



NCSL

# THE CANVASS

STATES AND ELECTION REFORM®



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### can•vass (n.)

Compilation of election returns and validation of the outcome that forms the basis of the official results by a political subdivision.

—U.S. Election Assistance Commission:

*Glossary of Key Election Terminology*

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## One Path, Two Forks:

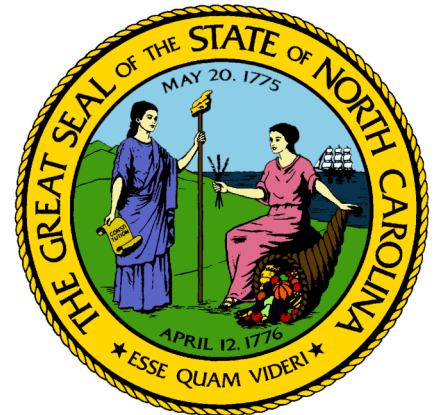
### Election Overhauls in Colorado and North Carolina

Colorado and North Carolina share some commonalities, politically speaking. Both have had healthy two-party competition over the last dozen years or so; both became battleground states in the 2008 and 2012 presidential elections; and, since the 2012 election, both now have unified governments. Democrats control the House, the Senate and the governor's office in Colorado, and Republicans control the same in North Carolina.

Another commonality: this year Colorado and North Carolina both enacted major election overhauls that address [same day registration](#), [early voting](#) and [preregistration for teens](#) (along with other issues). The two states took mirror opposite approaches to those issues.

The [Voter Information and Verification Act](#) in North Carolina received the most press for requiring photo voter IDs at the polls (a provision that goes into effect in 2016). It also:

- Made changes to early voting, by reducing the number of days it is offered while maintaining the same number of total hours.
- Eliminated preregistration for 16- and 17-year-olds.
- Eliminated one-stop voting. (Until now, North Carolina has had a period during early voting when voters could register and vote on the same day.)



Many more changes, including some to campaign finance, runoff elections and succession, were included. The legislature's [fiscal note](#) describes most of the bill, and a summary is available from the

North Carolina Legislature's [Research Division](#).

In Colorado, the [Voter Access and Modernized Elections Act](#) did a number of things, but the two most significant were to provide same day registration and to move the state to an all-mail system. All voters will be mailed a ballot, whether they ask for one or not and they will have the choice to fill it out at home and return it in person or by mail, or to cast their ballots on Election Day at [voter service centers](#). Essentially, this expands pre-Election Day voting to everyone.

The [fiscal note](#) explains these and all other provisions, including the creation of a state commission on elections. A [separate 2013 bill](#) provides 16- and 17-year-olds the chance to preregister.



Despite these stark differences, the bills have common ground. North Carolina eliminated [straight ticket voting](#), bringing the state in line with Colorado and 35 other states. And, both bills (*cont. on p. 2*)

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## Colorado and North Carolina Reforms *(cont. from p. 1)*

increase the states' efforts to cross-check and confirm their voter registration information. North Carolina's bill authorizes the Tar-heel State to join Colorado as a member of the Electronic Registration Information Center ([ERIC](#)), an interstate compact that cross-checks voter registration records. Colorado's bill requires the secretary of state to check voter records against the National Change of Address list on a monthly basis.

What's to be learned from these omnibus bills?

- States take elections seriously. The 2000 Presidential election starkly illustrated the weaknesses of some election processes and kicked off a period of active election reform. It continues today, with the rate and weightiness of election reform staying steady.
- Both Colorado's and North Carolina's election reform packages were contentious. If these are any indicator of what's to come, then it's likely that the topics of voter ID, same day registration and early voting options will continue to be politically charged. Preregistration of younger potential voters may also need to be added to the "politically charged" list.
- Not all states can have omnibus bills. Forty states have requirements and traditions regarding [single subject requirements](#). (A single subject requirement limits any given bill to only one subject at a time, but how "one subject" is defined depends on the state.)
- Voter education is essential whenever a change is made. North Carolina's bill is explicit in requiring a voter education campaign, specifically to address the new voter identification requirements.
- Similarly, [election administrators](#) at the state and local levels say they need time to adapt procedures for any and all new laws. North Carolina acknowledged that in its bill by setting a 2016 implementation date for its new photo voter ID requirement.
- The variation in these electoral reforms is evidence to support the theory that states are [laboratories of democracy](#).

**Comparison: Colorado and North Carolina Election Overhauls, 2013**

Selected features	Colorado ( <a href="#">HB 1303</a> )	North Carolina ( <a href="#">SL2013-381</a> )
<a href="#">Voter ID</a>	<b>Unchanged</b> ; Colorado has a non-strict photo ID requirement	<b>Enacted</b> ; strict photo voter ID requirement set for 2016 implementation
<a href="#">Registering and Voting on the Same Day</a>	<b>Enacted</b>	<b>Eliminated</b>
<a href="#">Pre-Election Day Voting</a>	<b>Increased</b> ; the state will automatically mail an absentee ballot to every voter	<b>Changed</b> ; while days for in-person early voting were reduced, the same total number of hours will be provided
<a href="#">Preregistration for Teens</a>	<b>Enacted</b> ( <a href="#">HB1135</a> ); 16- and 17-year olds may preregister to vote	<b>Eliminated</b>
<a href="#">Straight Ticket Voting</a>	<b>Unchanged</b> ; Colorado does not have STV	<b>Eliminated</b>
Data-checking for voter registration	<b>Increased</b> ; requires monthly data checks against the National Change of Address list	<b>Increased</b> ; authorizes participation in <a href="#">ERIC</a> , an interstate compact to check registration data
Other features	<b>Creates</b> an elections commission; permits sending elections information electronically, with voter's permission	<b>Creates</b> a pilot project for electronic poll-books with photos of registered voters; adds to list of people who can assist nursing home residents to vote



## Online Resources from NCSL's Legislative Summit

Last month, NCSL brought many experts together in Atlanta to talk about elections-related topics. Below is the shortest-ever synopsis of those sessions, with links to online resources. (If you want more, [just ask](#).)



- Shelby County vs. Holder: The Future of the Voting Rights Act.** Speakers Jeff Wice (counsel, New York Legislature), Jason Torchinsky (Holtzman, Vogel Attorneys at Law) and Ed Packard (Elections Director, Alabama) looked at what might be expected, now that the U.S. Supreme Court has ruled a key part of the [Voting Rights Act unconstitutional](#). Some possibilities: the Department of Justice will rev up its use of Section 2 and begin to use Section 3; states will create their own “voting rights acts;” and not much will change, because all states are already following the law. What won’t change: Congress is unlikely to take action to amend the Voting Rights Act soon.
- Evaluating Elections: What Really Matters.** Secretary of State Brian Kemp (Georgia), Senator Daniel Ivey-Soto (New Mexico) and Zach Markovits (Pew Charitable Trusts) addressed this topic from national and state perspectives. See [Pew's Elections Performance Index](#), [Markovits' slides](#) or a [short video](#) with Markovits for the national perspective. For Georgia, check out the [Center for Elections Systems](#), a university-based institution that helps local election officials do their jobs. And in New Mexico, see the report, [Assessing Electoral Performance in New Mexico Using an Ecosystem Approach](#), by Lonna Atkeson, Alex Adams and Lisa Bryant. They've created an election evaluation tool that other states could adopt.
- Shining the Light on Independent Spending: State Responses to Citizens United.** Speakers Karen Shanton (NCSL/ACLS Public Fellow), Douglas Kellner (New York State Board of Elections), Pete Quist ([National Institute on Money in State Politics](#)) and Brad Smith ([Center for Competitive Politics](#)) considered one facet of campaign finance: disclosure. You can look at [Quist's presentation](#), Smith's handouts ([one](#) and [two](#)) and an [NCSL blog post](#) on the session.
- E-Voting: Casting Ballots via Email and Fax.** Speakers Senator Whitney Westerfield (Kentucky), Delegate Jon Cardin (Maryland) and Douglas Kellner (New York State Board of Elections) discussed the latest trend in technology and elections, offering positive and also cautionary perspectives. Read NCSL's blog post, [E-Voting: It May Be a While](#) or see [NCSL's Elections and Campaign Finance Resources](#).
- Safeguarding Elections: Before, During and After Election Day.** Speakers John Lindback (Pew Charitable Trusts), Senator Bryan King (Arkansas), Senator Pat Spearman (Nevada) and Pam Smith (Verified Voting Foundation) provided ideas on improving elections. These included creating [better registration procedures](#), paying more attention to election crimes by election officials, maintaining efforts to enfranchise all eligible voters and adopting [post-election audits](#), respectively.
- Voting Technology: The Coming Crisis in Elections.** Merle King, moderator extraordinaire, tapped the expertise of Brian Hancock (U.S. Election Assistance Commission), [Dana Chisnell](#) (UsabilityWorks), [Dean Logan](#) (Los Angeles County) and Gail Fenumiai (election director, Alaska). For this session, the key takeaway is that the crisis isn't coming; it's already here. It involves costs, limited choices for tech solutions, and the specific needs of certain voters such as those who live in far-flung places or have disabilities.

Bookmark This

## The Election Official Directory

The Election Official Directory comes from the [Overseas Vote Foundation](#) and the [U.S. Vote Foundation](#). These sister websites provide a user-friendly tool, the Election Official Directory, that offers users instant access to the names of local election officials, their contact information, website links and more. Besides housing it at their sites, OVF and USVF make the Election Official Directory available to other organizations. For instance, the National Association of Secretaries of State use it in the [canivote.org](#) website. Local election officials are invited to interactively submit edits to their own records through the website. For more details, contact [eod@overseasvotefoundation.org](mailto:eod@overseasvotefoundation.org) or +1 (202) 470-2480.



## Preregistration for Teens



The 26<sup>th</sup> Amendment to the U.S. Constitution sets 18 as the minimum *voting* age, but when can a young person actually *register* to vote? The Constitution is silent on this question. Over the past decade, a number of states have implemented “preregistration” electoral laws. Preregistration explicitly allows people younger than 18 to register to vote, so they are eligible to cast a ballot when they reach voting age. Other states do not address the age at which registration begins, or say they can register if they’ll be 18 by the time of the next election.

State and local officials differ in terms of *how* they implement preregistration practices. For instance, states such as Delaware allow preregistration as an option at motor vehicle offices and through traditional avenues such as mail-in registration. Florida holds preregistration drives at high schools and conducts outreach and civic education programs specifically for youth.

Proponents say that preregistration streamlines the registration process for young, first-time voters who are generally unfamiliar with state registration laws and deadlines. [FairVote](#), for instance, favors allowing anyone 16 and up to preregister. Assemblyman Ben Unger of Oregon said his failed 2013 [preregistration legislation](#) would have gotten “about 20,000 young people into the process.”

A 2010 report, [Voter Preregistration Programs](#), from Michael McDonald at George Mason University, suggests that preregistration does increase voter participation amongst young adults, and that preregistration is most effective when it is offered as part of a civic education program.

Opponents are skeptical that preregistration does increase in youth turnout. Additionally, they point to administrative costs for election officials. When preregistered voters reach 18, “they may have moved, changed their party, or not be interested in voting,” says Richard Coolidge, press secretary for Colorado Secretary of State Scott Gessler. A question to ponder: what is the quality of the data on 16-year-old preregistrants two years later, compared to what it would have been if they’d been pushed to register closer to age 18?

Colorado’s newly passed preregistration law ([HB 1135](#)) has a \$572,112 price tag for one-time implementations costs, according to the bill’s [fiscal note](#). For more on preregistration practices and the status of preregistration legislation in 2013, see NCSL’s new [Preregistration](#) webpage.

—by Yoseph Desta, NCSL intern and Stanford undergraduate

### Legislative Action Bulletin

#### 2013 elections-related legislation:

280 bills enacted

8 bills pending gubernatorial action

40 bills pending in the second chamber

686 bills pending in chamber of origin

882 bills failed to pass

272 bills carried over to 2014 session

16 bills vetoed

2,184 total election bills introduced in 2013

8 states are in session

This month’s lead article focuses on major election reform bills passed in Colorado and North Carolina this year, and points out that while both bills addressed similar topics, the two states took very different approaches. Who else acted on the same topics this year?

**Same Day Registration:** A [Hawaii](#) bill was in conference committee at adjournment and will be taken up next year. A [Maryland](#) bill will allow citizens to register and cast a ballot on the same day during the early voting period. The [Montana](#) legislature put a question that will appear on the Nov. 2014 ballot asking if SDR should be repealed. And, the [Nevada](#) governor vetoed a bill that would have allowed citizens to register and vote on the same day during the early voting period.

**Pre-Registration:** While Colorado and North Carolina were the only states that enacted legislation, bills were introduced in 14 other states.

**Mail Voting:** Colorado joined Oregon and Washington to become the third state that will automatically mail an absentee ballot to every registered voter. [Maryland](#) decided to do the same for special elections, and eight other states considered but rejected the idea of Colorado’s model.

**Straight Ticket Voting:** North Carolina repealed it this year, and seven of the 14 remaining states that offer it considered doing the same.





## From the Chair

Pennsylvania's Senator Lloyd Smucker chairs the Senate State Government Committee. Before running for his current position, he owned the Smucker Company, a family-owned commercial construction firm with more than 150 employees. The Canvass interviewed him on September 4. Excerpts:



- “We have a continued problem with voter turnout, so I’m always looking for ways to encourage greater participation. There is also plenty of opportunity to increase efficiency in the system, through technology.”
- “I first became aware of online voter registration when a constituent wanted to register to vote close to the deadline, and he wanted to do it online. Pennsylvania doesn’t have that option yet.” (Note: Senator Smucker is a sponsor of [SB 37](#), that would authorize online registration.)
- “If today you started from scratch designing an election system, and you had a choice between verifying a voter through a signature or a photo ID, you’d probably pick the photo ID.”

Read the full interview [here](#) for more from Senator Smucker.

## The Election Administrator’s Perspective

David Orr has been the Cook County (Ill.) clerk since 1990. As a former professor of history and politics, he knew back then that “few places cried out more for reform than Cook County.” He’s been on the case ever since. Orr spoke with The Canvass on September 3. Excerpts:



- “Chicago and Cook County each have 1.4 million active voters. Cook County has 10,000 pollworkers, and Chicago has approximately the same, and we work well together. We have ballots in four languages and we maintain 46 suburban early voting sites and 50 in the city.”
- “We are trying to get ahead of changing technology and changing laws. A specific thing we’re doing is introducing electronic pollbooks. We’re also adjusting to Illinois’ new online voter registration. And, Illinois is moving to allow people to get their absentee ballot application online.”
- “We’ve got a certain amount of equipment that’s becoming outdated, and there’s no framework for what the new equipment may be and who will pay for it. The goal would be to develop more competition between vendors and to get more clarity at the federal level on how we get things certified.”

Read the full interview [here](#) for more from David Orr.

## One big number

194.2M

That’s the number of eligible and registered voters for the 2012 general election, as counted by the [2012 Election Administration and Voting Survey](#). This report, from the U.S. Election Assistance Commission (EAC), is the nation’s largest and most reliable source of data on how votes are cast and counted. Other highlights from the executive summary: 131,590,825 people cast ballots; 56.5 percent of votes were cast on Election Day with the remainder cast beforehand; and 888,000 poll workers were on the job last November 6.



## Worth Noting

- The University of Minnesota's Election Academy has debuted its first-ever online class aimed at the broad election community. It's on [voter eligibility](#), and is designed to be useful for newcomers to the field as well as more experienced professionals. Eventually a series of classes will be available. (Ed. Note: having taken the class, NCSL can report that it is easy to access, useful and fun.)
- Colorado is one of several states having a dustup over [secession](#). Others include Maryland, Michigan, and California. These efforts seem to reflect an urban-rural divide. In Colorado, northeastern counties want to secede; in Maryland, it is [western counties](#); in Michigan the [Upper Peninsula](#) is making a move to join with parts of Wisconsin, and [Northern California](#) counties want to form a state called Jefferson.
- [NCSL's Ethics Center](#) has released a new [video](#) describing ethics for legislative staffers. Just about everyone who plays a role in the legislative process can benefit from a quick look.
- [Indiana](#) is the first state to require certification for electronic pollbooks. Will this be a trend? Will other states use Indiana's as a model? We'll see.
- Speaking of Indiana, it's one of the states to embrace vote centers (along with Colorado, where the idea originated). A recent [Data Dispatch](#) from Pew Charitable Trusts reports that, while vote centers show long term cost savings, the upfront costs of a new system can prevent administrators from making the switch.
- [Lining Up: Ensuring Equal Access to the Right to Vote](#) is an advocacy-based report on the 2012 election in terms of voting rights; it gives a nod to the U.S. Supreme Court decision on the Voting Rights Act as well. It's a product of the Advancement Project and the Lawyers' Committee for Civil Rights Under Law.
- We don't often look outside our borders for new ideas on elections, but we could. Here's a podcast from the International Federation for Electoral Systems, [Trusting Technology in Elections](#). Worth quoting: "we're constantly chasing the perfect technology" and "it takes time to adapt."
- For additional video learning, here's a TED talk called [E-Voting without Fraud](#) with David Bismark.
- Colorado made big news this month for floods and for recalls. NCSL's Karen Shanton explains the latter in [Most Recall Elections are Politically Motivated](#) and [Recalling a Little History](#).
- "California is challenging the historic status of American citizenship with measures to permit noncitizens to sit on juries and monitor polls for elections in which they cannot vote..." reports the [New York Times](#).
- In 1972, President Nixon proclaimed September as [National Voter Registration Month](#). You still have time to celebrate!

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## From NCSL's Elections Team

This marks the final issue of *The Canvass* edited by Jennie Drage Bowser. She's off to new things: consulting on elections, campaign finance, initiative and referendum, term limits and related issues. NCSL and readers of *The Canvass* will miss her eye for detail, deep knowledge base and ability to find "workarounds" for just about anything.

If readers would like to be in touch with Jennie, write to [elections-info@ncsl.org](mailto:elections-info@ncsl.org) and we'll pass your messages along.

—Wendy Underhill



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