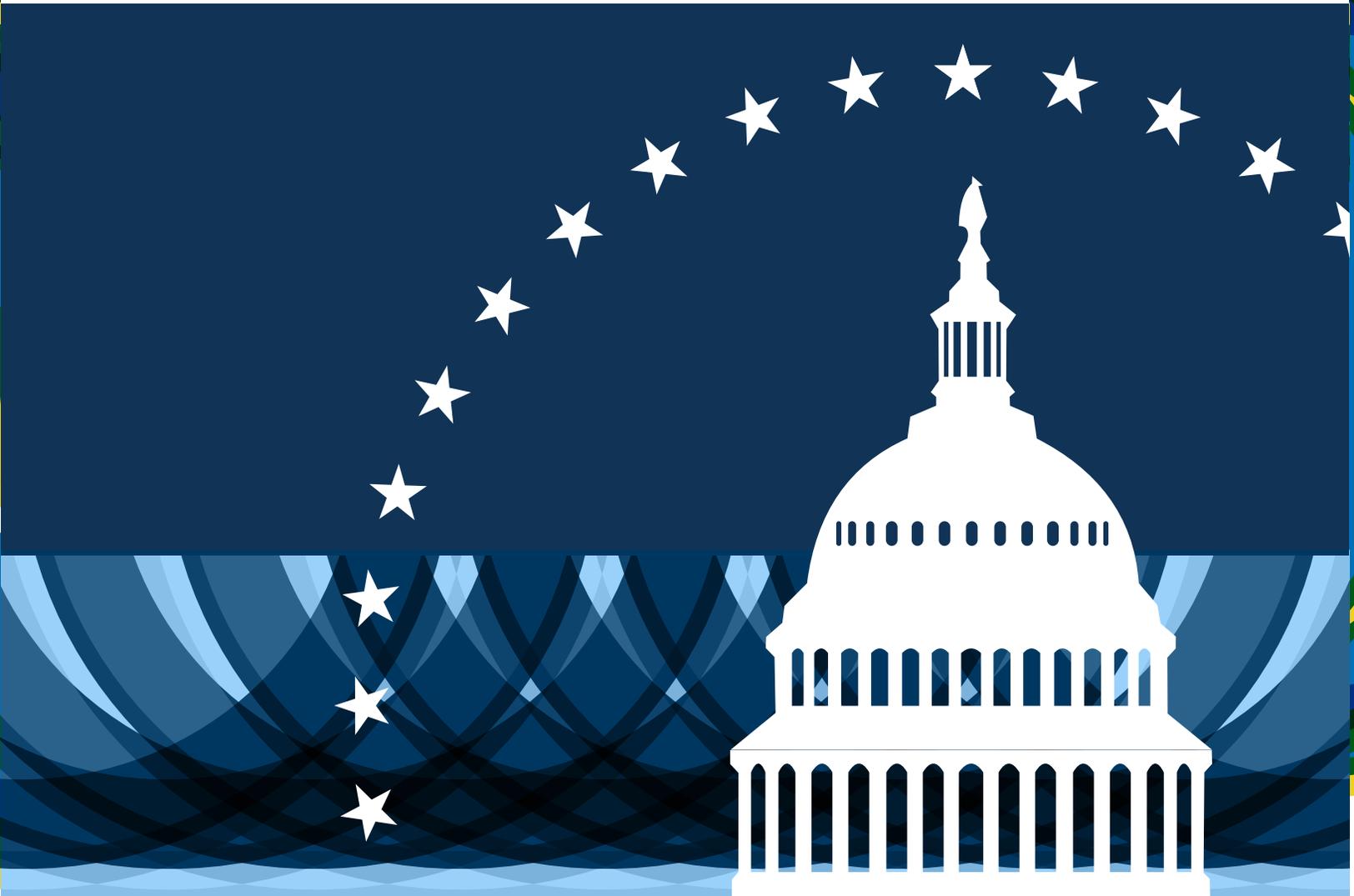




STATUTORY OVERVIEW 2016

Users Guide



U.S. ELECTION
ASSISTANCE
COMMISSION

I. Introduction

The Statutory Overview survey was first introduced in 2008 as a component of the Election Administration and Voting Survey (EAVS). The questionnaire focuses on state statutory requirements for various aspects of the election process and includes questions about the election procedures and practices that states follow at each stage of this election process. Detailed information for each state can be found in the Statutory Overview Comprehensive Response PDF file.

Figure 1: The Election Process



II. Methodology

The 2016 Statutory Overview instrument was sent to the point of contact in each of the 50 states, the District of Columbia, and four U.S. territories in August 2016.¹ The Statutory Overview survey was transmitted by email and on a private website used for the EAVS project. States were asked to submit their completed Overviews by September 30, 2016. In total, all 50 states, the District of Columbia, and three U.S. territories completed the Statutory Overview survey. Survey responses provided an overview of the statutory landscape governing the 2016 General Election.

¹ There are five U.S. territories: American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. The Northern Mariana Islands and American Samoa did not respond to the 2016 EAVS.



The 2016 Statutory Overview consisted of 37 open-ended questions about statutes, laws, and practices related to the administration of elections within a state. In response to each question, respondents described how their state understood or implemented a policy, often citing language from relevant state laws or statutes.

Section A of the questionnaire asked states to provide the legal or practical definitions of several election-related terms regarding voting and ballots. These terms included over-vote, under-vote, blank ballot, void/spoiled ballot, provisional/challenged ballot, absentee, early voting, active voter, and inactive voter. States were also asked to provide the legal citation for any significant changes to election laws or procedures that had been enacted or adopted since the previous Federal election.

Section B asked for information about voter registration list maintenance and eligibility requirements. States were asked whether they used a bottom-up, top-down, or hybrid voter registration database system; how often local jurisdictions transmit registration information to the state list; and what capabilities and processes for information sharing with other state or Federal agency databases the state uses. Section B also included questions about felony conviction eligibility restrictions and online voter registration.

Section C asked about election administration practices related to how votes are cast and counted. States were asked about absentee voting processes and policies, including no-excuse absentee voting, in-person early voting, and vote-by-mail systems. This section also asked about the situations that require a provisional ballot and the processes used to determine whether or not a provisional ballot should be counted. Election administration questions also included state tabulation procedures and post-election audit requirements.

Section D focused on Election Day activities. States were asked to describe processes for capturing over-vote and under-vote counts, identification requirements for various situations, and laws regarding access to the polling place for election observers.

Section E asked whether the Help America Vote Act (HAVA) of 2002-mandated administrative complaint procedures established by the state had been revised since they were first implemented. States were also asked to provide any additional comments or information about election administration processes that might help to inform interpretation of EAVS data.



III. Navigating the Statutory Overview Comprehensive Response PDF

1. When opening the file, Acrobat will display the first Statutory Overview in the list (i.e., Alabama).
2. To select and navigate the Statutory Overview of another state:
 - a. Go to the navigation panel on the left; it should show icons with the names of each state.
 - b. Click the icon corresponding to the state you want to find the Statutory Overview for. This will open the file for that particular state.
 - c. You can also use the left and right arrows situated on the gray area on top of the document to go to the “next” or “previous” state in the list.
3. If step 2 does not work, and the icons for the Statutory Overviews for each state do not appear on the left of the screen, go to:
 - a. View → Portfolio → Details; the icons with the files for each state should appear on top of the document in the screen.