



CHAPTER 12

BUILDING COMMUNITY PARTNERSHIPS

Introduction

As each Election Day approaches, the business of election administration grows exponentially in size and scope. An operation normally contained in one central election office with a small staff grows to hundreds or thousands of polling places and poll workers for a short period, stretching already-limited resources and capacities.

To make this larger operation work smoothly, effectively, and transparently, an election official may want to seek the help of civic, charitable, business, educational, governmental, or nonprofit organizations within his or her community. Such organizations may be in a position to help supplement limited elections office resources and provide helpful insight.

Election Day is truly a communitywide event that needs the involvement of the entire community to ensure success. Any election official who may not have worked with outside organizations may be pleasantly surprised with the community's enthusiasm to assist.

IMPORTANT REMINDER ★ ★ ★

Jurisdictions are reminded to implement these voluntary practices only after reviewing State and local laws and regulations. Local election officials should contact their State election officials with questions about the legality of a specific policy or procedure in their State.

Establishing Partnerships

Many successful election officials begin an election cycle by reviewing operational needs and wants. An election official's best source of advice is usually his or her internal staff. For example, the elections office staff can help determine which operational needs and wants can be funded in the existing budget and which ones must remain unfunded or

receive funding through other means. Likewise, the office staff can contribute ideas for forging partnerships within the community.

Creativity is key to the success of establishing a valuable community partnership. An election official might conduct a staff meeting to brainstorm ways in which any unfunded operational needs might be met through innovative solutions. To encourage discussion, before opening the brainstorming session, the election official could provide staff with best practices recommendations from other election jurisdictions.

An election official is encouraged to reach out to local, State, regional, and national election official professional organizations for advice on a variety of topics. An election official has many opportunities to network and share ideas and solutions with others in similar situations. For example, election officials in Florida are part of the Florida State Association of Supervisors of Elections (FSASE), which conducts regular meetings to share information. Furthermore, the Election Assistance Commission (EAC) has produced voluntary guidelines and best practices that are available to election officials at www.eac.gov.

After determining his or her operational needs and wants and providing the elections office staff an opportunity to brainstorm solutions, an election official is ready for the next step: creating a plan for developing community partnerships. Such partnerships allow for a more strategic use of monetary resources, while still permitting unfunded needs to be met. At the same time, the partnering organizations benefit from increased visibility, satisfaction from community service, and the opportunity to serve their members.

To form partnerships, an election official can approach a variety of sources, such as civic, busi-

ness, education, and government groups, any of which can provide assistance and support to the elections office during an election. Although an election official will benefit from his or her own creative thinking in this part of the process, he or she may want to consider the following sample of potential partners:

- ★ Nonprofit, religious, and charitable organizations.
- ★ Businesses and trade groups.
- ★ High schools, community colleges, and universities.
- ★ County and local government agencies.
- ★ Advocates.

During the creative process, an election official may consider the organizations of greatest significance within his or her particular jurisdiction. By tailoring efforts to build partnerships with such organizations, an election official can truly foster partnerships that reflect the unique needs of the local voters.

Types of Partnerships

An election official has numerous jobs to fill and tasks to complete before Election Day. He or she will likely hire and train poll workers, establish and inspect polling places for American with Disabilities Act (ADA) compliance, overcome technology challenges, and inform voters. An election official can accomplish these tasks by capitalizing on opportunities within the larger community.

Partnerships with Election Officials

An election official can establish a partnership with other election officials. Working with colleagues in surrounding jurisdictions provides “economies of scale” benefits to the elections office. Some election officials have learned that even small cost savings, when compounded over several election cycles, can quickly add up to large amounts.

An election official has several options for partnering with other election officials. For example, each election official might consider seeking partnerships with other election offices to pool resources. Smaller election jurisdictions might partner with each other to fund and manage election support services, such as election programming and technology field support. By reaching out to nearby jurisdictions that use the same vote tabulation soft-

ware, the jurisdictions can share staff and resources for election setup, logic and accuracy testing, and equipment delivery.

Such multijurisdictional partnerships can also extend to interactions with area civic, business, education, and government groups. Some election officials who have partnerships with various organizations have found that a multijurisdictional, united approach can lead to better results.

By pooling resources and staff, an election official in a large metropolitan area that encompasses several election jurisdictions could reach out to major corporations to request partnerships that include some “civic-duty” pay for employees. For example, an employee at a partnered corporation could become a poll worker in his or her home jurisdiction while still receiving his or her regular salary. As an added bonus, the employee would also receive payment from the local elections office to work at the polls.¹

Intergovernmental Partnerships

An election official can establish partnerships with city, county, and State government entities, which often are experienced in creating coalitions between local yet disparate groups.

To respond to natural disasters or other disruptive events, the local emergency operations department relies on partnerships within the community. With such experience in partnering, the department could provide election officials with the names and contact information for other appropriate government agencies. The department may also have access to a control room with phone dispatch availability, which could serve as the Election Day command center.

For example, Pennsylvania election officials have a partnership that is considered critical to Election Day operations in the State. On Election Day, the Secretary of State’s office constantly communicates with the Pennsylvania Emergency Management Agency regarding weather conditions and traffic issues that could affect access to polling places across the State.

Regardless of weather conditions and other

¹ For more information about managing poll workers, review the EAC’s Successful Practices for Poll Worker Recruitment, Training, and Retention. The guidebook is available at www.eac.gov.

factors, on Election Day, an election official must dispatch resources throughout the jurisdiction. The local emergency operations department could provide expert advice for accomplishing this task. If the department already has resources in place, it might make them available to the elections office on Election Day.

To obtain the power service and equipment necessary to continue to run local elections despite natural disasters or any other event that could potentially interrupt an election, an election official might consider building relationships with State and local emergency operations early in the election cycle. An election official might also consider creating a Continuity of Operations Plan (COOP)², which can be well tested and practiced before Election Day.

For an election official, an initial partnership with the emergency operations department is only a first step in partnering. Emergency operations may have existing partnerships with surrounding municipalities, school districts, large corporations, and so on. The elections office staff could build on the department's already-existing partnerships rather than starting to build new relationships from scratch.

By partnering with agencies such as the emergency operations department, an election official can benefit from not limiting partnerships to other agencies that deal directly with elections. By considering how effective election administration intersects with other government functions, an election official can partner with departments in those fields to build a coordinated plan.

For example, some elections office staff have consulted with the public transportation department to ensure that polling places are accessible via mass transit on Election Day. Others have partnered with the local health department to create a voter outreach plan for senior citizens in assisted-living facilities.

Partnerships with Poll Workers

For an election official, one of the most difficult aspects of running an election is finding hundreds, if not thousands, of poll workers to work on Election Day. When an election official establishes

partnerships to recruit poll workers, though, he or she has many more opportunities to reach out to the community. By recognizing that all community groups are composed of people, an election official can focus on those people to become poll workers for the next election.

Civic Organizations—Some election officials have found that area civic organizations are a good source of poll workers. Because these service-oriented organizations have strong ties to their communities, local election officials often contact their representatives, request an opportunity to speak at the groups' monthly meetings, or submit written requests for poll workers in organization newsletters.

An election official can approach the civic organization in at least two ways. First, he or she can recruit individuals from the organization as he or she would recruit any prospective poll workers—one at a time. Or, an election official can implement an innovative option—the Adopt-a-Precinct program—that has been working well for several election cycles across the country.

For example, the Adopt-a-Precinct program in Orange County, Florida, works like a fundraiser. The individual poll workers, who are recruited through the partnership between the civic group and the elections office, decline payment for their poll worker service and, instead, donate their “earnings” to their organization. In addition to raising funds for their organization, the participating groups often receive recognition for their service. Some election officials with similar programs present awards to these groups at thank-you ceremonies that are open to the public and the press.

Local Businesses—An election official can also approach local businesses with an Adopt-a-Precinct program, which can be a public relations boon for the businesses. A local business willing to allow its employees to work at a polling place could gain positive publicity for its participation. Some election offices establish a way for promoting such partnerships. For example, they assign groups of employees from one business to work together at a designated polling place for every election. In return for allowing its employees the day off with pay (in addition to the poll worker compensation for the individual employees), the elections office

² For more information about COOP, review chapter 11, “Contingency Planning and Change Management,” in the EAC's Election Management Guidelines.

publicizes the local business with a small advertising sign outside the polling place.

An election official can tailor similar poll worker recruitment programs to appeal to individual citizens. For example, if an election official's jurisdiction has a very active veteran population, he or she can reach out to establish an Honor-a-Vet program in the community. In general, such appeals to individual citizens are well received, especially when they are made in conjunction with well-respected groups such as the Veterans of Foreign Wars (VFW), which, like similar organizations, have nationwide membership bases. With their help, an election official may find opportunities to recruit poll workers through means that otherwise would be unavailable to his or her office.

When creating an Adopt-a-Precinct program an election official would want to consider the public's perception of impartiality in election administration. For example, if a business or civic organization considering participation in the program were also active politically, either by supporting a candidate or by being known for its support of an issue, the election official would want to exercise caution before accepting the organization's application for participation in the Adopt-a-Precinct program. Although an election official can overcome such public perception concerns, he or she needs to be aware of these concerns when developing suitable programs for his or her jurisdiction.

State and Local Governments—An election official can also create partnerships with poll workers by recruiting them from within State and local governments. Government employees, including teachers (if the school district is closed on Election Day), make excellent poll workers. If State and local law allows, government employees may be eligible to receive their regular day's salary in addition to the poll worker stipend if they work as poll workers on Election Day.

Minority Language Organizations—In many jurisdictions, election officials must administer elections in languages other than English. In such cases, an election official will want to recruit and train poll workers who speak the alternative languages. By creating partnerships with civic organizations that cater to such communities with people who speak

a minority language, an election official will have found the most efficient way to recruit bilingual poll workers.

Local High Schools—An election official may also find that the local secondary school system is a viable partnership for recruiting poll workers. High school students are bright, enthusiastic, and easy to train, and they have the stamina to work long hours on Election Day. Assuming that the jurisdiction's laws and regulations allow high school students to work at the polls, an election official may want to consider the following example of how to establish a high school poll worker program. (It is advisable that a local election official prepare a presentation for school administrators, which includes the number of students desired, their precincts and duties, and training requirements. With this presentation prepared, an election official is ready to approach the schools.)

In taking the first step for establishing a high school poll worker program, an election official contacts the area's school principals to discuss the program. The election official should not ask that students be excused from school. School officials will be wary of allowing a mass absence of students, because school districts are evaluated, in part, on their average daily attendance. Instead, the official should suggest setting up a program that can be considered an official school function, similar to a field trip, which allows the school to count the student poll workers as "in attendance" while they serve as poll workers. This type of program would also allow the student to list his or her poll worker experience as civic activity on future college admission applications.

When meeting with school principals, an election official might emphasize that all the training would take place after school and during weekends and that the only effect on the school would be on Election Day, when the students work at the polls. An election official could also emphasize that the program is "win-win-win." The election official wins, because he or she gets poll workers. The students win, because they learn a great civics lesson. The school wins, because it will likely receive positive press coverage. To persuade the school principal, an election official might show a sample press release that praises the principal and school for

agreeing to an important community service project.

An election official might also design tailored poll worker training for high school students. He or she may ask school officials to review the training program and encourage them to make suggestions for making it more relevant to the students.

Local Universities—An election official may also create partnerships for recruiting poll workers at local universities. For example, clubs and student government organizations are often an excellent source of poll workers. An election official may want to initiate university contact with the president of the student body, who might be able to facilitate a university-wide program. To identify such a student leader, an election official might contact the student activities office for information about the college's clubs and organizations, especially politically oriented clubs such as the Young Democrats and Young Republicans. In addition, because many fraternities and sororities have community service requirements for their members, an election official may want establish partnerships with these groups.

When an election official hires individual college students as poll workers, he or she does not need the college's approval, but it is prudent for the official to aim for a partnership akin to the high school partnership described previously. In fact, the U.S. Election Assistance Commission (EAC) provides grants during each Federal election cycle for partnerships between election offices and colleges for recruiting poll workers. The EAC also provides additional guidance to election officials through *A Guidebook for Recruiting College Poll Workers*.³

An election official may also establish a longer term partnership with a university by creating courses or majors in election administration or by providing internships or mentorships to interested students. The official could approach an academic department such as Political Science, for example, to offer such practical learning opportunities.

Polling Places and Vote Centers

An election official may want the community's help for more than recruiting poll workers. Because most

elections offices are large enough only to conduct voter registration, store materials, and perhaps allow for training activities, most local election officials do not have enough space under their direct control to serve as polling places or vote centers. Therefore, an election official might create partnerships with civic groups, businesses, and schools to establish polling place locations in their facilities when permissible under State and local law.

An election official might try to locate potential polling places through a "Polling Place Location Drive," in partnership with local business organizations. Some businesses have sufficient space to act as polling places or centrally located vote centers on Election Day or during early voting. To ensure the impartiality of election administration, however, an election official would want to inform businesses about the prohibited electioneering activities near a polling place.

An election official may also set a goal to improve the quality of potential locations. An elections office might consider partnering with the disabilities community to ensure that current and/or potential polling places meet the requirements of the ADA. For example, the elections office in the city of Alexandria, Virginia, communicates constantly with the local commission on human rights and with the commission on persons with disabilities to ensure that its polling places meet the needs of the entire electorate.

Technical Support

An election official often depends on technical support for at least some voting technology on Election Day. For example, if polling places transmit returns electronically to the elections office at the end of Election Day, the office benefits from having information technology (IT) assistance available. Yet, a local election official can benefit from an in-house technical support professional for many aspects of the election cycle. For some election officials, such support may be available only through a partnership. For example, a local government office can be an excellent resource for technical assistance during an election. Other government agencies may be able to share IT assistance to help set up the technology in polling places on Election Day.

An election official may find additional technical assistance through his or her partnership with

³ A Guidebook for Recruiting College Poll Workers is available at the EAC's website at www.eac.gov.

a university. Several State elections offices have partnered with computer science or technology-based research departments at local colleges with great success. For example, the Secretary of State in Georgia has partnered with Kennesaw State University for voting system certification, election setup and logic, and accuracy testing. Likewise, the Voting Technology Research Center at the University of Connecticut advises the Connecticut State elections office. Students and professors have tested and evaluated voting equipment, conducted software verification, and held mock elections to compare multiple voting systems. Their work fuels ongoing academic research and reinforces program curricula. Often, such programs receive substantial funding from the university itself, making this option more affordable to the elections office than if it hired a professional technical consultant.

In an ongoing effort to maintain visibility in the community, an election official may want to team with web design groups to pursue innovative revisions to the office's online presence and services.

Voter Outreach

An election official who wants to involve the community might establish partnerships for voter outreach initiatives. Businesses, civic groups, language minority groups, government offices, and schools all have different ways of disseminating information to potential voters. The method of outreach depends on the type of group and its capability and assets, but, because an election official might not have access to the groups' membership lists, he or she will often need to defer to the groups for reaching those potential voters.

An election official may reach out to these groups to help distribute voter registration and election information. With some partnerships, the election official simply tailors press releases about voter registration deadlines, early voting opportunities, polling place locations, and poll worker recruitment to specific groups. When dealing with fixed-location partners, such as businesses, an election official might ask his or her partners to notify potential voters by posting information at high-traffic locations and distributing flyers to customers at the checkout counter. An election official may also ask these local partners to distribute the information via printed materials

and through website announcements and e-mail lists.

Depending on the characteristics of the jurisdiction, an election official may want to focus on establishing partnerships that serve underrepresented demographic groups. These groups may help bring elections office resources to otherwise neglected communities, identify gaps in existing services, and improve the reputation of the elections office. Especially when attempting to reach language minority voters with limited proficiency in English, an election official might team with civic organizations that have roots in those communities to disseminate information as widely as possible in a way that is most helpful to the population.

Voter outreach partnerships can also be effective in rural jurisdictions, where the locale has developed a strong sense of identity and kinship that an election official can best use through working relationships with different organizations and groups within the community.

Managing Partnerships

Although the structure of a community partnership is often dictated by its specific circumstances, an election official can employ best practices on how to manage a community partnership after it has been established.

When planning for a partnership, an election official may want to consider the following suggestions:

- ★ Collaborate with other members of the partnership on a mission statement and goals for the partnership.
- ★ Decide on a leadership structure. Discuss whether one person will be in charge or if all decisions will be made democratically. It might be necessary to create some sort of leadership team or joint advisory board that is empowered to make key decisions.
- ★ Define how the elections office staff will interact with the partnering organization. Decide if one staff member will be the single point of contact, acting like a liaison, or if the responsibility will fall on each staffer as he or she conducts daily tasks.
- ★ Foster communication and cooperation in the partnership by allowing members of each group to learn from each other. It might be helpful to provide training on each organization's work or offer job-shadowing opportunities or other trust-building activities.

- ★ Create a budget for the partnership and a clear strategy for cost sharing, if appropriate.
- ★ Build on each partner's strengths to maximize effectiveness.
- ★ Brainstorm relevant stakeholders and, from the first day, involve them in the partnership planning process.
- ★ Seek out media-friendly champions for the partnership who can increase visibility and investment in the partnership's programs.
- ★ Set clear timelines and responsibilities for all participants in the partnership.
- ★ Publicize the goals and accomplishments of the partnership through appropriate media outlets.

More suggestions for effective elections office administration will be available in a forthcoming *Election Management Guidelines* chapter on the subject.

Recognizing Partners

An election official recognizes the importance acknowledging the partnerships he or she makes by publicizing the partners. Although most groups would likely volunteer without any commendation, everybody likes to receive recognition for their contribution to the process. Some local officials have created recognition programs, such as a "Democracy Award" program, to acknowledge the efforts of their partners.

Election Day is a communitywide event. State and local election officials have a lot of responsibility for making that day a success, but they do not have to do it alone. Throughout the country election officials are using the community's human resources and civic commitment to make elections work better for everyone. A creative election official will always be rewarded for involving the community in the election process.

CHAPTER 13

CANVASSING AND CERTIFYING AN ELECTION

Introduction

Many voters believe that the election results they see on television on election night are the final results. In fact, the outcome of the election is not official until the completion of the canvass¹ of votes and certification of results, which sometimes may be several weeks after Election Day.

The purpose of the canvass is to account for every ballot cast and to ensure that each valid vote is included in the official results. For an election official, the canvass means aggregating or confirming every valid ballot cast and counted—absentee, early voting, Election Day, provisional, challenged, and uniformed and overseas citizen. The canvass enables an election official to resolve discrepancies, correct errors, and take any remedial actions necessary to ensure completeness and accuracy before certifying the election.

Laws and regulations for conducting the canvass vary by State and, at times, by local jurisdiction. These laws and regulations cover all aspects of the canvass, including the following:

- ★ Who is responsible for the canvass.
- ★ Who may participate in the canvass.
- ★ When the canvass can start.
- ★ When the canvass must be completed.
- ★ What information must be contained in the canvass.
- ★ Which portions of the canvass process are open to the public.

An election official creates internal elections office procedures for conducting a successful canvass of votes and a valid certification of results.

¹ 2005 Voluntary Voting System Guidelines (VMSG) definition of canvass: Compilation of election returns and validation of the outcome that forms the basis of the official results by political subdivision (VMSG Volume 1, Version 1.0, A-6). These guidelines are available at www.eac.gov.

IMPORTANT REMINDER ★ ★ ★

Jurisdictions are reminded to implement these voluntary practices only after reviewing State and local laws and regulations. Local election officials should contact their State election officials with questions about the legality of a specific policy or procedure in their State.

Policies and Procedures

An election official may begin to plan for the canvass of votes and certification of results from the very beginning of the election cycle. The election official might consider including the important on the elections office's election calendar, which includes all start and end dates for various tasks related to the canvass and certification.

Because all aspects of election administration affect the accurate counting of ballots, an election official may want to make sure all necessary policies and procedures for canvassing and certifying an election are in place before devising plans to administer the actual casting of ballots. By assigning tasks to staff early in the process, an election official would have one less responsibility to handle on Election Day.

A possible first step for an election official is to review State and local laws related to canvassing votes and certifying the results of an election. This activity would provide the election official with the legal and procedural framework for conducting the canvass. An election official also might incorporate all policies and procedures into training and educational materials.

Election Calendar

Establishing a comprehensive election calendar is one task an election official will likely complete during every election cycle. The calendar covers all the steps the election official needs to administer an

election and will likely include specific tasks, such as proofing the ballots and conducting logic and accuracy testing of voting equipment, and specific events related to canvassing votes and certifying results.

For every task on the calendar, an election official might identify the earliest possible start date, the latest possible start date, the required completion date, and the person(s) responsible for each task. Sometimes, the earliest start date is defined by the State or local election code; other times, tasks must be completed in a certain order and the earliest start date for a specific task is contingent on the successful completion of another task. The latest start date is the date by which the task must begin in order to be completed on time and to be in compliance with laws and regulations.

The typical elections office calendar includes all the steps related to the canvassing of votes and certification of results. When building the calendar, an election official will likely lean toward comprehensiveness, knowing it is best to include all steps—no matter how obvious or minor. For example, a basic calendar might include dates for the posting of notices or legal publications, appointing canvass board members, registering for observer identification, training for temporary staff and canvass board members, and briefing observers, as well as the order for processing ballots.

A detailed timeline also includes as much about the individual tasks as possible. For instance, a possible order for canvassing votes might be (1) Election Day tallies, (2) early voting tallies, (3) absentee ballot tallies, (4) uniformed and overseas citizen (UOCAVA) ballot tallies, and (5) provisional and challenged ballot tallies. This processing order varies by State and locality in accordance with code and procedures.

Types of Canvass Boards

A canvass board will likely conduct the canvass of votes after an election, but an election official may have some discretion about convening additional ballot-specific canvass boards. An election official might convene a “write-in ballot canvass board” to review any write-in votes cast. Similarly, an election official might use a separate “provisional and challenged ballot canvass board” to review provisional and challenged ballots, in accordance with State laws and regulations. In those jurisdictions with subcanvass boards, the overall canvass board would

likely review the recommendations of the various ballot-specific boards and will make a final recommendation on certification of the results.

In almost every election, exceptions and issues arise during voting that must be resolved. An “exceptions and issues board” can be used to examine and resolve questions about these ballots.

- ★ **Exceptions** include signature mismatches on absentee ballot envelopes or in the poll books, damaged ballots, overvoted ballots, count/no count determinations, and voter intent issues. In each exception situation, the exceptions and ballot board will physically review the ballot and make a decision on how the ballot will be processed, in accordance with State laws and regulations.
- ★ **Issues** are ballots that have been counted incorrectly, have been counted in error, or have not been counted at all. Examples include ballots cast in the wrong precinct, missing ballots, misplaced ballots or other materials, items left at the polling place, memory cards not reading correctly, and other discrepancies. An election official will have policies and procedures for handling each situation well before Election Day and, for transparency, will publish these policies and procedures.

As soon as an election official defines the canvass board and any ballot-specific boards, he or she can begin to recruit members to fill the positions. The composition of the boards and the rules for participating on the boards varies by jurisdiction. When laws change, an election official might consider releasing the most up-to-date information for key stakeholders and the public to see. The election official can assign a member from the elections office staff to each canvass board to work as a liaison.

Observers

In many cases, observers with a stake in the outcome of the election will want to be—or must be allowed to be—present for the canvass of votes. Therefore, it is in the best interest of the elections office to prepare rules of conduct and behavior for these observers. The rules of conduct and behavior should clearly identify the public’s rights as prescribed by State and local laws and regulations. Even if the elections office conducts a briefing for observers before the canvass, the election official may want to make the rules of conduct and behavior visible and avail-

able at entrance points to the observation room. The election official may also post the rules on the elections office website before Election Day.

Observer rules of conduct and behavior generally specify where observers are allowed to be during the canvass. In some States, observers must stay within predetermined “observer sites.” Some jurisdictions physically separate the observers from the canvass board and elections staff by having the observers a certain distance away but still in the canvass room. Still other jurisdictions use webcams to stream the canvass of votes live via the Internet.

The rules of conduct and behavior also outline how an observer can question the canvass boards. In some States, the public cannot talk to the canvass board members while they are working and must direct all inquiries to the individual in charge—sometimes called the election superintendent. Other jurisdictions provide observers with a form to use if they want to challenge or discuss an issue they witnessed during the canvass of votes. This form not only helps election officials manage the canvass of votes, but it also provides documentation of issues for observers who challenge an action of the canvass board.

In some jurisdictions, an election official has the right to eject from the canvass room any observers who are disruptive. An election official might craft a detailed security protocol, including the hiring of security guards, if necessary, to ensure that observers do not interfere with the canvass process. A sample ‘Election Observers Rules of Conduct and Behavior’ is provided on the last page (page 138) of this chapter.

Preparing for the Canvass of Votes

Setting up the room in which the canvass will be conducted is a very important task for an election official. The room must accommodate the canvass board or boards as well as the observers. The election official can arrange the room so that the observer sites are situated close enough to the processing areas that the observers can see the canvassing activities, but not so close that the observers can touch or interfere with the election materials or the canvass board members. The election official will find the fair solution that works with his or her available space.

The canvass board may need various materials from the elections office, such as ballots, printouts,

and computer memory media from voting machines, to complete its tasks. The materials needed may include, but are not limited to, the following:

- ★ Rosters, signature cards, etc., from all precincts, vote centers, and early voting locations.
- ★ Electronic media and printouts (paper rolls) from all precincts, vote centers, and early voting locations.
- ★ Early voting ballots.
- ★ Absentee ballot.
- ★ Provisional ballots.
- ★ Challenged ballots.
- ★ Overseas and military ballots.
- ★ Spoiled ballots.
- ★ The results of required election audits conducted after the election, where applicable.

After consulting the election calendar to find the specific date on which notification of canvassing activities will be published, an election official may be required to notify the public. The election official might consider sending the notice of canvass to key stakeholders, including the local media, and could clearly specify the dates, times, and place that the canvass board or boards will meet. The official might also send notifications to all political parties, civic organizations, and advocacy groups. Unless restricted by State or local laws or regulations, all canvass activities are usually open to the public to increase transparency and confidence in the process.

Conducting the Canvass of Votes

An election official might consider providing a brief review of the process at the beginning of the canvass of votes. During the review, the election official might introduce the canvass board or boards, elections office staff, and registered observers and also remind the public about the observer rules of conduct and behavior.

The election official can provide a place where all observers and canvass board members can sign in to the canvassing room. The sign-in form documents their presence at the canvass of votes, which may be required by State or local law. Because documenting the process at all stages is essential to the canvass of votes process, an election official may assign an elections office staff member the task of recording every action that the canvass board takes, including any votes by board members.

Canvassing means different things in different jurisdictions. In some States, the activities outlined

in the following paragraphs will occur as part of the canvass of votes. In other jurisdictions, the tasks are completed before the official start of the canvass of votes, and, in still other jurisdictions, the tasks are not completed as individual steps and are accomplished in some other manner or order. The U.S. Election Assistance Commission (EAC) does not endorse one method over another. The following paragraphs present election officials with potential ways of accounting for votes following an election. As always, election officials should be certain to review State and local laws and regulations before adopting any practice.

Inspecting Returns—In some jurisdictions, the accounting of votes begins with an inspection of the returns from voting sites—early voting sites, polling places, vote centers, or any combination. The election official or canvass board compares the number of ballots tallied with the number of voters who cast ballots at one of the aforementioned locations. In the event the election official or the board finds discrepancies in the number of ballots cast and the number of voters who officially signed in, State and local law dictates how to remedy the problem, sometimes through an “exceptions and issues” subcanvass board.

Many jurisdictions have a procedure by which the chief poll worker in a polling place can record any problems that happened on Election Day. This documentation might include signature mismatches, overvotes, damaged ballots, and other errors. These types of discrepancies, as well as others not enumerated here, are usually resolved by the end of the canvass of votes.

Duplicating Ballots—For example, the canvass board or the exception and issues subcanvass board might review all ballots that have to be duplicated before processing. Duplication is necessary if a paper ballot is damaged in such a way that it cannot be counted in the usual manner, usually via an electronic ballot counter. For duplicated ballots, which represent valid votes, both the “original” and the “duplicate” ballots are clearly marked in case of a recount.

Reviewing Rejected Ballots—The canvass board may review ballots that have been rejected. In some jurisdictions, at least two members of the board are assigned to examine each rejected ballot and to confirm the rejection.

Reconciling Ballots Cast Outside the Polling Place—By the end of the canvass of votes, the canvass board will have reconciled all ballots cast outside the polling place and precinct. These ballots include regular absentee ballots and UOCAVA ballots. Although the actual accounting of the ballots will not change, an election official often makes extra effort to notify UOCAVA voters when their ballots are rejected. If an election official rejects a UOCAVA ballot because the voter is not registered, the election official includes a registration card with the notification of rejection. The canvass board may also account for any Federal Write-In Absentee Ballots that were mailed and received.

Processing Provisional And Challenged Ballots—In some jurisdictions, the canvass board processes the provisional and challenged ballots. The number of accepted and rejected provisional ballots, when added up, should be equal to the total number of provisional ballots cast. The number of accepted and rejected challenged ballots, when totaled, must be equal to the total number of challenged ballots cast. If these counts do not balance, the chief poll workers from the various polling places often provide a report explaining the discrepancies.

Federal law requires election officials to establish a free access system through which provisional voters can check the status of their ballots if they qualified for provisional ballots under the Help America Vote Act. The law also requires voters to be notified about the existence of such a system at the time they cast a provisional ballot.²

If required under State or local law, an election official may need to send a written notification to voters whose provisional or challenged ballots are rejected and provide the reason for the rejection. If a provisional ballot is rejected because the voter was not registered, the election official might consider sending the voter a registration form with the written notification. Similarly, a registration form could

² 42 U.S.C. § 15482.

be made available through the federally mandated free access system. In some jurisdictions, such as Boone County, Missouri, the provisional ballot affidavit also serves as a registration form for future elections, which eliminates the need to mail any forms to the voter after the election.

Documenting the Canvass

To provide an explanation of any exceptions and issues that occurred during the election and any remedial action taken to correct the problems, an election official can ensure full documentation of the canvass process. The final report of the canvass board often consists of at least three parts: the returns, the informational statistics, and the narrative.

- ★ The *results* are the tally of all valid ballots cast in the election. They are the vote totals from the election. The canvass board presents the results, usually in the form of a report, from the election management system, with no explanation or analysis.
- ★ The *informational statistics* are the data from the election and include, for example, the number of ballots cast by category (e.g., in-person, absentee, provisional, challenged), the number of ballots counted, the number of ballots rejected, the number of absentee ballots sent out, the number of absentee ballots returned, and the number of absentee ballots counted. An election official can use these data to provide an overview of the election and information about the administration of a specific election to the media, public, and EAC.
- ★ The *narrative* details the issues encountered during the process. In the narrative, the canvass board or election official does not report data but rather describes any audits performed. It might also include a discussion and rationale of any corrective actions taken to remedy issues that arose during the canvass. In general, the narrative tells the story of the election with the goal of instilling confidence in the accuracy of the election results.

Certifying the Results of an Election

The canvass board may be responsible for releasing the certification of election results after it reconciles the results from precincts, early voting sites, absentee voting, provisional and challenged ballots, and uniformed and overseas citizen ballots.

In some jurisdictions, the report that the canvass board releases represents the official certification of the election.

The certification of results often includes information about the following:

- ★ Reconciled precinct totals, including provisional and challenged ballots.
- ★ Reconciled vote center totals, including provisional and challenged ballots.
- ★ Reconciled write-in totals, including provisional and challenged ballots.
- ★ Reconciled UOCAVA ballot totals.
- ★ All duplicated ballots.
- ★ All replacement ballots issued at the polling place after a ballot was spoiled.
- ★ All rejected ballots.
- ★ Documentation of the canvass board's activities.

The certification of results might take place during the final meeting of the canvass board or separately, as specified in State and local law. Just as the election official does with other parts of the canvassing and certification processes, he or she might consider reaching out to the public and key stakeholders, especially the media, encouraging them to attend this meeting. The meeting at which the certification of results is made is an opportunity for the election official to review publicly all the documentation made during the canvassing process, including certified returns, statistics, and a narrative.

An election official might consider having his or her staff prepare detailed minutes of the meeting at which the certification of results is made so that he or she can include a record of the meeting in a documentation package. In some jurisdictions, the meeting at which the certification of results is made is considered an open meeting with specific requirements for public notice and the types of records that the election office must create and maintain.

If required by State or local law, the election official may need to provide each candidate, election district with a candidate or issue on the ballot, and chief State election official with a notice of the certification of the election. The election official may also make available for public review all documentation of the canvass and certification of results, including, but not limited to, a notice posted on the elections office website for easy accessibility.

OFFICIAL CANVASS
ELECTION OBSERVER RULES OF CONDUCT AND BEHAVIOR (SAMPLE³)
OBSERVERS HAVE THE RIGHT TO VIEW ALL CANVASS OPERATIONS

1. All observers must report and sign in daily at the check-in desk.
2. A Canvass Observer badge will be issued and must be worn at all times. The observer's name and who they are representing (candidate/organization/campaign) will be placed on the badge.
3. A staff member will escort the observer to the viewing area. Observers are not permitted to enter any area except the viewing area.
4. When leaving for the day, the observer will return the badge to the check-in desk.
5. Observers are not allowed smoking, food, or beverages in the viewing area. Observers are not permitted in the canvass work areas, except when permitted by a canvass supervisor.
6. Observers must set cell phones to vibrate or "all sound off" mode while observing the canvass. They must make all telephone calls outside the viewing area.
7. The observer's function is to observe the procedures. Observers cannot assist in operations. They cannot touch or handle any ballots or other election-related materials.
8. Observers will address all questions concerning a procedure to the supervisor in charge and may not direct questions to the canvass board members conducting the canvass.
9. No more than one (1) observer per candidate/organization/campaign is allowed to observe the canvass board work. Observers should avoid physical contact with canvass board members.
10. Observers will hold discussions and conversations outside the designated viewing area.
11. Observers will be allowed into the viewing area only when canvass board members are performing canvass operations. Observers and canvass board members must leave the work and viewing areas during breaks and lunch periods so that the areas remain secure.
12. Operations will continue as scheduled whether or not an observer is present.
13. **BALLOT SECURITY IS A PRIMARY CONCERN.** Violation of security by an observer will result in expulsion from the building or relocation by Sheriff Deputies or building security staff.

³ Jurisdictions should review State and local laws and regulations when creating their own election observers' rules for conduct and behavior.

COMMUNICATING WITH THE PUBLIC

Introduction

Elections are in the spotlight more than ever, and voters and candidates receive information on the elections process from multiple outlets. The public needs a credible, accurate resource on which they can rely for everything from the most basic election administration information—such as where, when, and how to vote—to more complex issues such as eligibility. Election officials throughout the Nation can continue to be the ultimate authority on the election administration process to ensure that voters and candidates can successfully participate; moreover, election officials should be willing to use every tool available to deliver information to the public. Fortunately, modern communication tools make it easier and cheaper to reach large audiences with election information.

Preparing for an election involves extensive planning. An efficient elections office often has detailed policies and procedures for all aspects of the process, but the best policies and procedures are helpful only if they are well publicized. An election official's effort to educate and communicate with the public has a direct effect on the voters' chances of having a successful election experience.

Getting started is sometimes the hardest part. An election official first needs to define whom he or she serves. Who are the customers? What are the most common questions the customers ask? How do the customers get their information? These questions and answers are the beginning of a communication strategy targeted at the election official's specific community.

An election official who prepares a communication strategy ahead of time will increase efficiency and save resources—people and funding resources that are needed to make sure the election runs smoothly after voting begins. With the strategy, he

or she will also encourage discipline and structure and may reduce the chances of inaccurate or unconfirmed information being delivered to the public. Of course, the election official always expects the unexpected and should be prepared to communicate about developing situations and changes or other unforeseen circumstances. Being prepared helps the election official keep the public informed and minimizes interruptions during the election cycle.

The following paragraphs offer suggestions regarding planning, timelines, and materials that an election official may use to communicate with the public. Examples from various jurisdictions across the country show that an election official does not need to reinvent the wheel to effectively communicate with the public. The strategies used in the examples have already been proven successful, so an election official can simply tailor them for his or her community.

IMPORTANT REMINDER ★ ★ ★

Jurisdictions are reminded to implement these voluntary practices only after reviewing State and local laws and regulations. Local election officials should contact their State election officials with questions about the legality of a specific policy or procedure in their State.

Planning a Communication Strategy

An election official's first step in formulating a communication strategy is to define the audiences. Most election officials have two major audiences—the voters and the candidates. The media may also work to inform the public on a mass scale, but it is the key responsibility of the elections office to act as the official resource for accurate and timely election information.

After the election official identifies the audiences, he or she can determine the kind of informa-

tion voters and candidates want and the best ways to disseminate that information. One of the biggest challenges an election official faces is presenting and organizing a large amount of information in a logical, intuitive manner so that people can easily find the information they seek. One approach is to categorize all the available information into topic areas and then implement it across multiple platforms, including websites, which have become the primary information delivery tool for many jurisdictions.¹

When creating informational materials, an election official might consider producing them in accessible formats for voters with disabilities. If the information is being presented through a website, for instance, the website could meet the standards of Section 508 of the Rehabilitation Act² (discussed later in this chapter). In fact, an election official should consider making sure that any information available in print is also available in an accessible, electronic format. Also, election officials in jurisdictions covered by Section 203 of the Voting Rights Act³ will make sure that all information available in English is translated into other required languages for individuals with limited English proficiency.

Information for Voters

Voters often ask the same, predictable questions throughout the election cycle. The top questions voters ask include “Am I registered to vote?” and “Where do I vote?”⁴ The answers to these two questions should be easy for voters to locate on every election office’s website. Voters also need to know how to register to vote; how to find information about absentee, early voting, and provisional ballots; requirements for voter identification; and information about the voting equipment used in their jurisdiction. The elections office may also need to provide specific information for military and overseas voters. To more efficiently handle the common questions and to reserve resources for the more difficult ones, elections offices may want to provide

a link on their website to a Frequently Asked Questions section.

Information for Candidates

Candidates also look to election officials for guidance during the election cycle. Their questions focus more on ballot eligibility, such as filing deadlines, filing information, and the qualifications to be a candidate. For elections that may include a write-in candidate, the election official will make available information about the rules for becoming a write-in candidate—such as prior certification. Election officials may also be responsible for administering the jurisdiction’s campaign finance laws. If so, election officials will need to make the information available to the candidates as well.

Information for the Public

The public may look to elections offices for answers to questions about the administration of elections in a broad sense aside from individual voter requests. For example, individuals interested in serving as poll workers will want to easily locate information about volunteering their time, so they will call the elections office or access the information on the elections office website. Likewise, the public, especially the media and academics, which wants elections results and data, relies on elections offices for that information.

The examples above are the basic informational needs for the public. Some jurisdictions also offer information about referenda and initiatives and sample ballots. In many instances, elections office

¹ For more information about voter information websites, review the EAC’s Voter Information Websites Study. The report is available at www.eac.gov.

² 29 U.S.C. § 794d.

³ 42 U.S.C. § 1973aa-1a.

⁴ For more information about voter information websites, review the EAC’s Voter Information Websites Study. The report is available at www.eac.gov.



This website is a good example of making the most requested information prominent and easy to find. (see Appendix A) www.in.gov/sos/elections/

websites feature a “Register to Vote” icon and provide elections office contact information in a prominent location on the homepage. An election official can customize and organize information in the format that will best serve his or her customers.

Developing Communication Materials

After the election official has established the communication strategy and has determined the most pressing topic areas, he or she may decide how to provide election information to the public. Several tools for presenting information include fact sheets, press releases, brochures, videos, frequently asked questions, and maps.

For all of these tools, the election official might consider ensuring that the language is simple, direct, and easy to follow. The official might use active, not passive, language and could avoid bureaucratic terminology that those outside the field of election administration might not understand. The EAC recommends convening a small group that is representative of the people who will use these materials to review drafts and provide feedback about their usability. An election official might develop the following materials to post on a website or distribute in another format:

- ★ Registration lookup—An online tool through which voters can determine registration status, usually by entering their full name and the last four digits of their Social Security number.
- ★ Polling place locator—An online tool into which voters enter their address to find the correct polling place.

- ★ Election calendar—An online or printed tool that includes registration deadlines, primary and general election dates, and other key events as far into the future as possible.
- ★ Voter’s guide—An online or printed tool that can include information as basic as the date of elections and important contact information or as extensive the types of voting machines, date of election certification, etc.
- ★ Videos—An online tool that could include voting machine demonstrations, a voter’s guide, registration instructions, and an overview of the elections process. See the EAC’s videos at www.youtube.com/helpamericavote.
- ★ Sample ballots—An online tool into which voters can enter their addresses to view a copy of the ballot they will use during the election and printed copies that are available at the polling place.
- ★ Information kits—A ready-made compilation of printed fact sheets, press releases, calendars, and contact information for anyone who asks.
- ★ Online forms and services—Online tools and services for voters, including online registration and early voting applications.
- ★ Military and overseas voters—An online or printed tool that provides information about important deadlines and how to apply for ballots.
- ★ Historical Data—An online or printed tool that provides statistical information from past and current election cycles to voters, candidates, and the media.

Distributing Communication Materials

An election official uses his or her creative energy when determining the best way to distribute materials to voters and to disseminate messages. The election official thinks about how voters in the jurisdiction consume information and tailors the distribution strategy to the patterns in that jurisdiction. In general, an election official will use printed mail, websites, the traditional news media, and new avenues via the Internet to deliver information to the public.

Official Elections Office Website

Most voters have become accustomed to using the Internet to find basic information about voting, including how to register to vote, where to find

Official Election Day	State of Election	Last Day to Register to Vote	First Day for Candidate Filing	Last Day for Candidate Filing	Final Certification Date
February 5, 2008	Presidential Preference Primary Available for public elections	January 9, 2008	October 16, 2007 (Presidential Primary & Jurisdiction in Kansas City begins May 23, 2007)	November 20, 2007	November 27, 2007
March 4, 2008 (non-charter)	Charter cities and charter counties ONLY	February 6, 2008	November 13, 2007 (charter cities and counties only)	December 10, 2007	December 24, 2007
April 8, 2008	General Municipal Election Day	March 12, 2008	December 10, 2007 (charter cities and counties only)	January 22, 2008	January 28, 2008
June 3, 2008	Available for public elections	May 7, 2008	February 12, 2008 (charter cities and counties only)	March 19, 2008	March 25, 2008
August 5, 2008	Primary Election	July 6, 2008	February 26, 2008	March 24, 2008	May 27, 2008
November 4, 2008	General Election	October 8, 2008	July 15, 2008* (jurisdiction in Kansas City begins May 23, 2008)	August 19, 2008*	August 26, 2008

(see Appendix B) www.sos.mo.gov/elections/calendar/2008cal.asp

a polling place, and how to request an absentee ballot. An election official might conduct usability testing to make sure voters can find this information easily on their websites. If the elections office maintains the website internally, the election official might have a content management system that allows quick and easy updating. Moreover, the official may want to ensure that the website technology—especially bandwidth—is scaled to handle increased traffic in the weeks leading up to Election Day.

When designing the official elections office website, an election official should consider the entire audience that will use the website, including voters with disabilities. The official can focus on a design that will enable all voters to participate independently in the elections process. All Federal agencies are required to make their websites Section 508 compliant for users who have disabilities. Although mandates similar to the Federal 508 require-

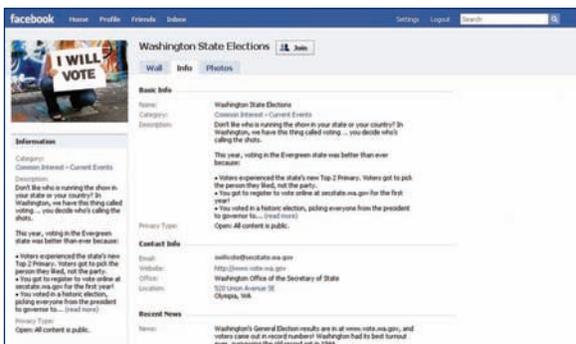
ments vary among States, the U.S. Access Board, a Federal agency committed to accessible design for people with disabilities, has extensive information about meeting the standards on its website.⁵ For the official elections office website, most of the tips are simple design elements that yield increased accessibility for all website visitors.

The website is increasingly becoming the public image of the elections office. As such, an election official might coordinate with news outlets, local organizations, and blogs to get them to feature a link to the elections office website in their publications and online sites.

Because websites are a passive form of communication, elections officials in an increasing number of jurisdictions are collecting e-mail addresses—often through an application on the official elections office website—to communicate directly with the voters. Many websites spring up shortly before Election Day to offer information to voters. After an election official obtains a voter's e-mail address, he or she can send specific information instantaneously.



Full page screen shot of the elections home page in Pennsylvania (see Appendix C) www.votespa.com/



Screen shot of washington state elections facebook page (see Appendix D) www.votespa.com.

Traditional News Media

Traditional news media outlets—television, radio, and newspapers—remain the most important means for communicating with voters. When the news media reports a story, an election official can do his or her best to make sure that the facts are correct. A subsequent section in this chapter outlines recommendations for election officials' interactions with the traditional news media.

New Avenues

Blogs and social media sites offer a cost effective way to reach voters. If the elections office has videos, the election official should consider featuring them on a popular video sharing site such as YouTube. Increasingly, elections offices are experimenting with other popular social media sites such as Facebook and Twitter.⁶ Elections office staff might consider following blogs with a high readership in their geographic area and identify the

⁵ <http://www.access-board.gov>

⁶ The office of the Los Angeles County Registrar-Recorder used Twitter during the 2008 election (see the section, Communicating Effectively During a Crisis).

ones that might be helpful in sharing accurate and timely information about voting procedures with the public in real-time.

Developing Internal Procedures for Staff

Election officials deliver a large amount of information to the public. Sometimes, facts change, unforeseen circumstances arise, and courts make decisions that may affect voters. An election official responds by quickly distributing updated information. To manage rapidly changing conditions, the election official employs structure and discipline. As the election season nears, he or she formalizes staff roles and establishes internal procedures. The election official's goal is to minimize (or at least to effectively manage) surprises.

An election official may not be able to handle all aspects of election administration alone. He or she often has a dedicated and innovative staff from which to draw inspiration and support. As staff size increases, an election official might find it necessary to create a formal decision hierarchy, including an approval process for information that will be released to the public to ensure that message is accurate and current. In such a hierarchy, the election official may designate one high-level member of the staff to issue the final approval for all documents or website language. In larger jurisdictions, more than one person may be necessary to perform the duties. This structure fosters consistency and minimizes inaccuracies.

Before making any statements to the public, elections office staff might be trained to receive final authorization from an experienced, responsible, and media-trained staff member. In some cases, the election official handles all press inquiries; in other jurisdictions, a full-time press director handles inquiries. In both cases, the formal decision hierarchy includes a designated spokesperson who provides all information to the media. For jurisdictions that require multiple public information officers, the decision hierarchy reflects that they report to a primary spokesperson. To ensure that all spokespeople have the same information, the elections office holds pre-election training sessions that cover topics such as poll worker duties, voting equipment, and other basics of election administration.

The staff member in charge of communication develops a logistics and staffing plan for communication department for the weeks leading up to and after Election Day. The plan includes roles and responsibilities for all department staff as well as times, locations, and contact information for everyone in the elections office. The plan might also include a master schedule or internal calendar of events.

Finally, the elections office should consider creating a communication contingency plan that addresses how communication with the public and the media will continue in situations such as loss of power, bad weather, and any other disruptions. The contingency plan may also include information about how to handle a mistake, such as the issuance of an inaccurate polling place address. The communication contingency plan is discussed in more detail later in this chapter.

tip

Even though we are living in the multimedia age, batteries die and devices get dropped in water or run over. How would you access your contact list in these circumstances? Always take a hard copy of crucial phone numbers.

Working with the News Media

An election official is expected to provide timely and accurate information to the public, and the traditional news media can play a vital role helping to meet this responsibility. Because the election official and the media have common goals—they both want to inform the public, explain the process, and report developments before, during, and after Election Day—their partnership is natural. Because working together makes sense, the election official needs to understand what the media might need and how to get the information they want to disseminate to the public.

An election official should pay close attention to how news articles, especially those produced by wire services, are written. The “hook” at the top of the article makes the most important information obvious. An election official can easily write press releases in a format that does not make reporters search for the facts.

GOOD: Today the STATE Elections Division launched WEBSITE, which provides new online services for voters. The site includes a precinct locator, online registration and other helpful information.

BAD: The STATE Elections Division has heard from numerous citizens about the need to provide basic information about voting. After researching options and gathering input from focus groups, the Division today launched a new website with many interactive features, such as a precinct locator. The website address is WEBSITE.

To provide information efficiently, an election official might prepare a media kit for reporters, who need the following information about all elections: number of registered voters, number of absentee voters, historical turnout, registration dates, sample ballots, and polling place information. The media kit, which should include contact information for the designated spokesperson(s), could be available on the elections office website.

To get help disseminating material to the public, an election official may consider giving reporters access to office staff and timely information. The elections office should aim to be the ultimate resource of election information in the jurisdiction, which often means being responsive on short notice. As it gets closer to Election Day, an election official may need to be available outside normal business hours to answer press requests.

The communication plan discussed previously includes materials for implementation across media. Different media have different needs. Print (newspaper, Internet, or wire service) reporters do not need as much support to report a story, and they usually bring with them everything they need to cover an event. Television journalists need pictures—live shots and “B-roll” (background video), which means that the communication staff will need to consider lighting, staging, and access to electrical outlets. These reporters usually have about 2 minutes per story, so information that the elections office provides to them should be especially brief. Using bullet points is usually a good idea.

Interacting with the Media

An election official does his or her best to educate reporters well before Election Day. The official might consider inviting reporters to observe the pre-election voting system testing and setup. Many

jurisdictions hold a pre-Election Day media briefing, which includes disseminating information about the laws for media at polling places and the availability of elections office staff.

An election official should readily admit when he or she does not know the answer to a press question. Rapidly developing situations are just that, and speculating often does more harm than good. The election official should acknowledge that an event (such as bad weather or a power outage) happened and that elections office staff will keep the public updated as more information becomes available. (The communication contingency plan will include the steps for mitigating disruption.)

Other useful tips for interacting with the media include the following:

- ★ Be honest and friendly.
- ★ Turn off phones and devices before an interview.
- ★ Always try to accommodate reporters on deadline.
- ★ If a mistake or inaccurate statement is made, admit it, correct it, and move on.
- ★ Never be defensive, even if the reporter is.
- ★ Anything that is e-mailed could end up in the newspaper or on the Internet.
- ★ Do not try to provide an answer you do not have.
- ★ Remember to speak to the voters, not the reporter.
- ★ Remember the top priority: Always inform voters.

Communicating Effectively During a Crisis

Unexpected events happen during elections, and keeping lines of communication open during a crisis will be more important than ever. If voting is interrupted, an election official will likely be pressed by the media and the public for facts and information about what will happen next.

The elections office wants to be prepared to answer all of the “what ifs” and to deliver the answers to all segments of the public, even those without access to typical means of communication. At least 6 months before Election Day and during the development of an overall office contingency plan, an election official could conduct brainstorming sessions among the staff. These sessions can be used to examine all possible crisis scenarios and to develop solutions. The election official might consider incorporating solutions into the elections office communication contingency plan and share it with

anyone who plays a role on Election Day, including individuals or agencies outside the elections office that will be able to provide assistance during the election cycle.

If the communication contingency plan includes outside agencies, an election official may want to form a task force to bring everyone together. Other agencies to consider include law enforcement, fire department, schools, and utility companies. The elections office's communication contingency plan should work in coordination with the area government's continuity of operations plan.⁷

The communication contingency plan should be ready long before it is ever necessary. By the time a crisis hits, an election official will not have time to reread the laws and consider the wording of a press release or public statement. The election official might adapt the following recommendations to prepare elements of a contingency plan that anticipate disruptions:

- ★ Educate staff about State laws that may affect elections, such as who has the authority to reschedule or cancel an election.
- ★ Develop scripted messages for telephone staff. Develop separate messages for fire/bomb threats and for various weather-related emergencies. Train telephone staff to broadcast these messages.
- ★ Develop draft press releases and e-mail messages to distribute in the event of a disruption. Equally as important, to disseminate the information quickly, have the contact information (especially e-mail addresses) of contacts in the media, poll workers, and as many voters as possible.
- ★ Send a written notice to utility companies notifying them of Election Day activities, including a complete list of polling place locations. Request that they limit activities that could disrupt power.
- ★ Provide law enforcement officials with a complete list of all polling places, including the number of registered voters at each site.

INCLUDE SOME TWEETS FROM LA COUNTY DURING THE 2008 ELECTION SEE APPENDIX E <http://twitter.com/LACountyRRCC> INCLUDE LINK

⁷ For more information about contingency and disaster planning, review the EAC's Election Management Guidelines chapter, "Contingency Planning and Change Management," and the EAC Quick Start Management Guide, "Contingency and Disaster Planning," on the web at www.eac.gov.

Evaluating Communication Efforts

After Election Day, it is important to assess the success of the elections office's outreach activities. To make changes for the future, an election official needs to know what worked and what did not work.

One way to assess the effectiveness of material distribution is by gathering and analyzing detailed metrics about website activity. How did voters use the site? What was the average amount of time they spent on the website? What areas were most and least popular? Which websites brought in the most traffic—newspaper and television sites or civic organizations and blogs? With this information, the election official can update the website for future elections to maximize the audience.

An election official can review election stories in traditional and new media. How accurate and timely were they? Which reporters reported information accurately? Which ones did not? How helpful were bloggers in getting information to voters? Did some reporters write about election topics, but not provide election information to voters? The election official could note the most helpful reporters and blogs and reach out to them during subsequent elections.

Finally, an election official might consider documenting any areas in which the material itself could be improved for the next election. Did the materials effectively support the election office efforts? Did elections office spokespeople have information readily available to answer reporters' questions, or were they often caught off guard? Did the elections office receive a lot of phone calls seeking clarification on any of the publicly available materials?

Helpful Resources for Communicating with the Public

- ★ The Election Official Center at www.eac.gov contains links to communication documents, tools, and other resources.
- ★ The Plain Language Action and Information Network (PLAIN) at www.plainlanguage.gov/index.cfm.
- ★ Putting Citizens First: Transforming Online Government at http://www.usa.gov/webcontent/documents/Federal_Web_Managers_WhitePaper.pdf.

CHAPTER 15

CONDUCTING A RECOUNT

Introduction

Election officials understand that the voting process does not end on election night. All jurisdictions must complete a canvass of votes,¹ including determining the validity of provisional ballots.² Some jurisdictions are required by law or otherwise choose to conduct an audit of the election process. In most cases, election results can be certified after completing an audit.

A recount is “a retabulation of the votes cast in an election.”³ An election official uses a recount to corroborate the certified election results. A close contest is part of an election. Especially in local contests, with lower voter turnout, it is not uncommon for a handful of votes to determine the outcome of the election. A recount provides an opportunity for an election official to ensure that all the ballots cast are counted accurately and that the correct candidate or ballot issue wins.

The Help America Vote Act (HAVA) of 2002 requires that voting systems “produce a permanent paper record with a manual audit capacity ... [which] shall be available as an official record for any recount conducted with respect to any election.”⁴ Each State, however, has specific laws for conducting recounts,⁵ but a recount generally

is initiated either automatically or by an individual or group of individuals with standing. Some States require an automatic recount when the margin of victory reflected by the canvass of votes falls within a predetermined percentage, such as 0.5 or 1 percent of the vote. A candidate or group of voters may also initiate a recount, as allowed by State law. These types of recounts usually require the initiator to pay the cost of the recount if the outcome is unchanged at the end of the process.

IMPORTANT REMINDER ★ ★ ★

Jurisdictions are reminded to implement these voluntary practices only after reviewing State and local laws and regulations. Local election officials should contact their State election officials with questions about the legality of a specific policy or procedure in their State.

Policies and Procedures

As with every aspect of election administration, an election official begins planning long before Election Day. His or her prepared elections office has comprehensive internal policies and procedures for conducting a recount so no confusion arises about the tasks to be completed in the aftermath of a close election.

Many States have well-defined recount manuals for local jurisdictions to use. For example, Minnesota has a detailed statewide process for recounts, and its statewide policies and procedures were tested following the 2008 election during an extended recount period.⁶ If starting from the beginning, an election official might include several aspects of the recount process in a recount policies and procedures manual. The election official will likely consider

¹ See Election Management Guidelines, chapter 13, “Canvassing and Certifying an Election,” available at the U.S. Election Assistance Commission (EAC) website at www.eac.gov.

² See Election Management Guidelines, chapter 16, “Provisional Ballots,” available at www.eac.gov.

³ U.S. Election Assistance Commission, 2005 Voluntary Voting System Guidelines, Volume 1, Version 1.0., A-16, available at the EAC website at www.eac.gov.

⁴ See 42 U.S.C. § 15481(a)(2).

⁵ The EAC will provide additional information about recounts in the forthcoming vote count and recount study report, which will be available at the EAC website at www.eac.gov.

⁶ The Minnesota 2008 Recount Manual was available on the Minnesota Secretary of State’s website long before the 2008 Presidential Election.

timelines, staff, training, supplies and materials, locations, and cost.

Timelines

Although no Federal requirements exist for the completion of a recount, States need to be aware of statutory deadlines regarding Presidential elections. Congress created the safe-harbor deadline for resolving all election disputes—including recounts—over Presidential votes before the meeting of the Electoral College. If the State has not resolved its recount by that point, it risks having its Electoral College votes decided by Congress.⁷

For non-Presidential contests, many States have statutory requirements about the timeframe in which to conduct a recount. It is essential that any internal office timelines fit into that window.

Each jurisdiction should already have a timeline of events for each election cycle. This comprehensive timeline includes candidacy filing deadlines, voter registration deadlines, early voting dates, absentee voting dates, and canvassing dates and certification dates. When considering the after-Election Day part of the timeline, an election official will include enough time to conduct a recount after the certification of votes. Most States have laws governing when a recount can begin and end.

tip

Develop internal office timelines as a checklist. To refine the process, update the checklist after every recount.

Staff

The method of recount will affect the type and quantity of staff an election official will need to conduct a recount. Recounts of paper ballots, for example, can sometimes be recounted by retabulating through electronic scanners. If the jurisdiction must conduct a hand recount, however, more staff will be necessary. If the jurisdiction requires some sort of determination about voter intent, the staff conducting the recount will also need some specialized training to ensure uniformity of decisions during the recount.

An elections office staff usually manages the recount, often with the help of a recount board. First, an election official determines the roles and responsibilities, as well as the availability, of the various full-time elections office staff and local government employees who help with the election process. An election official compiles contact information for local government information technology, legal staff, and vendor support because he or she may need them to provide advice during the recount. In addition, because the security of the ballots is important during the recount, an election official might contract for private security staff or with the local police or sheriff's department.

Some jurisdictions may prefer to conduct the recount with only full-time elections office staff. Many other States require bipartisan recount boards. The recounts policies and procedures manual should include a staffing plan that includes detailed job descriptions. Although jobs will not need to be assigned to specific staff members until a recount is initiated, an election official understands and identifies his or her staff's capabilities to perform the different recount functions. Although jurisdictions may use different terminology, an election official may likely need to fill jobs equivalent to many of the ones in the following list:

- ★ *Recount Coordinator* supervises the recount area.
- ★ *Ballot Sorting Coordinator* distributes all ballots and/or electronic memory cards with votes to be recounted.
 - *Poll Ballot Sorting Teams* bundle and prepare all the ballots cast on paper or electronically at polling places, including provisional ballots, for recounting.
 - *Absentee Ballot and Early Voting Sorting Teams* bundle and prepare all absentee ballots cast in person on paper or electronically and by mail.
- ★ *Recount Boards*, which usually are bipartisan, conduct the actual counting.
- ★ *Team Leaders* monitor the recount boards.
- ★ *Runners* bring ballots for recounting to the recount boards.
- ★ *Data Entry Personnel* collate the tally sheets from the recount boards and input data for final totals.
- ★ *Observer Coordinator* oversees members of the public who view the recount process.

⁷ For more information about the safe-harbor deadline and the Electoral College, visit the EAC website at www.eac.gov.

- ★ Security personnel enforce the jurisdiction’s established recount rules to maintain the orderly conduct of a recount.

The total number of individuals needed for conducting a recount depends on a few factors, including the number of ballots, the timeframe, the method of recount, and the budget. If an election official is hiring staff from outside the elections office, he or she might recruit a few alternates for the various positions in the event of cancellations during the recount process.

Training

A recount procedure is not always a normal part of the pre-election training process. Thus, an election official probably needs to conduct a training session for all recount board staff in the short time available between Election Day and the beginning of the recount. The training session, which will likely be different from normal poll worker training, should be comprehensive regarding the policies and procedures for conducting a recount and should also include the administrative side of the process.

An election official can start the training session by explaining the rigid requirements for recount board staff. The election official should discuss the importance of the oath of office that each staffer must take, if required by law, and then stress the importance of security procedures. For example, just as at a polling place, several items may be prohibited (by law in some jurisdictions) from a recount site to ensure the integrity of the process.

An election official should also consider making sure that recount board staff knows about the administrative aspects of their jobs, such as how to complete their timesheets and when to expect to be paid for their services. The election official makes clear to all recount board staff members when they may take breaks during the workdays. In some jurisdictions, staff members conducting a recount are not permitted to leave the room at any other time without authorization from the recount coordinator. By limiting the amount of entering and exiting of the recount room during the recount, and by having all participants take breaks at the same time, the recount coordinator can ensure that the recount room remains secure throughout the process.

Several States require some percentage of ballots to be re-tallied as part of a mandatory audit of the election. Because those States require the audits for every election and because the processes and procedures are substantially similar to conducting a recount, those States provide some training before Election Day that is applicable to conducting a recount.

Supplies and Templates

An election official should have access to certain supplies and materials in the event of a recount. Depending on the size of the recount, the election official may need to adjust quantities of supplies, but an official can count on the need for the basic ordering of supplies such as tables, chairs, storage boxes, envelopes, paper, and pens. For example, an election official may need to set up partitions in the counting room to separate some of the teams or he or she may need to provide parking permits for the recount board members and any additional staff.

An election official can also prepare templates for potential recounts long before Election Day. Because the timeframe in which to conduct a recount is relatively small, the election official can be prepared to add detail to press release templates and legal notices that may be required to be sent to the candidates.⁸ In addition, the official can ensure that the various tally sheets—by batch, by precinct, by ballot type (absentee, early voting, Election Day, provisional)—are prepared for easy printing before a recount.

Locations

Many jurisdictions can conduct a recount from within the elections office. State laws or regulations, however, may require an election official to make certain accommodations to allow for transparency of the recount process. In some States, an election official is required to record the proceedings of the recount process. As part of a comprehensive plan for transparency, an election official should be prepared to devote a section of the recount room to observers, the public, and the media.

⁸ See the New Hampshire Election Procedure Manual available at the New Hampshire Secretary of State’s office website at <http://www.sos.nh.gov>.

tip

Install a viewing window in the recount area so that the public has an opportunity to observe the proceedings without interfering with the recount process.

An election official and his or her recount coordinators should consider the security of the recount room and all materials throughout the recount process and have security staff on site throughout the recount process.

Cost

Cost is often a concern for an election official conducting a recount. It is difficult for the election official to estimate the exact cost of conducting a potential recount before Election Day, because he or she needs to know the scope and method of the recount before determining those costs. The following costs are some that an official might consider for all recounts:

- ★ Full-time staff salaries and benefits and overtime hours.
- ★ Part-time staff salaries.
- ★ Location rental (if the jurisdiction does not have room in the elections office).
- ★ Tables and chairs rental (if necessary).
- ★ Legal expenses.
- ★ Vendor support.
- ★ Security.
- ★ Additional printing, storage boxes, and other supplies used in the jurisdiction for the recount.

An election official should understand his or her jurisdiction's policies and procedures for requesting funds. The election official may need to submit a request to the local budget department for initial funding for the recount, pending a reimbursement from the candidates or other parties, if provided by law. In other jurisdictions, an election official must notify recount-requesters about the need to post a bond before commencing the recount. In the event of an automatic recount, the law should outline how the process will be funded.

Materials for the Public

The recount policies and procedures manual that the election official prepares is mainly for the actual administration of a recount. The candidates, media, and public, however may also use certain portions of the manual during a recount. The election

official might develop a brochure describing the recount process in plain language for the benefit of individuals who are less familiar with the process.

The election official can tailor the materials for the public to each election. A few overall items, however, will be of particular help to the public as it observes the recount in progress. The following paragraphs present some examples of information to include in a recount brochure.

The election official should make the public aware of two types of recounts (though terminology will vary by jurisdiction). The timeline, scope, and liability of costs of the recount, in some jurisdictions, depend on the type of recount.

1. *Automatic recounts* are provided by law when an election outcome is within a certain percentage or number of votes. The jurisdiction conducting the recount is generally required to pay all costs associated with conducting the recount.
2. *Candidate- and voter-initiated recounts* must be requested within a certain time period after the vote canvass, and the requestor may be required to post a bond for the estimated costs of conducting the recount. The requester is sometimes reimbursed if the recount changes the outcome of the contest.

In the materials, the election official can address the public's need for the 'who, what, and when' as well. The timeframe and scope of a recount vary widely by State⁹ and for the official or group of officials responsible for the recounts, which can be especially confusing if the recount covers multiple jurisdictions. Several questions may need to be clearly answered. How will members be appointed to the recount teams? Will they be composed of internal elections office staff or bipartisan recount boards? After clarifying the outline of the recount, though, the election official can address the actual counting policies and procedures.

In the recount brochure, the election official might consider including information on the process during the recount. It could include details about how the recount will be conducted and whether the candidate has a choice concerning the manner in which the recount will be conducted (for example,

⁹ The EAC will provide more State-specific information in a forthcoming recount and challenges study report, which will be available at the EAC website at www.eac.gov.

by hand, by reloading cartridges, by rescanning optical ballots). For political party representatives, advocates, and the public, the election official will include information about attending and observing the recount. While preparing the materials for the public, the election official should be aware of any specific rules or State laws requiring written notice of the dates, times, and location of a recount.

An election official might consider preparing the brochure as a practical tool for those individuals or groups that intend to initiate a recount. It will include the deadlines for requesting a recount and where to acquire the form needed to file for a recount. Some recount requests must be filed with the State elections office and others with the local elections office. When a recount spans multiple jurisdictions, it is sometimes necessary to file a unique recount request form in each jurisdiction.

At the end of the brochure, an election official can include a “Frequently Asked Questions” page, with questions such as the following:

- ★ Are recounts mandatory?
- ★ Who can call for a recount?
- ★ Will the recount establish a definite winner?
- ★ How long does the recount last?
- ★ How much does a recount cost?
- ★ Who pays for a recount?
- ★ Who can handle the ballots and/or electronic memory cards?
- ★ Who can transport the ballots and/or electronic memory cards?
- ★ How are the ballots and/or electronic memory cards secured?
- ★ Can the public view a recount?
- ★ Under what conditions can the results of a recount be challenged?

As a routine procedure, an election official should include the recount policies and procedures manual and the recount brochure in all media and candidate packets. He or she should also consider posting both documents on the jurisdiction’s website in an easy-to-use, accessible format.

Conducting the Recount

An election official will likely have a short window in which to complete a recount. After a recount is formally requested or automatically initiated, the election official can distribute the recount policies and procedures manual to all parties involved so that they all understand the process. If possible, he

or she might consider including inserts about the contests to be recounted and the number of ballots/precincts/counties included in the recount.

tip

If possible, the elections office can create a daily e-mail update that is available to anyone who signs up during the recount process.

Transparency is key to a successful recount. On the first day of the recount, the election official and recount coordinator may conduct an informational briefing and orientation session, which provides an excellent opportunity to review the policies and procedures manual that they will use to conduct the recount. They can also use this time to discuss the rules for observers and to explain when the public can expect periodic updates.

During the briefing, the election official often explains the security of the recount site; he or she should consider giving this task special importance if the recount is being conducted away from the elections office. In this discussion, the election official could include a review of when breaks will be allowed and which materials are prohibited from the recount room. The election official can conclude the briefing with a quick tour of the recount room, which allows everyone to walk through and ask final questions about the process.

After the briefing is complete, it is time to start the recount. The election official may require all elections office staff and/or temporary employees to sign in and wear a nametag. After the recount teams sign in, the election official can direct recount team members to an area where they can store their personal effects (coats, purses, etc.). State and local law will determine if items such as cell phones, electronic devices, writing utensils, food, or beverages will be allowed in the recount area. An election official can then remind the recount team to refrain from extended discussions with any observers who may be in the room. As observers arrive, the election official (or designated personnel) might direct them to the observer coordinator, who will ask them to adhere to observers’ rules of conduct and behavior.”¹⁰

¹⁰ See Election Management Guidelines, chapter 13, “Canvassing and Certifying an Election,” available at the EAC website at www.eac.gov.

tip

If the jurisdiction is operating in an extremely short timeframe, the election official could implement a staggered work schedule so that counting can be conducted for longer periods of time in the same location.

Example: hand-recounting ballots

The following paragraphs describe how a recount might be conducted when hand-recounting paper ballots. It serves only as a possible example; an election official will follow the laws and regulations of his or her jurisdiction when conducting a recount.

During the recount, two- or three-person teams receive ballots, preferably in bundles of 20. For each ballot, one team member reads aloud the name of the candidate receiving the vote. The other team member records the vote on a tally sheet.¹¹ The third member, if there is one, then verifies both of the other team members' work. When the bundle of ballots is recounted, the totals from the tally sheet are recorded on a batch sheet and attached to the bundle of voted ballots. To ensure accuracy, an election official can require team members to switch roles and count each bundle of ballots twice before attaching the batch sheet to the ballots.

tip

If time, budget, and staffing resources allow, consider limiting each recount member to no more than 6 working hours per day to ensure accuracy.

Example: electronically recounting ballots

Although the above example relates to the hand-recounting of paper ballots, many recounts are conducted electronically by rescanning optical scan ballots through a ballot counter, reloading cartridges on digital recording electronic (DRE) voting machines, or some blend of these methods. When reviewing the ballots electronically, it is possible that new logic and accuracy testing may need to be performed on the recount machines to ensure their integrity for use in the recount.

An election official should be mindful of the tedious and monotonous nature of the recount

team's work, regardless of the recount method that the team uses. Because the workers may not be regular elections office employees, the election official might consider reminding the recount coordinator to review and monitor the temporary employees' working hours and to allow for a lunch break and other frequently scheduled breaks.

The workflow for counting should be based on the criteria for balancing election returns. For example, if recount team members are recounting ballots cast at polling places, they will recount the ballots to balance to the precinct optical scanner or DRE memory cards at the end-of-day tally report. If the recount teams are recounting the paper trail of DREs, they will focus on each machine's paper trail to balance to each machine's end-of-day tally report. These balancing criteria enable an election official to construct the recount totals in the same way the votes were collected and counted on Election Day. After the teams recount each precinct, they aggregate the total with all other precinct totals to determine the total for the recounted contest at each polling place. Depending on the contest being recounted, the teams will continue to aggregate the results until they have reanalyzed all ballots cast in polling places for the contest.

The recount teams use the same processes previously described to recount absentee, early voting, and provisional ballots. After the teams recount all ballots, they add together the tally sheets for the polling place, absentee ballots, early voting ballots, and provisional ballots. The results from the totaled tally sheets become the recounted totals for the disputed contest.

tip

The election official can conduct periodic meetings with key staff members to review the progress of the recount and modify staff levels or workflows to expedite the process.

An election official is aware of possible disruptions to the workflow by legal challenges posed by candidates, parties, or other organizations. Although the election official hopes for a smooth recount, he or she should be prepared to provide security of the ballots throughout any legal challenges surrounding the conduct of a recount.

¹¹ See page 169 for a sample tally sheet

As the recount nears completion, the election official might consider contacting the candidates, media, and other interested parties to notify them of the date, time, and location for the issuance of the recount announcement.

Finalizing the Recount

An election official should consider collecting and organizing all recount documentation—tally sheets, batch sheets, and ballots—to present to the recount board. Election officials understand that even the results of the recount can be challenged in court; therefore, they should have detailed documentation of each decision made and action taken during the recount process.

After the election is certified, the election official should repackage and seal the documentation for archival storage, just as he or she would do with election materials in a normal election. The official can then itemize these documents by type and location in preparation for future requests for public records and/or potential lawsuits. Pursuant to Federal law, all election materials must be stored for 22 months after a Federal election.¹²

After the election official has reported the results, elections office staff might consider preparing a cost analysis of the recount. If the jurisdiction will pay for the cost of the recount, the election official will distribute this information to the jurisdiction's budget department. Alternatively, the election official may need to prepare an invoice to send to the party, candidate, or voter responsible for the cost of the recount.

An election official may write a summary of the recount to serve as a guide for improving the policies and procedures during future recounts. This summary could include the number of recount team members, ballots recounted, and hours dedicated to recounting the ballots. The summary could also include the final outcome of the recount. If a specific aspect of the process did not work, the election official could assess the reasons for the failure and then suggest changes to the recount policies and procedures manual.

In addition, because the elections office staff and temporary recount board members have just completed conducting a recount, the election official could ask for their opinions and suggestions. Those hands-on team members may have good suggestions for modifying policies and procedures for future recounts.

¹² See 42 U.S.C. §1974.

**State of Iowa
Manual Recount Tally Sheet**

County: _____ Election Name and Date: _____ Precinct: _____

Recount of Votes Cast for: Office: _____

OR Public Measure: _____

Instructions:

Use one tally sheet for each candidate or yes/no votes for a public measure. Make a hash mark for each vote cast. Use one box for each set of ten hash marks.

Candidate's Name: _____

OR Votes Cast for Public Measure: Yes **OR** No

10	20	30	40	50	60	70	80	90	100	
										100
										200
										300
										400
										500
										600
										700
										800
										900
										1000
										1100
										1200
										1300
										1400
										1500
										1600
										1700
										1800
										1900
										2000

Total Votes Cast: _____

Print Name of Tally Keeper: _____

Signature of Tally Keeper: _____ Date: _____

CHAPTER 16

PROVISIONAL BALLOTS

Introduction

Although some States had already incorporated various fail-safe ballots into their election codes, the passage of the Help America Vote Act (HAVA) of 2002 represents the first such Federal requirement.¹ HAVA establishes a voter's right to cast a fail-safe, or provisional, ballot in Federal elections.

Voters cast provisional ballots for a variety of reasons, and many States have created various additional applications for fail-safe ballots. For Federal elections, however, HAVA outlines the two federally required circumstances under which States must provide provisional ballots.

First, a State must make provisional ballots available to voters in the event that “the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote....”² As long as the voter signs an affirmation that he or she is registered in the jurisdiction and eligible to vote, the election official must provide the voter an opportunity to cast a provisional ballot. After Election Day, the determination about the voter's eligibility is resolved, and the provisional ballot is subsequently counted or denied based on such eligibility.

Although HAVA requires that voters attest to their eligibility to vote within a jurisdiction, it is left to the State laws to outline the meaning of “jurisdiction.” In some States, a voter may cast a provisional ballot in any precinct in the State, regardless of the locality in which the individual is registered, and have that provisional ballot counted, assuming the voter meets all other eligibility requirements. These States autho-

size local election officials to count the votes on the portion of the ballot that the provisional voter would have been eligible to vote had he or she cast a ballot in the home precinct. In other States, for the provisional ballot to count, a voter must cast a provisional ballot in the precinct in which he or she is eligible to vote.

Second, HAVA requires that provisional ballots be available when, during a Federal election, a Federal or State judge extends polling place hours. All voters who cast ballots during the extended hours must cast provisional ballots that are set aside from the other provisional ballots cast during normal voting hours. This requirement allows a judge to determine, after Election Day, the validity of the order to extend polling place hours and allows election officials to easily identify the cast ballots as part of the order.

HAVA mandates that voters have the ability to check the status of their provisional ballot after it is cast. State or local election officials must establish a free access system through which a voter “will be able to ascertain...whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted”³ if the provisional ballot was cast pursuant to HAVA. Federal law also requires that voters be provided written information regarding this free access system at the time that they cast their provisional ballot, providing the provisional ballot was cast for one of the two federally mandated reasons.

States use provisional ballots in additional instances as provided by State law.⁴ The following

¹ See 42 U.S.C. § 15301 et seq.

² See 42 U.S.C. § 15482(a).

³ See 42 U.S.C. § 15482(a)(5)(B).

⁴ For more information about provisional voting at the State level, review the U.S. Election Assistance Commission's (EAC's) forthcoming State-by-State compilation of provisional voting statutes. The report will be available at the EAC website at www.eac.gov.

examples illustrate some State-mandated reasons for using a provisional ballot:

- ★ A voter's name does not appear on the official list of eligible voters at the polling place on Election Day during a non-Federal election.
- ★ A voter changes his or her name or moves within the county and fails to reregister before the election.
- ★ Another person challenges a voter's qualifications and the poll worker is not able to resolve the challenge.
- ★ A voter does not have proper identification.
- ★ A voter was issued an absentee ballot, chooses to vote on Election Day instead, and does not have the ballot to surrender to poll workers.
- ★ A voter is not a resident of the precinct in which he or she is attempting to vote.
- ★ A voter has been convicted of a felony and the jurisdiction has no record of a restoration of voting rights.

Because the eligibility of provisional voters must be determined before their ballots can be counted, provisional ballot totals are not included in the unofficial vote totals released on Election Day. An election official determines voter eligibility based on requirements in Federal and State election laws, including age, citizenship, residence, and identification. The provisional ballots cast by those voters deemed eligible are included in the certified election results that are released after Election Day.

Some States have developed statewide standards for processing provisional ballots. These standards direct local election officials and/or election boards to count provisional ballots in a uniform manner. Local election officials must incorporate any statewide guidelines into internal office policies and procedures for administering provisional ballots.

While taking into account the statewide standards, the local election official develops policies and procedures for provisional voting. These procedures might include issuing, collecting, researching, and verifying provisional ballots. Local election officials or election boards, as outlined by State law, will make the determination of eligibility.

An election official creates internal elections office procedures for provisional ballots from form design through final certification.

IMPORTANT REMINDER ★ ★ ★

Jurisdictions are reminded to implement these voluntary practices only after reviewing State and local laws and regulations. Local election officials should contact their State election officials with questions about the legality of a specific policy or procedure in their State.

Issuing Provisional Ballots

To develop policies and procedures for administering provisional voting, an election official first creates a process for issuing provisional ballots to voters at the polls. Provisional voters need to use special forms or ballot envelopes, ballots, and sign-in sheets on Election Day. Because some States have already created these materials, a local election official should first ask his or her State about the existence of any forms. If a form is not available at the statewide level, a local election official should then create easy-to-use, easy-to-understand materials for poll workers and voters.⁵ When conducting poll worker training events, the election official might consider incorporating into the training clear guidelines on issuing provisional ballots.

tip

Produce provisional ballots and envelopes with a design and/or color that is different from a traditional ballot. A different design will clearly designate provisional ballots as separate from regular ballots.

An election official will make sure polling places comply with the Federal requirement for voting information to be visibly posted at the polling location, including information on the right to a provisional ballot for Federal contests if a voter's eligibility cannot immediately be determined at the polling place.⁶

⁵ For more information about best practices in ballot design, review the EAC's Effective Designs for the Administration of Federal Elections report with camera-ready images for election officials. The report is available at the EAC website at www.eac.gov.

⁶ See 42 U.S.C. § 15482(b).

Provisional Ballot Envelope

Reason for Provisional Ballot
To be completed by Precinct Official

Precinct: _____

Election Date: ____/____/____

Reason for Provisional Ballot (check all that apply):

Voter did not have proper identification

Absentee voter with no ballot to surrender

Voter was challenged by another registered voter (attach the signed challenge to this envelope)

PROVISIONAL LABEL 1

X Precinct Election Official's Signature _____ Date _____

Affidavit of Provisional Voter
To be completed by Voter

Print Name: _____

Address: _____

Date of birth: ____/____/____

Phone (optional): _____

PROVISIONAL LABEL 2

I do solemnly swear or affirm all of these things. I am a United States citizen, at least 18 years of age. I believe that I am a registered voter of this county and/or eligible to vote in this election. I have not voted and will not vote in any other precinct in this election. If my current voter registration record indicates another party affiliation or no party affiliation, I swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the party indicated herein. I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

X Voter's Signature _____ Date _____

To be completed by Voter
Complete voter registration form. Mark ballot and seal in envelope. Return completed ballot in envelope to Precinct Official.

1. You are required by law to provide your current and valid Iowa driver's license or Iowa non-operator identification. If you do not have an Iowa driver's license/operation operator ID number, provide the last 4 digits of your Social Security Number. Valid ID Driver's License or Non-Operator ID Number _____ Last 4 Digits of Social Security Number _____

Check this box only if you DO NOT have a current and valid Iowa driver's license/ID or a Social Security Number

2. Date of Birth (Month/Day/Year) Sex Male Female Daytime Phone (optional) E-mail (optional)

3. Name Last Name First Name Middle Name Suffix (Dr., Jr., etc.)

Street Address (include apt., rd, etc., if applicable)

City State ZIP Home County Where You Live

A. If mail CANNOT be delivered to the address above, provide an alternate mailing address.

Alternate Mailing Address (include P.O. box if applicable)

City State ZIP

B. If you DO NOT have a street address because you use a rural route address or you are homeless, describe where you live. Description (include Township and Section Number if known)

4. Political Affiliation: **Party:** Democratic Green Other. If you leave this blank, your registration will be listed as "No Party Affiliation." **Non-Party Political Organizations:** Republican Libertarian No Party

5. PREVIOUS REGISTRATION (If you have ever been registered to vote before, complete this section.)

Your Name (Last) _____

Your Address (Last) _____

City State ZIP County

6. Are you a citizen of the United States of America? Yes No

Will you be 18 years of age on or before Election Day? Yes No

7. READ and SIGN.

I swear or affirm that:

- I am the person named above.
- I am at least 17 1/2 years old.
- I am not currently judged to be incompetent to vote.
- I do not owe the right to vote suspension also.
- I have not been convicted of a felony (or have received a restoration of rights).

I am a citizen of the United States. Yes No

I live at the address listed above. Yes No

WARNING: If you sign this form and you know the law, you can be convicted of perjury and fined up to \$7,500 and/or jailed for up to 5 years.

X Signature _____ Date _____

Prepared by the Iowa Secretary of State's Office Revised 6/09

Statement to Person Casting a Provisional Ballot

To be completed by Precinct Official and given to Voter

Voter's Name: _____

Reason for Provisional Ballot (check all that apply):

Voter did not have proper identification (see "What you need to provide" below)

Absentee voter with no ballot to surrender

Voter was challenged by another registered voter

Reason: _____

PROVISIONAL LABEL 3

What you need to provide before your ballot will count:

Photo ID containing your name and picture

One of the following: Iowa driver's license, out-of-state driver's license, non-driver ID, U.S. passport, U.S. military ID, ID card issued by an employer, student ID issued by Iowa high school or college

One of the following showing your name and current address: bank statement, paycheck, utility bill, property tax statement, residential lease, government check, or other government document.

Deadline: _____ a.m./p.m., _____ (date)

PROVISIONAL LABEL 4

Mail or Deliver Evidence to: _____, County Auditor

If proof of ID or residence is required, your provisional ballot may be counted if you bring a copy of the identification listed above to this precinct before the polls close today or to the county auditor at the address above by the above deadline. If your ballot is not counted, you will be notified, by mail, of the reason why it was not counted.

PROVISIONAL LABEL 5

Your right to vote will be reviewed by the Special Precinct Board. You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as a registered voter.

X Precinct Election Official's Signature _____ Date _____

Testing Materials, Policies, and Procedures

As with any part of the voting process, a local election official might test the provisional voting forms, envelopes, and ballots for usability. The election official should attempt to conduct testing that is representative of conditions at the poll on Election Day. To test the ballot, the official might include the following steps:

1. First, replicate a sample polling place. Fill the poll worker role with veteran and novice poll workers who might be scheduled to work on Election Day. (Because these individuals will be interacting with voters on Election Day, it is imperative that they understand the materials and can use them efficiently at the polling place.)
2. Second, fill the role of voters with individuals who are not completely familiar with election administration. (To obtain more realistic results, it is best to test the usability of various policies, procedures, and materials on individuals who are less familiar with the process.)
3. After filling the testing roles, instruct the voters to interact with the poll workers as they would on Election Day. Pay special attention to how the voters are checked in at the sample polling place and the amount of time it takes to com-

plete the forms and envelopes and to cast a provisional ballot. Create easy-to-follow flowcharts about provisional voting administration for poll workers to use at voter check-in tables for the test and on Election Day.

If required by law, an election official may need to include representatives from the political parties with candidates on the ballot to observe the testing of materials. After the testing the election official can use lessons learned to revise the forms, envelopes, ballots, and procedures. To allow enough time for revisions, the official would conduct the usability testing sufficiently early in the preparation process.

Poll Worker Training

As noted previously, poll workers will administer any internal elections office policies and procedures for provisional voting on Election Day. An election official might build a module for provisional voting into his or her overall poll worker training sessions. Some jurisdictions train poll workers to direct any voters not on the registration list to the chief or assistant chief poll worker in the polling place who is trained to administer provisional ballots. This process can result in decreased line wait times on Election Day by ensuring that poll workers

efficiently administer the many requirements for provisional ballots.

A local election official knows that poll workers need access to simple, easy-to-use tools to help answer voters' questions on Election Day. When a voter's name cannot be located on the registration list, a poll worker should know to treat that individual as a potential provisional voter. Although it is always preferable for an eligible voter to cast a regular ballot that will not need further validation after he or she leaves the polls, poll workers must provide provisional ballots consistently and without hassle, when appropriate.

An election official might also consider teaching poll workers to determine whether the voter is in the correct polling place. Poll workers should make every effort to direct a voter to the correct polling place, especially in jurisdictions that count only those provisional ballots cast in the proper precinct. The election official can require poll workers to post a map of all polling places in the jurisdiction at the polling place entrance. For jurisdictions that provide information in multiple languages, the map should be available in the alternative languages. In addition, the election official may require Election Day greeters to explain the map to voters as they enter the polling place. This proactive approach may help voters determine if they are in the correct polling place.

tip

Consider posting a jurisdictionwide map of all polling places with a shaded portion indicating which voters are eligible to vote in the polling place. Include the tag line, "If you live in this area, you VOTE HERE."

Many election officials have noted that county-wide paper street indexes can be confusing and difficult for poll workers to interpret on Election Day. One alternative to using the indexes is using laptop computers or electronic poll books to locate the correct polling place for a voter who is in the incorrect polling place. Another option is to have the elections office operate a telephone call center at the central elections office for poll workers to call for prompt assistance in determining a voter's proper precinct.

After poll workers have attempted to help a voter cast a traditional ballot, it is important that they know that, if the voter's name is not on the list, they must issue the voter a provisional ballot in Federal elections. In such cases, poll workers must also provide the voter with written information about the federally mandated free access system through which the voter can determine if his or her provisional ballot was counted and the reasoning behind the decision.

tip

Consider training and assigning specific poll workers to administer provisional ballots on Election Day.

Election Day Administration

An election official might develop a special check-in process for provisional voters on Election Day. If poll workers are unable to locate a voter in the registry, or other conditions for provisional voting are met, poll workers could direct provisional voters to a separate check-in table where poll workers provide them with instructions and information on provisional voting. Because these voters will take longer to check in than traditional voters will, a separate table allows the regular check-in line to flow normally for traditional voters while ensuring that provisional voters are processed efficiently.

An election official should train poll workers assigned to the provisional voting check-in table to understand the importance of thoroughly completing all necessary forms and ballot envelopes. An error in the form or envelope can invalidate the voter's provisional ballot before it is ever opened for processing. The election official can include in any poll worker training a reminder that poll workers review all provisional voters' paperwork for completeness and accuracy and that they follow procedures exactly as prescribed by law.

Voters can cast provisional votes by paper ballots or on direct recording electronic voting machines as allowed by law. If the jurisdiction is using paper provisional ballots, poll workers might instruct voters to place their provisional ballots into the completed ballot envelopes. Voters cast the ballots by placing them into a separate, secured ballot box. If the provisional ballots are being used due to a court-ordered extension of polling place hours, poll

workers will keep these provisional ballots separate from the provisional ballots cast for other reasons.

Voters can also cast provisional ballots on electronic voting machines. For these situations, an election official should train poll workers generally about operating the voting machines for provisional balloting and specifically about how to record the provisional ballot number on the electronic voting machine screen. Poll workers can instruct provisional voters using electronic voting machines to complete all necessary paperwork and return it to the poll worker before casting their provisional ballots.

tip

If resources allow, consider designating one voting machine for provisional voters.

After voters cast provisional ballots for a Federal contest—regardless of the voting method—poll workers must provide these voters with written information about the free access system for determining whether their ballots were counted. Some States use toll-free hotlines or links from their chief election official’s website to provide voters with such information. An election official will prepare a one-page handout for provisional voters about the provisional voting process, which explains how, when, and where the voter can access the information about his or her provisional ballot.

Collecting Provisional Ballots

For an election official, the next step in developing internal policies and procedures for provisional voting is to standardize the collection of completed provisional ballots from the polling places on Election Day. The election official might include the following steps in the process:

- ★ Collect the provisional ballots or electronic memory cards at the polling places.
- ★ Transport the provisional ballots or electronic memory cards to the central election office.
- ★ Store the provisional ballots or electronic memory cards during the canvass and retain them pursuant to Federal and State law.

The tabulation of provisional ballots will not occur on Election Day and, thus, will not show up in the unofficial results released to the public on election night. Many States, however, require

that elections offices publicize the number of provisional ballots cast on Election Day. This release of information is especially important in close races when the number of uncounted provisional ballots exceeds the margin of victory reflected in the unofficial results.

An election official will collect and account for provisional ballots separately from traditional ballots because their validity needs to be confirmed by verifying the voter’s eligibility before being counted. On Election Day, poll workers must account for all traditional and provisional ballots cast in the precinct. At the provisional ballot table, poll workers should reconcile the number of provisional voters’ signatures with the number of provisional ballots issued minus any spoiled ballots (for both paper and digital recording electronic voting machine provisional ballots). Poll workers assigned to the provisional ballot table should complete a transmittal sheet, which includes the provisional ballot reconciliation. The poll workers will then return the document, along with all other supplies and materials, to the central election office.

An election official knows that detailed audit trails, especially regarding provisional ballots, are critical. The official should ensure that the documented chain of custody accurately reflects that poll workers have returned all provisional ballots or electronic memory cards to the central election office and that elections office staff have stored them in a secure environment until a decision has been made about their eligibility. Even after a provisional ballot’s validity is determined, an election official is required to keep all provisional ballots for 22 months following a Federal election.⁷

Counting Provisional Ballots

For an election official, the final aspect of provisional voting policies and procedures is to develop an efficient process for determining the validity of provisional ballots so that the votes are included in the certified election results. The election official can review State laws to ensure that the process for resolving provisional ballots is completed within the allotted timeframe and in keeping with all other legal requirements.

⁷ See 42 U.S.C. § 1974.

An election official should be transparent with all aspects of provisional ballot verification and counting. This transparency includes proactive information sharing with the public about the administrative complaint procedures available to those voters who believe that their provisional ballots were denied inappropriately. The public must be informed of the timelines for counting provisional ballots, including any period of time during which provisional voters can present additional identification to validate their ballots.

An election official might consider following a few steps in counting provisional ballots: (1) determine voter eligibility, (2) document reasons for rejections, and (3) aggregate eligible votes. In jurisdictions that use electronic voting machines for provisional voting and counting, the aggregation of valid provisional votes requires only reviewing the report produced by the voting machine. In paper provisional ballot jurisdictions, the election official can count paper pro-

visional ballots using the same policies and procedures for counting any paper ballots.

Before moving the provisional ballots to an area set aside for counting, an election official might consider performing a precinct-by-precinct audit of the provisional ballots cast. It is essential that the number of sealed provisional ballots from each polling place balances with the number of voters who cast a provisional ballot. Each provisional ballot envelope should include identifying information about the polling place and precinct in which it was cast. The election official could resolve any discrepancies before moving the ballots to the verification area.

Some States have established laws or administrative regulations about how local election officials should determine the validity of provisional ballots. A local election official might develop a matrix to document all the rules and regulations for counting and rejecting provisional ballots. The matrix would cite each controlling State statute or

THE KANSAS ELECTION STANDARDS MATRIX

Counting Provisional Ballot				
#	Situation	Should Ballot Count?	Legal Authority	Comments
A	Voter Registration			
1	Voter registered in office before books closed and advance voted at the same time.	YES	25-1122 25-2311	If voter's notice of disposition was not returned by mail before canvass day.
2	Voter registered in office before books closed and advance voted at the same time. The voter's notice of disposition was returned as undeliverable.	Laws are unclear. Consult county attorney or counselor.	25-1122 25-2302 25-2311	KSA 25-2302 indicates that the ballot should not count because a person must be registered before voting. KSA 25-2316(c)(e) indicates that the ballot should count because the person to whom a confirmation notice is sent (after the notice of disposition is returned undeliverable) is a registered voter when the election officer adds his/her name to the registration list.
3	Voter registered at CEO office after books closed or at the polling place on election day and voted at the same time.	NO	25-2311(a)(6) 25-2311(e)	Law requires that a voter must register by the 15th day before election.
4	Registered voter had different name than on poll book due to marriage, divorce or legal proceeding and completed a new voter registration application.	YES	25-2316(c)(a)	
5	Registered voter had different name than on poll book and did not complete a new voter registration application.	NO	25-2316(c)(a)	

continued next page...

THE KANSAS ELECTION STANDARDS MATRIX

#	Situation	Should Ballot Count?	Legal Authority	Comments
6	Voter was registered but voted in wrong precinct, but within the county, due to CEO error, board worker error, voter error, or insistence by voter.	YES (partial ballot)	25-3002(b)(3)	Law requires counting of partial provisional ballots—count races and questions that are identical when comparing provisional ballot to correct ballot for voter's precinct.
7	Voter was not registered. NO	25-215 25-2302	Kansas laws require registration before voting.	
8	Voter claimed to have registered at DMV, post office, state fair or NVRA registration outpost and CEO had no registration.	NO	25-215 25-2302 25-2421a	Unless CEO verifies DMV or CEO error.
B	Voter Moves			
	Moves Within County			
1	Registered voter moved within county within 30 days of election. Voted at former precinct.	YES	KS Const. Art. 5 Sec. 1; 25-3702	KS Constitution allows this so ballot not required to be provisional. Voter must complete Form FP1 before voting.
2	Registered voter moved within county within 30 days of election. Voted at either new precinct or central location.	YES	25-2353 25-409	Must complete new registration card before voting provisional ballot.
3	Registered voter moved anywhere in county and voted at new precinct.	YES	25-2316c(b)	Voter must complete a new voter registration application.
4	Registered voter moved within county at any time before election. Voted at either new precinct or central location.	YES	25-2353 25-409	Must complete new registration card before voting provisional ballot. No time limit on date of move.
5	Registered voter moved within the county at any time and completed a new voter registration card.	YES 25-2353	If voted at new precinct or central location.	
6	Registered voter moved within county within 30 days before election. Voted ballot at wrong precinct.	YES (partial ballot)	25-3702 25-3002(b)(3)	Entire ballot valid if voted at former precinct. Partial ballot valid if voted ballot at precinct where not registered.
7	Registered voter moved within county more than 30 days before election. Voted at former precinct.	YES (partial ballot)	25-3702 25-3002(b)(3)	Partial ballot valid if voted ballot at precinct where not currently registered.
8	Registered voter moved within the county but refused to fill out a new voter registration card before voting.	YES (partial ballot)	25-409(a) 25-3002(b)(3)	Law requires counting of partial provisional ballots—count races and questions that are identical when comparing provisional ballot to correct ballot for voter's precinct.
	Moves Out Of County, Within State			
9	Registered voter moved anywhere in state within 30 days of election. Voted at former precinct.	YES	Kan. Const. Art. 5 Sec. 1 25-3702	KS Constitution allows this, so ballot not required to be provisional. Voter must complete Form FP1 before voting.
10	Registered voter moved out of county but within state within 30 days before election. Voted in new precinct without re-registering.	NO	Kansas Constitution Article 5, 25-3702 25-2316c(b)	Fail safe (provisional) voting only covers in-county moves. Former precinct voting only allows voting in precinct of former residence.

continued next page...

THE KANSAS ELECTION STANDARDS MATRIX

#	Situation	Should Ballot Count?	Legal Authority	Comments
11	Registered voter moved out of county but within state more than 30 days before election.	NO	25-3702	Not protected by law. Needed to re-register at new address.
C	Advance Voting			
1	Registered voter requested advance ballot, did not receive ballot and voted at polls.	YES	25-2908c	If CEO verifies that voter did not cast multiple ballots.
2	Registered voter voted in advance, then voted at the polling place.	NO	25-2416(b) Election crime.	
3	Registered voter returned advance ballot in unsigned envelope.	NO	25-1124(a) 25-1136(b) 25-3002(f)	
4	Voter signed another voter's envelope.	NO	25-1120 25-1124	Law requires voter to sign statement on voter's own envelope unless another person signs for voter at voter's direction due to disability.
5	Two voters voted in advance. Ballot envelopes switched, signed by the wrong voter in same household. Both are eligible voters and signatures match.	NO	25-1120	
6	Voter submitted an advance voting ballot with ballot envelope not sealed.	YES	Technical irregularity unless CEO finds evidence of tampering.	
7	Voter applied for an advance voting ballot after deadline for application.	NO	25-1119 25-2302 25-2311(a)	Kansas laws set application deadlines to allow time for transmission of ballots and conclusion of advance voting before election.
8	Voter used power of attorney to obtain advance voting ballot and used attorney to vote.	NO	AG letter to SOS, Sept. 16, 1997	Power of attorney has no effect in voting. Laws provide for assisted voting if affidavit of assistance is filed.
9	Voter casts advance ballot, then dies. Election board makes ballot provisional pursuant to KSA 25-1136(c).	NO	25-1136(c) AG Opinion 2002-15	If ballot should count, then the directive to make it provisional is "vain, idle, or futile." There is a presumption that the legislature does not "enact useless or meaningless legislation."
D	Other			
1	Registered voter's name was found by CEO elsewhere in poll book.	YES	25-2908(b)	NVRA fail safe voting
2	Voter needed assistance – should not have been challenged.	YES	25-2909	No voter error
3	Voter voted provisional ballot, only one board worker signed envelope.	YES	25-702 25-716 25-3002(b)	Technical irregularity. No voter error.
4	In primary election, registered voter requested and received a different party's ballot than the one registered for.	NO	25-3301(d) 25-3304(b)	If voter received ballot of party other than party of affiliation, ballot does not count. Unaffiliated voter may affiliate with a party and vote, or, depending on rules

THE KANSAS ELECTION STANDARDS MATRIX

#	Situation	Should Ballot Count?	Legal Authority	Comments
5	Registered voter dies after casting ballot and ballot was not provisional.	YES	AG Opinion 2002-15	Non-provisional ballots are commingled with others are thus irretrievable and impossible to not count.
6	Registered voter returned a ballot after polls closed.	NO	25-106 25-1132 (advance)	
7	Voter accidentally presses "Submit vote" on DRE before he/she is finished. Voter completes provisional ballot.	NO	25-2908(c)(5)	Voter cannot vote twice. If ballot cast on DRE cannot be retrieved, it has been cast and included with the other votes, regardless of how many races voter had completed
E	Federal Services Voting			
1	Federal services voter who was absent applied for ballot by noon the day before election day by completing a standard FPCA (Form 76).	YES	25-1215 25-1216(b)	If the application was made on FPCA, voter cannot vote on local questions or precinct committee positions. May vote by fax. Not required to be registered.
2	Registered voter (non military) moved out of state but in the U.S. at any time before election. (See Presidential Situations for exception.)	NO		Not protected by law. Voter should check with new state for laws.
3	U.S. citizen eligible to vote in the election district moved out of U.S. and applied by noon the day before election day by completing a standard FPCA (Form 76).	YES	25-2314 25-1216(b)	If the application was made on FPCA, voter cannot vote on local questions or precinct committee positions. May vote by fax. Not required to be registered.
F	Presidential Situations			
1	New voter moved to KS within 45 days before election. Filed form PN by noon the day before election.	YES	25-1801(b)(1) 25-1802(a)	New resident may vote only on U.S. president race.
2	Registered voter moved out of KS within 45 days before election. Filed form PF in county of former residence in KS by noon the day before election.	YES 25-1801(b)(2), 25-1802(b)	Former resident may vote only on U.S. president race.	
3	Registered voter moved anywhere within KS not more than 20 days before election. Filed Form PR in county of new residence by noon the day before election.	YES	25-1801(b)(3) 25-1802(c) Relocated resident may vote only on U.S. president race.	
G	Voter Identification			
1	First-time voter in the county fails to provide valid identification, votes provisional ballot.	NO	25-2908(e) 25-3002(b)(8)	The law requires a first-time voter to provide ID in order to have ballot counted. However, if voter provides valid identification to CEO after voting provisional ballot and before county canvass, ballot should count.

regulation, and the election official would provide copies of the matrix to the media and candidates and post it on the jurisdiction's website. The election official can use the provisional ballot decision matrix as a guide for the media, candidates, and voters during the canvass.

Determining voter eligibility is the most time-consuming part of the provisional ballot counting process. To be eligible to vote, the voter needs to be registered on Election Day. If the voter is not legally registered, the ballot will not count. When making the determination of a voter's eligibility, an election official will double-check whether the voter has changed his or her name since registering to vote.

If the voter was registered, the election official can examine whether the voter had moved within the jurisdiction. In some States, the provisional ballot must be cast in the voter's home precinct. In other States, the provisional ballot can be cast anywhere in the county or State and still contain valid votes. An election official will review State law to determine whether the voter cast the ballot in the correct "jurisdiction." If State law allows voters to cast a provisional ballot anywhere in the county or State, the voter is still only eligible to cast a vote in the races and on the issues included on the ballot in his or her home precinct. In these circumstances, the election official must count only the eligible portion of the ballot. In most States, this situation will require a local election official in the provisional voter's home jurisdiction to create a duplicate ballot that includes votes only on those races for which the voter was eligible to cast a ballot.

For a special subset of provisional ballots set aside due to a court-ordered extension of polling place hours during a Federal election, an election official may need to wait before counting these ballots. In many cases, the court-ordered extension may be challenged in court after the election. If that is the case, the election official must secure these provisional ballots separately from other ballots until he or she receives official word of a judicial resolution.

The election official will document the reasons for rejecting any provisional ballots. Two staff members will review and initial each rejected provisional ballot, or they will act accordingly as the law requires. The staff may indicate the reason for rejection on the ballot envelope. Later, if the provisional ballot was cast for a Federal contest, the voter can

access this information about the rejection through the free access system.

States use provisional ballots for numerous other reasons, not all of which are outlined in the *Election Management Guidelines*. These reasons may include voter registration updates and poll worker challenges. An election official will need to create policies and procedures to deal with all the potential reasons a voter might cast a provisional ballot in his or her jurisdiction.

If the voter cast a provisional ballot because he or she did not provide sufficient identification on Election Day, State law might allow the voter to prove his or her identity after Election Day. State laws vary widely about the window during which the identification may be provided and where identification must be presented, but, to resolve a provisional ballot's validity, an election official must create a process for verifying identification presented to the elections office after Election Day, if required by law.

tip

Develop a checklist and train staff to use the checklist to process each provisional ballot. To provide an auditable history of the research process, attach a checklist to the front of each provisional ballot envelope. Provide a space for staff initials to validate the processing of each step of the provisional ballot counting process.

Completing the Election Cycle

An election official should collect provisional ballot data for several reasons. The data are best when stratified by reason for casting the provisional ballot, ballots cast by precinct, and ballots cast by polling place. The data should also include the reasons for casting and, if necessary, for rejecting any provisional ballots.

One important reason for collecting the data is to understand more about election administration in the jurisdiction. After each election, a local election official might prepare a written summary of the provisional ballot data to send to the State elections office. The election official could use these reports to develop projections for provisional ballot usage in subsequent elections to more efficiently deploy resources and reduce the number of provisional

ballots cast in the future.

The election official could also use this information to conduct post-election debriefing sessions in local elections offices. The sessions could result in recommendations for necessary modifications to forms, supplies, poll worker training, processing procedures, and voter outreach.

The Election Assistance Commission (EAC) also compiles provisional voting data in its biennial Election Administration & Voting Survey⁸. Election officials at the local, State, and Federal levels can use the results of this survey to identify successes and improvements in election administration and to learn from other States' best practices.

⁸ To read details about election data, see the Election Administration & Voting Survey on the EAC website at www.eac.gov.

APPENDIX A

INDIANA SECRETARY OF STATE
TODD ROKITA

About Indiana | Agriculture & Environment | Business & Employment | Education & Training | Family & Health | Law & Justice | Public Safety | Taxes & Finance | Tourism & Transportation

IN.gov | Secretary of State | SEARCH | advanced search

Indiana ELECTION DIVISION
Statewide Voter Registration System
Indiana
Indiana Voters.IN.gov

Online Services
FIRST IN LINE EVERY TIME

- View Election Results
- Review Photo ID Requirements
- Register to Vote
- Register for Absentee Ballot
- Forms IN.gov

More Online Services
Account Center >

Top FAQs | I Want To...

1. Where do I register to vote?
2. Does Indiana register party affiliations?
3. How to obtain my voter information?
4. How do I vote by absentee ballot?

Election Alerts

- [2010 Voter Outreach Library](#) NEW!
- [Update from the Secretary on Indiana's Photo ID Law](#)

ELECTION RESULTS
Who Are Your Legislators?

e-newsletter
sign up

APPENDIX B

[Search](#) | [Contact Us](#) | [Employment Opportunities](#) | [Site Map](#)

MISSOURI SECRETARY OF STATE
ROBIN CARNAHAN

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Business
Elections
Securities & Investing
State Library
Publications

SOS Home :: Elections :: 2008 Missouri Election Calendar Advanced Search | Search Tips

2008 MISSOURI ELECTION CALENDAR

[Upcoming Special Elections](#)

Official Election Day	Style of Election	Last Day to Register to Vote	First Day for Candidate Filing	Last Day for Candidate Filing	Final Certification Date
February 5, 2008	Presidential Preference Primary <i>Available for public elections</i>	January 9, 2008	October 16, 2007 [Presidential Primary & Jurisdictions in Kansas City begin filing October 23, 2007]	November 20, 2007	November 27, 2007
March 4, 2008 <i>(see charter)</i>	Charter cities and charter counties ONLY	February 6, 2008	November 13, 2007 [Jurisdictions in Kansas City begin filing November 20, 2007]	December 18, 2007	December 24, 2007
April 8, 2008	General Municipal Election Day	March 12, 2008	December 18, 2007 [Jurisdictions in Kansas City begin filing December 26, 2007]	January 22, 2008	January 29, 2008
June 3, 2008	<i>Available for public elections</i>	May 7, 2008	February 12, 2008 [Jurisdictions in Kansas City begin filing February 19, 2008]	March 18, 2008	March 25, 2008
August 5, 2008	Primary Election	July 9, 2008	February 26, 2008	March 25, 2008	May 27, 2008
November 4, 2008	General Election	October 8, 2008	July 15, 2008* [Jurisdictions in Kansas City begin filing July 22, 2008]	August 19, 2008*	August 26, 2008

The final date for new party and independent candidates to submit their petitions to the Secretary of State is 5:00 p.m., July 28, 2008. Independent candidates for county offices and those wishing to form a new party within a county must submit their petition to the local election authority (county clerk or election board) by 5:00 p.m., July 28, 2008. (§115.329.1, RSMo 2000)

*Opening and closing of filing for jurisdictions authorized to elect directors in November. [Bracketed dates apply to any jurisdiction partially or wholly located in Kansas City, Missouri.]

Statutory References (RSMo)

Official Election Day	§§ 115.121, 115.123, 115.775
Style of Election	§§ 115.121, 115.123
Last Day to Register	§ 115.135.1
First Day to File	§§ 115.127.5, 115.329.1, 115.349.2, 115.761
Last Day to File	§§ 115.127.5, 115.329.1, 115.349.1
Final Certification Date	§§ 115.125, 115.387, 115.401, 116.240

APPENDIX C

pennsylvania 

PA STATE AGENCIES ▾ ONLINE SERVICES ▾

Languages: **English** Español | 中文 Français ΠΑΤΗΣΙΟ 한국어 Русский язык Tiếng vietät

votesPA

The Pennsylvania Department of State's online voting information and resource center

site map • frequently asked questions •  share on facebook

Home

- About Voting and Elections
- Register to Vote
- Where to Vote
- How to Vote
- Preparing for Election Day
- Voting Reminder
- County Contacts and Web Sites
- Applications and Forms



I AM...

- Select -

- Select -
- First-Time Voter
- College Student
- Older Pennsylvanian
- Citizen with a Disability
- Member of the Military
- Person Who Has Recently Moved
- Person with Recent Name Change
- Convicted Felon, Misdemeanant or Pretrial Detainee
- Property Owner in More Than One County
- Overseas Civilian Voter

ped.
situation.

Voting System Demos

Different counties use different voting systems.

Know what to expect before you arrive at your polling place by viewing a demonstration of the type of voting system used at your polling place.



[Find Your System Now >](#)

IMPORTANT DATES

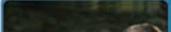
Key dates for PA citizens during the 2010 elections:

- 4.19.10 - Primary Election Registration Deadline**
- 5.18.10 - Primary Election**

[Sign Up for Reminders >](#)

Voting Reminders & Alerts

Sign-up for alerts so you don't miss any



Where is My Polling Place?

Where you will vote (your polling place)



2009 MUNICIPAL ELECTION

Unofficial 2009 Municipal Election voting returns for Pennsylvania are now available.

APPENDIX D

The screenshot shows a Facebook page for 'Washington State Elections'. The page header includes the Facebook logo and navigation links like Home, Profile, Friends, and Inbox. The main content area is divided into sections: 'Basic Info', 'Contact Info', and 'Recent News'. The 'Basic Info' section provides details about the page's name, category, and description. The 'Contact Info' section lists an email address, website, and office location. The 'Recent News' section contains two news items related to Washington's general election results.

Washington State Elections [Join](#)

Basic Info

Name: Washington State Elections
 Category: Common Interest - Current Events
 Description: Don't like who is running the show in your state or your country? In Washington, we have this thing called voting.... you decide who's calling the shots.
 This year, voting in the Evergreen state was better than ever because:
 • Voters experienced the state's new Top 2 Primary. Voters got to pick the person they liked, not the party.
 • You got to register to vote online at secstate.wa.gov for the first year!
 • You voted in a historic election, picking everyone from the president to governor to... (read more)

Privacy Type: Open: All content is public.

Contact Info

Email: iwillvote@secstate.wa.gov
 Website: http://www.vote.wa.gov
 Office: Washington Office of the Secretary of State
 Location: 520 Union Avenue SE
 Olympia, WA

Recent News

News: Washington's General Election results are in at www.vote.wa.gov, and voters came out in record numbers! Washington had its best turnout ever, surpassing the old record set in 1944.
 Secretary Reed will certify the election on Dec. 4.

Information

Category: Common Interest - Current Events
 Description: Don't like who is running the show in your state or your country? In Washington, we have this thing called voting.... you decide who's calling the shots.
 This year, voting in the Evergreen state was better than ever because:
 • Voters experienced the state's new Top 2 Primary. Voters got to pick the person they liked, not the party.
 • You got to register to vote online at secstate.wa.gov for the first year!
 • You voted in a historic election, picking everyone from the president to governor to... (read more)

Privacy Type: Open: All content is public.

Admins

-
-

Members

6 of 367 members [See All](#)

APPENDIX E

The screenshot shows a Twitter profile for 'lacountyrrcc'. The profile includes a bio, a location, a website, and statistics for followers and tweets. The background features a repeating pattern of the Los Angeles County Registrar-Recorder/County Clerk seal.

lacountyrrcc

Hey there! lacountyrrcc is using Twitter.
 Twitter is a free service that lets you keep in touch with people through the exchange of quick, frequent answers to one simple question: What's happening? **Join today** to start receiving lacountyrrcc's tweets.

Join today!
 Already using Twitter from your phone? [Click here.](#)

Name LAVote.net
 Location Los Angeles County
 Web <http://www.lavote...>
 Bio Dean Logan, Los Angeles County Registrar-Recorder/County Clerk -- VOTE...You Count!

16 following 352 followers 21 listed

Tweets 272
 Favorites

Following

Heading to Riverside County today for annual holiday lunch with the Registrars of Voters from the five bin SoCal counties @ the