century expectations upon it.

We need to "think outside the ballot box" and look at management innovations such as the well-staffed, full-service "Vote Centers" in Larimer County, Colorado.

A NEW FOCUS ON SERVICE

We need to put the "service" back in "voter service." How long would a fast food chain survive if its workers regularly allowed long lines to form without opening up more registers? How long would it survive if employees didn't help customers who had questions or who had problems navigating the system?

This is how the American election system works today for far too many voters. We seem to have forgotten that government has a responsibility to help voters, that voting should not be an inconvenience for people, and that the voter – the customer – should come first.

This is a problem that starts long before Election Day. The American system of voter registration seems deliberately designed to exclude and inconvenience eligible voters. In 2004, states did not have uniform policies for accepting or rejecting registration applications, leading to confusion for voters and local officials alike.

Provisional voting enabled more than 1 million voters to have their votes counted in 2004 – people who might not have had a chance to vote otherwise. But, the mere fact that so many eligible voters showed up to vote only to find that their names were not on the rolls is one more indication of a registration system that has failed to serve the voters.

RESEARCH AND DEVELOPMENT

The United States needs to bring 21st Century systems and technologies to the election process by launching a wide-ranging research and development effort engaging our nation's colleges and universities in this important cause.

The process of change in election management is ongoing, and continued research and development must be part of that process. The redesign of polling place operations to accommodate modern technology and the advent of computerized voter databases are both steps that would clearly benefit from additional research and development.

Compared to the equipment purchased 30 years ago, today's voting systems are much improved. Still, we are not yet at a point where the equipment fully meets all of our goals. We need improvements in ballot design, in the interface between the voter and the machine, and in error rates. And we need to look at which systems hold the greatest promise, and which are nearing a technological dead end.

The League of Women Voters believes that voting technologies must be secure, accurate, recountable and accessible. The development of systems that fully meet these goals will come only through a much more serious R&D commitment, as well as clear performance standards.

NEW FEDERAL RESOURCES AND COMMITMENT

America needs to get real about the resources that are required to run elections in a manner consistent with our democratic ideals. You get what you pay for, and right now we are paying the price for our miserly approach to election administration. It is a price measured not in dollars but in Americans' declining faith that the system will serve their interests fairly and efficiently.

We need continued, permanent federal funding, with associated oversight, to make the transition to a 21st Century system that delivers on the promise of efficiency, security, accessibility and fairness.

When President John F. Kennedy challenged the nation to launch a human mission to the moon, he did not specify how it had to happen or the exact technologies involved. He set a goal, and he committed significant government funds to achieving that goal. We need to follow that same approach – an Apollo-like project to improve our election systems and protect our democracy.

With democracy gaining hold in new places throughout the world, it is time to ensure that the American election system can be held up as a model.

The League of Women Voters thanks the participants in the forum for bringing all of these important issues to light. And we pledge to continue our work, in partnership with others, to enact meaningful new reforms.

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