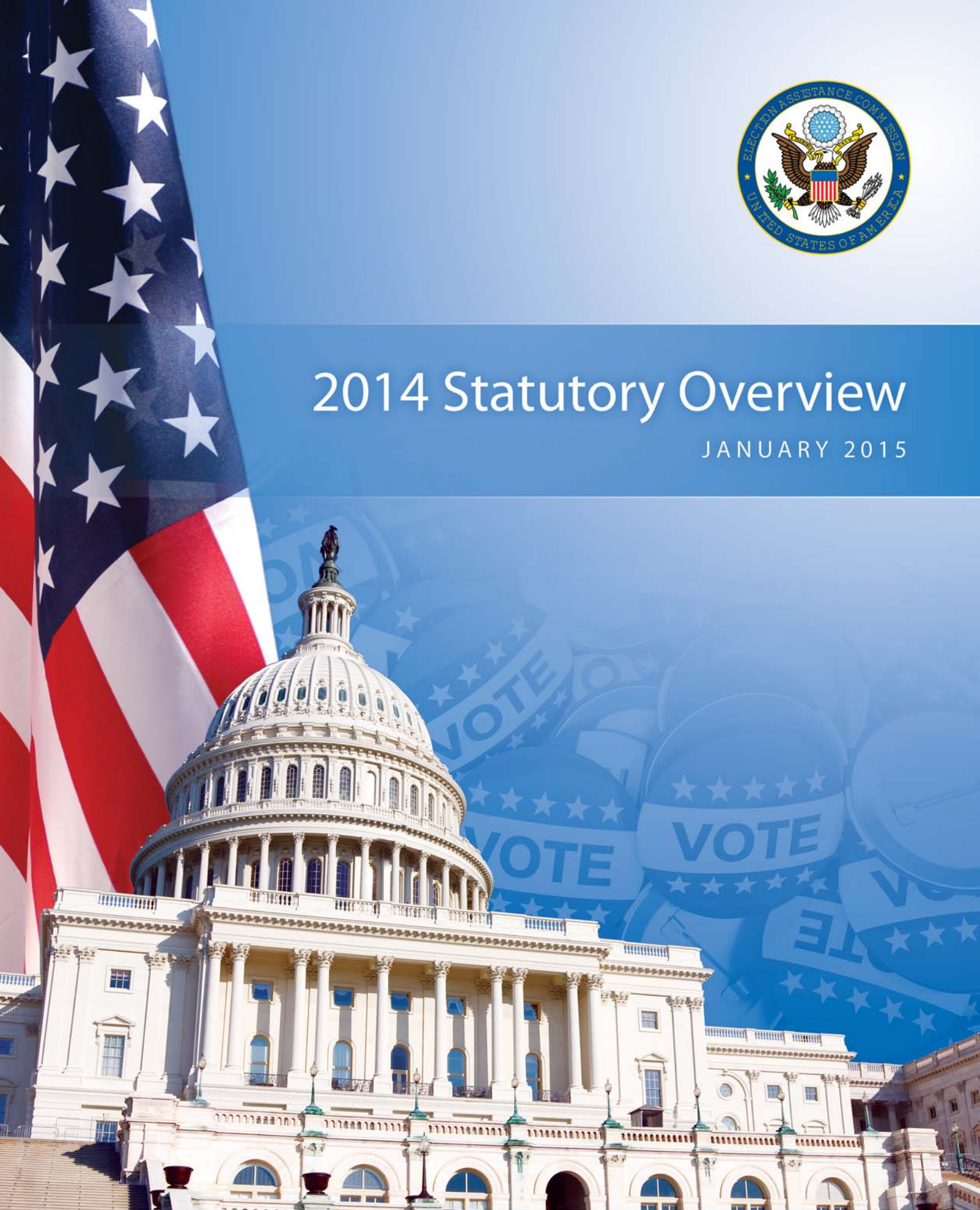




2014 Statutory Overview

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U.S. ELECTION ASSISTANCE COMMISSION

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Executive Summary

This document summarizes the findings from the United States Election Assistance Commission (EAC) sponsored Statutory Overview for 2014. The Statutory Overview gathers qualitative information on States' definitions, laws, processes, and procedures relating to the administration of elections. The Statutory Overview is designed to help the EAC understand and analyze the quantitative data collected through the Election Administration and Voting Survey (EAVS).

We present the analyses of States' Statutory Overview responses in nine sections of this report:

- Section 1: Definitions** — States defined the following terms: over-vote, under-vote, blank ballot, void or spoiled ballot, provisional or challenged ballot, absentee, early voting, active voter, and inactive voter. Most States provided definitions for all of these terms, and, in situations where a statute did not define a term, States frequently provided the term's common usage.
- Section 2: Voter Registration** — States reported matching their voter registration databases with a number of other databases to maintain voter rolls, including State departments of motor vehicles (DMV), the Social Security Administration (SSA), State departments of public health, Federal and State court systems, State Police, and U.S. Attorneys.
- Section 3: Felon Disenfranchisement** — All but three States reported that they disenfranchise felons in some manner. The offenses that result in disenfranchisement, the period of disenfranchisement, and the process for restoration of voting eligibility vary State to State.
- Section 4: Election Counting and Reporting** — States varied in whether or not they require an excuse for absentee voting, whether or not they allow in-person early voting, and in the processes and procedures for counting early, absentee, and Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) ballots.
- Section 5: Provisional Voting** — States provided various situations that require provisional voting including when: a voter's name is not on the registration list, a voter's registration reflects an error in party listing, a voter's eligibility cannot be immediately established, a voter is challenged as ineligible, a voter does not have proper identification, and other such situations.
- Section 6: Voter Identification** — States varied in the identification they require for voter registration, casting an in-person ballot, casting a mail-in or absentee ballot, and casting a ballot under UOCAVA. Also, some States require identification beyond Help America Vote Act (HAVA) identification requirements for first-time voters.
- Section 7: Post-Election Audits** — States differed in whether or not they conduct post-election audits and, if an audit is required, how it is conducted, as well as the scope of the audit.
- Section 8: Polling Place Operations** — Most States indicated that they require poll worker training, but States differed in when training is required, how often workers must undergo training, and who is required to attend training.
- Section 9: Other Data** — Analyses presented in this section include the prevention and record-keeping of residual votes and States' procedures for reviewing complaints of violations of HAVA.

EAC's analysis of States' election laws and regulations are presented in detail within the remainder of this report. Complete Statutory Overview Survey responses from the States, territories, and the District of Columbia are available at EAC's website: www.eac.gov.

Introduction

The Statutory Overview, first introduced in 2008 as a component of the Election Administration and Voting Survey (EAVS), collects open-ended, qualitative data about State election laws.¹ The questionnaire focuses on State statutory requirements and includes questions about the election procedures and practices that States follow to implement various features of Federal and State election laws. This report provides a valuable national overview and summary of the Statutory Overview's findings. We encourage readers to review the actual responses from the States, available on Election Assistance Commission's (EAC's) website (www.eac.gov), for more information on voting in specific States and to contact a State directly for more information.

EAC distributed the 2014 Statutory Overview via e-mail to all 50 States, the District of Columbia, and four territories in June of 2014, sending it to a point of contact in each State's Election Office. States had four months to complete the Overview. The questionnaire (included as Appendix A) was the same as the 2012 questionnaire and was customized to each State so to include each State's answers from the 2012 survey. In addition, we added two check boxes to each question so States could indicate whether an answer to a particular question had changed since 2012. This reduced the burden to respond; States only had to respond to questions if answers had changed since the 2012 administration.

All 50 States, the District of Columbia, and the territories of American Samoa, Puerto Rico, and the U.S. Virgin Islands responded to the Statutory Overview. EAC's analysis of these 55 Statutory Overviews is presented in this report.

To analyze the data, analysts compared the completed 2014 Statutory Overview questionnaires to the 2012 Statutory Overviews, and noted any differences in a different-colored font. Analysts then examined the responses and, for analytic and reporting purposes, categorized the responses using short, descriptive summary phrases that could be placed in a table and easily compared. When coding responses with these summary phrases, analysts looked for commonalities among the various qualitative responses that States provided. In some cases, it was difficult to capture the diversity of responses without some simplification, and in other cases, ambiguities in the responses made it difficult to decide which summary phrase to apply; however, EAC took care to present the data in ways that were both straightforward and accurate.² The result is a report that includes tables listing the various approaches to election laws across the 55 States that responded to the Statutory Overview.

This report contains nine sections:

- Section 1:** States' definitions for common election law terms;
- Section 2:** State laws governing voter registration, including database "matching" and list maintenance procedures;
- Section 3:** Disenfranchisement of felons;
- Section 4:** Election administration issues dealing with absentee and in-person early voting, as well as the methods used to count and report the results of absentee and in-person early voting ballots;
- Section 5:** Provisional voting;
- Section 6:** Voter identification;
- Section 7:** Post-election audits;

¹ Throughout this report, EAC uses the word "States" as shorthand to mean "States, territories, and the District of Columbia".

² In the process of coding and categorizing, EAC recognizes that some precision may be lost. In many cases, the State laws summarized in this report are more complex than can be presented here. For a complete understanding of a particular State's laws and policies, please consult the State's full response and the statutes of that State.

Section 8: Polling place operations, including laws governing poll worker training and observers at the polls; and

Section 9: Analysis of other data collected, including: 1) prevention and record-keeping of residual votes (i.e., over- and under-votes), and 2) procedures for reviewing complaints of violations of the Help America Vote Act (HAVA).

When presenting the results of each analysis, EAC includes the corresponding Statutory Overview question numbers in the subsection and table headings for ease of reference to the questionnaire.

Section 1: Definitions

Questions A1a through A1j of the Statutory Overview asked States to provide the definitions they use for various common election law terms. The questionnaire included a list of terms and asked States to define them and to include the legal citation that defined the term, where applicable.

Table 1 presents States' definitions of an over-vote and an under-vote.

For most States, over-votes and under-votes can be calculated for each office on the ballot as separate values. For most States the results are the same; over-votes and under-votes produce no recorded vote.

Over-votes (A1a): Of the 55 responding States, 51 define an over-vote as a vote for more candidates than is allowed in a contest for a particular office or voting both for and against a particular ballot measure. One exception is American Samoa, which indicated that an over-vote is understood to mean having more paper ballots than voters listed in the precinct poll book (a concept sometimes referred to in other States as "excess ballots"). Tennessee and the Virgin Islands do not define over-votes in their statutes and did not provide the common use of the term. Vermont uses the term "spoiled" to indicate an over-vote, but it is unclear whether the term refers to an individual contest on the ballot or the entire ballot.

Under-votes (A1b): Of the 54 responding States (Guam did not provide a response to this question), 40 States define an under-vote to be a ballot on which fewer than the maximum number of allowed votes are cast in a contest or failing to vote at all in a particular contest or question. Of those 40 States, 20 define an under-vote to mean a ballot with fewer than the maximum number of allowed votes cast in a contest or a ballot measure, 14 define an under-vote as failing to vote at all in a particular contest or question, and six reported using both definitions for an under-vote.³ Wyoming adds an additional distinction by defining an under-vote to mean either a ballot with fewer than the maximum number of allowed votes cast, or a ballot on which a voter casts votes in fewer contests than the ballot allows. In American Samoa, an under-vote is commonly understood as fewer paper ballots than voters listed in the precinct poll book. Vermont considers an under-vote to be a "blank" without indicating whether the term applies to an individual office or the entire ballot. Eleven States do not have a definition of under-votes in their statutes and did not provide the common use of the term.

Table 1. Definitions of Over-Votes and Under-Votes

State	Over-Vote (A1a) ⁴	Under-Vote (A1b)
Alabama	Votes for more candidates than allowed	Not defined by statute – understood to mean no vote is recorded

³ The States that reported using both definitions for an under-vote, fewer than the maximum number of allowed votes in a contest or ballot measure and failing to vote in a contest or question, include: Arizona, Colorado, Maryland, Massachusetts, South Carolina, and Utah.

⁴ The phrase "Not defined by statute" means that the terms "over-vote" or "under-vote" are not defined in the State's election laws. If a State indicated that a term was not defined by statute, but that it had a commonly understood definition, the common use of the term is included in the table and analytic summary. The definition of "unreadable vote" or "unreadable ballot" varies by State; please see the individual State statutory overview for more information.

Table 1. Definitions of Over-Votes and Under-Votes

State	Over-Vote (A1a) ⁴	Under-Vote (A1b)
Alaska	Votes for more candidates than allowed	Votes for fewer candidates than allowed
American Samoa	Not defined by statute – understood to mean more ballots than voters in the poll book	Not defined by statute – understood to mean fewer ballots than voters in the poll book
Arizona	Votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
Arkansas	Votes for more candidates than allowed	No vote is recorded
California	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Colorado	Votes for more candidates or responses than allowed	Votes for fewer candidates than allowed or no vote is recorded
Connecticut	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Delaware	Votes for more candidates than allowed	No vote is recorded
District of Columbia	Votes for more candidates or responses than allowed	Votes for fewer candidates or responses than allowed
Florida	Votes for more candidates than allowed	No vote is recorded
Georgia	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute – understood to mean no vote is recorded
Guam	Votes for more candidates than allowed	//put some sort of note here? Didn't respond? N/A?
Hawaii	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Idaho	Votes for more candidates than allowed	No vote is recorded
Illinois	Votes for more candidates than allowed	No vote is recorded
Indiana	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
Iowa	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Kansas	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
Kentucky	Votes for more candidates than allowed. Exception is on a straight party option ballot with a vote for an opposing candidate in a particular race	Not defined by statute
Louisiana	Votes for more candidates than allowed	No vote is recorded
Maine	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
Maryland	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute - understood to mean votes for fewer candidates than allowed or no vote is recorded
Massachusetts	Votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
Michigan	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute – understood to mean votes for fewer candidates than allowed
Minnesota	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Mississippi	Not defined by statute – May be defined as when an elector casts more votes for any office or measure than he or she is entitled to cast at an election	Not defined by statute – May be defined as when an elector casts fewer votes for any office or measure than he or she is entitled to cast at an election
Missouri	Votes for more candidates than allowed	Not defined by statute

Table 1. Definitions of Over-Votes and Under-Votes

State	Over-Vote (A1a) ⁴	Under-Vote (A1b)
Montana	Votes for more candidates than allowed	Not defined by statute – understood to mean no vote is recorded
Nebraska	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
Nevada	Votes for more candidates than allowed	A ballot cast which shows no legally valid selection for a candidate or issue
New Hampshire	Not defined by statute – understood to mean votes for more candidates than allowed	Votes for fewer candidates than allowed
New Jersey	Not defined by statute – understood to mean votes for more candidates than allowed	Votes for fewer candidates than allowed
New Mexico	Votes for more candidates than allowed	Failure of a voter to select any of the alternatives in a voting response area
New York	Votes for more candidates than allowed	Votes for fewer candidates than allowed
North Carolina	Votes for more candidates than allowed	Votes for fewer candidates than allowed
North Dakota	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute – understood to mean votes for fewer candidates than allowed
Ohio	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
Oklahoma	Votes for more candidates than allowed	No vote is recorded
Oregon	Votes for more candidates than allowed	No vote is recorded
Pennsylvania	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute – understood to mean votes for fewer candidates than allowed
Puerto Rico	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute - understood to mean votes for fewer candidates than allowed
Rhode Island	Votes for more candidates than allowed	Votes for fewer candidates than allowed
South Carolina	Votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
South Dakota	Votes for more candidates than allowed	Not defined by statute
Tennessee	Not defined by statute	Not defined by statute
Texas	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Utah	Votes for more candidates than allowed	Votes for fewer candidates than allowed or no vote is recorded
Vermont	Not defined by statute – understood to mean spoiled	Not defined by statute – understood to mean blank
Virgin Islands	Not defined by statute	Not defined by statute – understood to mean votes for fewer candidates than allowed
Virginia	Votes for more candidates than allowed	Votes for fewer candidates than allowed
Washington	Votes for more candidates than allowed	No selections made for a race or measure
West Virginia	Votes for more candidates than allowed	Not defined by statute
Wisconsin	Not defined by statute – understood to mean votes for more candidates than allowed	Not defined by statute
Wyoming	Votes for more candidates than allowed	Votes for fewer candidates than allowed or votes for fewer races than are eligible

Table 2 presents States’ definitions of a “blank” ballot, a “void or spoiled” ballot, and a “provisional or challenged” ballot.

Blank Ballots (A1c): The most common definition for a blank ballot, reported by 24 States, is a ballot on which there are no votes for any contest. Nine more States indicated that, in addition to defining a blank ballot as no votes for any contest, “unreadable votes” are also considered a blank ballot. Sixteen States either do not define “blank ballots” in their statutes or did not provide any definition in the response. North Carolina defines a blank ballot as one that does not contain any marks that the State’s voting technology is capable of reading. Alaska defines a blank ballot as not casting a vote for a particular contest, similar to a common definition for an under-vote, while New York stated that a blank ballot is considered an under-vote. It is unclear if New York was referring to an individual contest or the entire ballot as blank. In New Hampshire, the results of an over-vote or an under-vote are considered a blank ballot. In Illinois, a blank ballot is a special emergency write-in absentee ballot that is used only in a Federal election when regular absentee ballots have not been printed in time for mailing.

Void/Spoiled Ballots (A1d): Thirty-two States define a void or spoiled ballot as one that a voter has improperly marked or damaged. Five States indicated that a ballot that contains more marks than allowed is considered a spoiled ballot. Five States consider a ballot to be spoiled if it contains distinguishing marks that allow identification of the voter. Additional reasons a ballot might be considered spoiled are: being returned by a voter for a new one, or being marked by a voter but not put in a poll or ballot box.

Provisional/Challenged Ballot (A1e): Forty-one States define a provisional or challenged ballot as a ballot issued to a voter in various situations where it is not clear that the voter is entitled to a regular ballot (e.g., if the voter’s name is not in the poll book, if the voter does not have the required identification, if the voter’s identity or eligibility is challenged, if voting takes place under extended polling hours, or if the voter applied for but did not vote absentee). Massachusetts distinguishes between a provisional ballot and a challenged ballot: a provisional ballot is a ballot that is issued in the polling place when a voter’s eligibility to vote cannot be determined, while a challenged ballot is issued exclusively after a challenge to a voter’s eligibility. Idaho and Minnesota, two States that have Election Day registration, do not have provisional balloting systems and indicated that the term “provisional/challenged ballot” has no meaning for them. For a more detailed description of States’ procedures governing provisional ballots, see Table 8 in Section 5.

Table 2. Defining Blank, Void, and Provisional Ballots⁵

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/Challenged Ballot(A1e) ⁶
Alabama	Not defined by statute – understood to mean no votes for any contest	Not defined by statute – understood to mean ballot not to be counted in the election	Identity challenged, eligibility questioned, extended polling hours, voter applied for but did not vote absentee ballot
Alaska	No votes for any contest	Improperly marked or damaged	Voter name not on registration list, no proper ID, change of address, eligibility questioned

⁵ The phrase “Not defined by statute” means that the terms are not defined in the State’s election laws. If a State indicated that a term was not defined by statute, but that it had a commonly understood definition, the common use of the term is included in the table and analytic summary. “Definition not provided” indicates the State did not answer the question.

⁶ Idaho and Minnesota do not have provisional balloting systems and indicated that the term “provisional/challenged ballot” has no meaning for them. The abbreviation N/A for “Not Applicable” is used in the table.

Table 2. Defining Blank, Void, and Provisional Ballots⁵

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e)⁶
American Samoa	No votes for any contest	Not defined by statute – understood to mean ballot returned by voter for another	Identity challenged
Arizona	No votes for any contest	Not defined by statute – understood to mean improperly marked or damaged	Voter name not on registration list, inactive list, or the precinct electronic poll book, change of address, change of name, voter issued but did not vote an early ballot
Arkansas	Not defined by statute – understood to mean no votes for any contest	Improperly marked or damaged	Voter name not on registration list, eligibility questioned
California	No votes for any contest or unreadable votes	Not defined by statute – understood to mean improperly marked	Voter name not on registration list, change of address, or the voter received a vote by mail ballot and has not surrendered that ballot
Colorado	No votes for any contest or unreadable votes	Not defined by statute – understood to mean ballot returned by voter for another	Eligibility cannot be established, no proper ID
Connecticut	No votes for any contest or unreadable votes	Ballot returned by voter for another	Voter name not on registration list, identity challenged, no proper ID
District of Columbia	No votes for any contest	Improperly marked or damaged	Voter eligibility challenged
Delaware	No votes for any contest	Improperly marked or damaged	Voter name not on registration list
Florida	No votes for any contest or unreadable votes	Improperly marked or damaged	Voter's registration or eligibility to vote questioned or challenged
Georgia	Not defined by statute- understood to mean no votes for a candidate or issue appearing on the ballot	Voter leaves booth without hitting vote and cannot be found; ballot improperly marked or damaged	Voter eligibility questioned
Guam	No votes for any contest	Ballot returned by voter for another	Voter name not on registration list, eligibility challenged
Hawaii	No votes for any contest	Improperly marked or damaged	Voter verification needed
Idaho	No votes for any contest	Improperly marked or damaged	N/A

Table 2. Defining Blank, Void, and Provisional Ballots⁵

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e) ⁶
Illinois	Special emergency write-in absentee ballot	Improperly marked or damaged	Voter name not on registration list; voting status has been challenged by an election judge, a poll watcher, or any legal voter and that challenge has been sustained by a majority of the election judges; name is on list of early voters, but claims not to have voted; registered during grace period, eligibility challenged; voter received but did not return an absentee ballot; extended polling hours; no proper ID
Indiana	Not defined by statute	Not defined by statute – understood to mean ballots not properly endorsed (absentee ballots), distinguishing marks made, extrinsic act (e.g. enclosing additional paper); improperly marked	Voter name not on registration list, challenged as ineligible, or voting under extended polling hours
Iowa	No votes for any contest or unreadable votes	Ballot returned by voter for another	Voter eligibility challenged
Kansas	Not defined by statute	Not defined by statute – understood to mean ballots cast but not counted	Voter eligibility challenged, change of address, voting under extended polling hours
Kentucky	Not defined by statute	Improperly marked or damaged	Voter eligibility challenged
Louisiana	Definition not provided	More marks made than allowed or distinguishing marks made on paper ballot	Voter name not on registration list, or challenged as ineligible
Maine	Not defined by statute	Distinguishing marks made	Voter eligibility challenged
Maryland	Not defined by statute – understood to mean no votes for any contest	Not defined by statute - understood to mean improperly marked or damaged	Voter verification needed
Massachusetts	Not defined by statute – understood to mean no votes for any contest	Improperly marked or damaged	For provisional ballots, it's that the voter's eligibility cannot be determined. For challenged ballots, the voter must swear an oath to identity and qualifications/eligibility.
Michigan	Not defined by statute – understood to mean no votes for any contest	Not defined by statute – understood to mean ballot returned by voter for another or deemed illegal	Legally disputed ballot

Table 2. Defining Blank, Void, and Provisional Ballots⁵

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e) ⁶
Minnesota	No votes for any contest	Improperly marked or damaged	N/A
Mississippi	Definition not provided	Definition not provided	Provisional ballots for voters who do not appear in the registration lists, whose eligibility cannot be determined. who are not able to present a valid ID. Challenge ballots for voters whose eligibility is challenged for various reasons.
Missouri	Definition not provided	Improperly marked or damaged	Voter eligibility challenged
Montana	Not defined by statute – understood to mean no votes for any contest or unreadable votes	Not defined by statute – understood to mean improperly marked or damaged	Voter eligibility challenged
Nebraska	Not defined by statute	Improperly marked or damaged	Definition not provided
Nevada	Not defined by statute – understood to mean no votes for any contest	Improperly marked or damaged	Voter name not on registration list
New Hampshire	The result of an over-vote or under-vote	Ballot returned by voter for another; marked canceled	Voter eligibility challenged
New Jersey	Not defined by statute – understood to mean no votes for any contest	Void ballot is blank, more marks made than allowed, distinguishing marks made; Spoiled ballot returned by voter for another	Voter eligibility challenged; Voter not found in poll book
New Mexico	No votes for any contest	Improperly marked or damaged	Ballot marked by provisional voter ⁷
New York	An under-vote	Distinguishing marks made	Voter name not on registration list, change of address, no proper ID, in primary when party does not match poll book
North Carolina	Unreadable votes	Improperly marked or damaged	Voter name not on registration list
North Dakota	Not defined by statute – understood to mean no votes for any contest	Improperly marked or damaged	N/A

⁷ New Mexico provided this as its definition of a provisional ballot.

Table 2. Defining Blank, Void, and Provisional Ballots⁵

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e)⁶
Ohio	Not defined by statute – understood to mean no votes for any contest	Not defined by statute – understood to mean improperly marked or damaged	Voter eligibility in question for various reasons, affirmation required, ballots reviewed
Oklahoma	No votes for any contest or unreadable votes	Improperly marked or damaged	Voter name not on registration list, no acceptable ID, in primary when party does not match poll book, UOCAVA voter returned within 90 days preceding an election
Oregon	Not defined by statute	Improperly marked or damaged	Voter eligibility challenged, change of address
Pennsylvania	Not defined by statute	Improperly marked or damaged	Voter name not on registration list
Puerto Rico	No votes for any contest	Ballot returned by voter for another	Voter name not on registration list
Rhode Island	No votes for any contest or unreadable votes	Improperly marked or damaged	Voter name not on registration list, voter identity challenged, no proper ID, previously applied for mail or emergency ballot, in primary when party does not match poll book
South Carolina	No votes for any contest	Improperly marked or damaged	Voter eligibility challenged
South Dakota	Not defined by statute – understood to mean a ballot not stamped or marked by a voter	Marked, but not placed in ballot box	Voter eligibility challenged
Tennessee	Not defined by statute	Not defined by statute	Not defined by statute
Texas	No votes for any contest	Improperly marked or damaged	Voter name not on registration list, no proper ID, extended polling hours, voter did not cancel their mail ballot
Utah	No votes for any contest or unreadable votes	Improperly marked or damaged	Voter name not on registration list
Vermont	Not defined by statute	Improperly marked or damaged, distinguishing marks made	Voter not living in precinct but wanting to vote at polling place
Virgin Islands	No votes for any contest	More marks made than allowed	Special instrument subject to post-election verification of right to have voted
Virginia	Not defined by statute	More marks made than allowed	Not defined by statute
Washington	Not defined by statute	Improperly marked or damaged	Voter name not on registration list, requested an absentee ballot, question by voter on qualified contests

Table 2. Defining Blank, Void, and Provisional Ballots⁵

State	Blank-ballot (A1c)	Void/Spoiled Ballot(A1d)	Provisional/ Challenged Ballot(A1e) ⁶
West Virginia	Not defined by statute	Improperly marked or damaged	Voter name not on registration list, signature does not match poll book, assistance was provided but not needed
Wisconsin	No votes for any contest	Not defined by statute	Not defined by statute- but procedures to allow for casting a ballot when voter eligibility challenged
Wyoming	Not defined by statute	Improperly marked or damaged	Voter eligibility challenged

Absentee and Early Voting (A1f–g): The Statutory Overview asked States to define the terms “absentee” and “early voting”. Table 3 shows how States describe the underlying concepts of these terms. States define the term “absentee” to mean a ballot issued at a voter’s request when the voter meets certain qualifications, a person who meets the qualifications to cast an absentee ballot, or an alternate method for casting a ballot outside the traditional polling place. As shown in Table 3, eight States (Arizona, California, Kansas, Nebraska, New Jersey, Rhode Island, Texas, and Vermont) do not use the term “absentee”.⁸

Twenty-two States define “early voting” to refer to no-excuse, in-person voting during a set time period prior to an election; this includes West Virginia, which uses the term “early in-person voting”.⁹ Puerto Rico and Kansas use the term “advance voting”. Eighteen States employ variations of “absentee voting” as the term for in-person early voting. One State, California, uses the term “vote-by-mail in-person,” and Rhode Island considers terms this “early voting by mail only”. In Table 3, “N/A” (for “not applicable”) indicates that a State reported the non-existence of “early voting” in the State. Fourteen States do not permit early voting.

Table 3. Terms for Absentee Voting and Early Voting¹⁰

State	Term for Absentee Voting (A1f) ¹¹	Term for Early Voting (A1g)
Alabama	Absentee	N/A
Alaska	Absentee	Early voting and absentee in-person voting
American Samoa	Absentee	Early voting
Arizona	Early voting, both in person and by mail	Early voting
Arkansas	Absentee	Early voting
California	Vote-by-mail/special absentee	Early voting and vote-by-mail in-person
Colorado	Absentee	Early voting
Connecticut	Absentee	N/A
Delaware	Absentee	Absentee in-person
District of Columbia	Absentee	Early voting
Florida	Absentee	Early voting
Georgia	Absentee elector	Early voting

⁸ There is often an overlap between absentee voting and vote-by-mail. Vote-by-mail can be an substitute to in-person voting; for some States and counties, vote-by-mail is a replacement to in-person voting.

⁹ More information on the States that offer early voting and absentee voting can be found in Table 7.

¹⁰ Mail-in voting means the voter casts a ballot prior to Election Day via the U.S. Postal Service. Early voting means the voter casts a ballot prior to Election Day at a physical location (e.g., at a registrar’s office or a designated early voting site).

¹¹ All States have some form of mail-in voting. An entry of “N/A” (Not Applicable) in the column for early voting signifies that that the State does not permit in-person early voting.

Table 3. Terms for Absentee Voting and Early Voting¹⁰

State	Term for Absentee Voting (A1f)¹¹	Term for Early Voting (A1g)
Guam	Absentee	N/A
Hawaii	Absentee	Absentee in-person or walk-in absentee
Idaho	Absentee	Early voting
Illinois	Absentee	Early voting
Indiana	Absentee	Absentee in-person
Iowa	Absentee	Absentee in-person
Kansas	Advance voting	In-person advance voting
Kentucky	Absentee	N/A
Louisiana	Absentee by mail	Early voting
Maine	Absentee	Absentee in-person
Maryland	Absentee	Early voting
Massachusetts	Absentee	N/A
Michigan	Absentee	N/A
Minnesota	In-person absentee	N/A
Mississippi	Absentee	N/A
Missouri	Absentee	N/A
Montana	Absentee	Absentee in-person
Nebraska	Early voting, both in-person and by mail	Early voting
Nevada	Absentee	Early voting
New Hampshire	Absentee	N/A
New Jersey	Vote by mail	N/A
New Mexico	Absentee	Early voting, in-person only
New York	Absentee	N/A
North Carolina	Absentee	One-stop absentee voting
North Dakota	Absentee	Early voting
Ohio	Absentee	Absentee in-person
Oklahoma	Absentee	Early voting and absentee in-person
Oregon	Absentee	N/A
Pennsylvania	Absentee	N/A
Puerto Rico	Absentee	Advance voting
Rhode Island	Vote by mail	Early voting by mail only
South Carolina	Absentee	Absentee
South Dakota	Absentee	Absentee
Tennessee	Absentee	Early voting
Texas	Early voting by mail	Early voting
Utah	Absentee	Early voting
Vermont	Early voter absentee voting	Early voter absentee in-person
Virgin Islands	Absentee	Early voting
Virginia	Absentee	Absentee
Washington	Absentee	Early voting
West Virginia	Absentee	Early voting and early in-person
Wisconsin	Absentee	Absentee in-person voting
Wyoming	Absentee	Absentee in-person voting

Active and Inactive Voters (A1h–i): Questions A1h and A1i on the Statutory Overview requested definitions for the terms “active” and “inactive” voters.¹² As shown in Table 4, States define “active voter” to mean a voter “in good standing” in the registration database (i.e., a voter who has not been listed as inactive because of questions related to registration or eligibility, and who has not been selected for voter list maintenance or removal). Thirty States consider voters who are registered to vote as being active. Other States define “active voters” as eligible voters (Connecticut, District of Columbia, and New Jersey), voters who are not inactive (Alabama, Florida, Maryland, Massachusetts, Montana, Oklahoma, Pennsylvania, Utah, and Virginia), and voters who participated in the past Federal election (North Carolina and North Dakota).

States define the term “inactive voter” to mean a voter who has been marked “inactive” in the registration database. For example, this may be a voter who has not voted for two Federal elections after receiving a forwardable, postage-paid notice sent by the election official confirming the voter’s status or one who has been deemed inactive for other reasons under State law.¹³ Although States have different processes for putting voters on the inactive list, use of these terms seems to be reasonably uniform. Exception include Texas, (defines an inactive voter as one whose registration has been canceled) and Tennessee (defines this status as removal from the registration list). Idaho does not use the active/inactive distinction in its registration database, and eight States reported that the term was not defined by statute and did not provide the term’s common usage. North Dakota provided the uniform definitions for active and inactive voters, but does not use the active/inactive distinction in its voter history database because it does not have voter registration (though it does keep a central database of persons who have voted in an election and tags voters as active or inactive within that file).

Table 4. Defining Active and Inactive Voters¹⁴

State	Active Voter (A1h)	Inactive Voter (A1i)
Alabama	A voter who is not inactive	Failure to contact during voter file maintenance process or not voted in past for years
Alaska	A qualified voter; not targeted for list maintenance	Does not meet qualifications of an active voter
American Samoa	Not defined by statute – understood to mean registered to vote	Not defined by statute – understood to mean no vote in past two elections
Arizona	Registered to vote	No response to confirmation notice or no vote in past two elections
Arkansas	Not defined by statute	Not defined by statute
California	Registered to vote	No response to confirmation notice or moved out of county
Colorado	No conditions or restrictions to eligibility	Correspondence undeliverable or NCOA moved out of state
Connecticut	Eligible to vote	Failure to respond to annual canvass by local election officials
Delaware	Registered to vote	No longer at residence
District of Columbia	Eligible to vote	Not eligible to vote
Florida	A voter who is not inactive	No response to confirmation notice or confirmation notice undeliverable

¹² The terms “active” and “inactive” voter do not necessarily refer to eligibility; in general, both categories of voters are eligible to vote, though there are exceptions, as noted in Table 4. These include categories like felon or deceased.

¹³ NVRA: 42 USC 1973gg-6(d)

¹⁴ “Not defined by statute” indicates the term is not defined by election code even though the term may be used or processes are in place to govern the practice.

Table 4. Defining Active and Inactive Voters¹⁴

State	Active Voter (A1h)	Inactive Voter (A1i)
Georgia	Registered to vote	No response to confirmation notice
Guam	Registered to vote	No longer eligible or no vote in past two elections
Hawaii	Registered to vote	No vote in past election
Idaho	Registered to vote	System only contains active voters
Illinois	Not defined by statute	No response to confirmation notice
Indiana	Defines maximum number of voters in a proposed precincts boundaries; in description of voter list maintenance	Not defined by statute; used in description of voter list maintenance
Iowa	In good standing	No response to confirmation notice or correspondence returned as undeliverable
Kansas	Not defined by statute – understood to mean registered to vote	Not defined by statute – understood to mean no response to confirmation notice
Kentucky	Registered to vote	No response to confirmation notice and no vote in past two federal elections
Louisiana	Completed registration form	No response to confirmation notice
Maine	Not defined by statute	Not defined by statute
Maryland	Not defined by statute – understood to mean registered to vote and not inactive	Not defined by statute – understood to mean no response to confirmation notice
Massachusetts	Registered to vote, and not inactive	No response to annual municipal census and no response to confirmation notice
Michigan	Not defined by statute – understood to mean registered to vote	No vote cast in last six consecutive years, and no response to confirmation notice
Minnesota	Completed registration form	No response to confirmation notice or upon written request by voter to be removed
Mississippi	Registered to vote and resident of municipality, county, and state for 30 days	
Missouri	Registered to vote	No response to confirmation notice
Montana	A voter who is not inactive	No response to confirmation notice
Nebraska	Registered to vote	Not defined by statute
Nevada	Registered to vote	No response to confirmation notice
New Hampshire	Not defined by statute	Not defined by statute
New Jersey	Not defined by statute – understood to mean eligible to vote	Not defined by statute – understood to mean no response to confirmation notice
New Mexico	Registered to vote	No response to confirmation notice
New York	Registered to vote	No response to confirmation notice
North Carolina	Participated in past election	No vote in last election
North Dakota	Participated in past election	No vote in past two election cycles (four years)
Ohio	Not defined by statute	Not defined by statute
Oklahoma	Registered to vote, but not inactive	No response to confirmation notice
Oregon	Registered to vote	No response to confirmation notice
Pennsylvania	Not defined by statute – understood to mean registered to vote and not inactive	No response to confirmation notice
Puerto Rico	Not defined by statute – understood to mean registered to vote	Not defined by statute – understood to mean no vote in past election
Rhode Island	Registered to vote	No response to confirmation notice
South Carolina	Registered to vote	Not on registration list

Table 4. Defining Active and Inactive Voters¹⁴

State	Active Voter (A1h)	Inactive Voter (A1i)
South Dakota	Registered to vote	No response to confirmation notice
Tennessee	Not defined by statute	Removed from registration list
Texas	Registered to vote	Canceled voter registration
Utah	A voter who is not inactive	No response to confirmation notice
Vermont	Registered to vote	Voter sent a challenge letter under suspicion of change of address
Virgin Islands	Not defined by statute – understood to mean registered to vote	Not defined by statute
Virginia	Maintained with active status	No response to confirmation notice
Washington	Registered to vote	Correspondence returned as undeliverable
West Virginia	Registered to vote	No response to confirmation notice
Wisconsin	Not defined by statute – understood to mean registered to vote	Not defined by statute – understood to mean no longer on poll book
Wyoming	Registered to vote	Registrants who are deceased or felons, or no response to confirmation notice

Section 2: Voter Registration

The Statutory Overview included eight questions about voter registration and States' voter registration databases (VRD Systems).¹⁵ Responses to five of these questions are presented in Table 5. The columns display the following information:

- ▶ Whether the VRD System in each State is top-down, bottom-up, or hybrid (B1a);
- ▶ For bottom-up and hybrid systems, how often the information contained in local databases is reconciled with information retained at the State level (B1b);
- ▶ The types of voter information that each State's VRD System is able to check against outside databases (B4);
- ▶ Events in each State that cause officials to tag the voter as inactive in the VRD System (B2); and
- ▶ Events in each State that cause officials to remove the voter's registration from the VRD System altogether (B3).

Two additional questions not displayed in the table but summarized in the text below are whether the States use the National Change of Address (NCOA) service to identify voters who have moved, and whether States allow voter registration via the Internet. The following is a summary of the States' responses to these questions.

Top-down/Bottom-up (B1a). HAVA required States to develop a statewide VRD System. Question B1 asked whether each State had a top-down, bottom-up, or hybrid VRD System. The question defined these terms as such:

- ▶ A top-down system is one in which the data are hosted on a single, central platform of hardware and maintained by the State with data and information supplied by local jurisdictions.

¹⁵ In this report, we use the term "VRD Systems" as a generic term to include voter registration databases or systems.

- ▶ A bottom-up system is one in which the data are hosted on local hardware and periodically compiled to form a statewide voter registration list.¹⁶
- ▶ A hybrid system, as its name implies, is a combination of a bottom-up and top-down system.

Under these definitions, 42 of 55 States indicated having a top-down system, six indicated having a bottom-up system, and seven indicated using a hybrid system. California, Illinois, Nevada, New York, Ohio, and Tennessee reported that they use a bottom-up system. Arizona, Mississippi, Oklahoma, Rhode Island, Texas, Washington, and Wisconsin reported employing a hybrid system. While North Dakota does not have voter registration, it does keep a central database of persons who have voted in an election and, therefore, has a system that can be considered top-down.

Frequency of Reconciliation of Databases (B1b). With top-down systems, there is presumably no local database, and therefore no need to reconcile a local database with the central database. Only States that reported having bottom-up and hybrid systems were asked to report how often local governments transmit registration information to the statewide list.

Of the six States that reported employing a bottom-up system, four reported a daily or 24-hour transmission of registration information from the local jurisdictions to the State, while two reported a real-time or near real-time data communication between the two.

Of the seven States that indicated the use of a hybrid VRD System, four reported real-time or near real-time updating of the State database, and three reported daily transmission of registration information from the local jurisdictions to the States.

Database Matches (B4). Question B4 asked States if they share information electronically with their State driver's license agency and whether the VRD System can be linked with databases from other agencies. Fifty-one out of 55 states reported that their VRD System is often matched to some state or Federal database, four states (West Virginia, New Mexico, Texas and Guam) reported no database linkages. Forty-five of the 55 States reported that their VRD System (or equivalent) is often matched to the records in their State's driver's license agency.¹⁷ Twenty-seven of the 54 responding States report linking their VRD System with the Social Security Administration (SSA). The Virgin Islands indicated that it currently only shares information with the courts, but it is working on a process that matches information with their department of motor vehicles and the SSA.

Other Matching Systems. Many States reported matching voter information against other government records. Examples include records of deaths (State Departments of Public Health) and felony convictions (Federal and State court systems, State Police, U.S. Attorneys). Some States also have the ability to track changes of address by matching VRD System records against address changes in the motor vehicle database or by identifying duplicates within the VRD System itself.

Triggers — Active to Inactive (B2). Question B2 asked States to describe their process for moving voters from the active to the inactive list. Eighteen of 55 responding States label voters inactive for failure to vote. For most States, this occurs after failure to vote over any four-year time period that includes two Federal elections. However, some States, such as the District of Columbia, do this after each Federal election. Officials sometimes send postcards asking voters and non-voters to confirm that they continue to reside at the address on file. If the voter does not respond or the notice is returned as undeliverable, the voter is labeled as inactive in the database. In 33 States, officials send a postcard and mark the voter inactive if it is returned as undeliverable. In 24 States, officials send a postcard and mark the voter inactive if the voter does not respond by completing and returning it, considering it a failure to respond or non-response to a confirmation notice. Some States will move

¹⁶ Some States, reported using a hybrid system, but the explanation of the system was consistent with the definition of a top-down system. These States are classified in this analysis as having a top-down system.

¹⁷ This includes States that reported sharing data with their Department of Transportation or their Department of Public Safety, which in some States is where the driver's license agency is located.

voters from an active list to an inactive list when a State is informed of a change of address. Some States will send a postcard if the U.S. Postal Service’s NCOA service indicates that the voter has moved. A felony conviction can result in becoming inactive in Guam and Wisconsin. Some States, such as Idaho, New Hampshire, and the Virgin Islands, do not use the active/inactive distinction in their VRD Systems.

Triggers — Removal (B3). Thirty-five of the 55 States that responded to the Statutory Overview indicated that they currently remove voters who did not vote for a period of time (generally over two Federal elections) and did not respond to a confirmation notice or the notice was returned as undeliverable; this is listed as “non-voting” in the table. Other reasons for removal include request of the voter, death, felony conviction, adjudication of mental incompetence, registration in another jurisdiction, and other indicators of change of address. Wisconsin indicated that it never fully removes voters from its VRD System but instead marks them as inactive.

Table 5. Voter Registration Database¹⁸

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Alabama	Top-down	N/A	Department of Public Health (death records); Department of Public Safety (DL and SSNs); Administrative Office of Courts (felon records)	Non-voting (4), undeliverable notices	Death, non-voting (4), registration elsewhere, felon, mental incompetency
Alaska	Top-down	N/A	DMV; SSA	Second list maintenance notice not returned	Non-voting, no voter contact
American Samoa	Top-down	N/A	SSA	Non-voting	Non-voting
Arizona	Hybrid	Real-time	DMV; Arizona Department of Public Health (death records); Federal and State Court Systems (Felon and Incapacitated Records)	Undeliverable notices	Request, death, NCOA outside county, non-voting, felony, mental incompetency
Arkansas	Top-down	N/A	DMV; SSA; Vital Records (death records and felon records)	Undeliverable notices; NCOA to a different county or congressional district	Death, non-voting, registration elsewhere, NCOA outside county, felony, mental incompetency, not qualified
California	Bottom-up	Daily	DMV (DL, address changes); SSA; Department of Public Health (death records); Department of Rehabilitation and Corrections (felon records)	Undeliverable, address correction confirmation returned with forwarding address outside county, NCOA	Request, death, registration elsewhere, NCOA outside county, felony, mental incompetency
Colorado	Top-down	N/A	Department of Revenue (Name, Date of Birth, Gender, DL, SSN); Department of Public Health and Environment (death records); Department of Corrections (felon records)	Undeliverable	Voter request, death, felony, duplicate registration, notice of registration in another state

¹⁸ The following abbreviations are used in this table: DL (driver's license number); DMV (Department of Motor Vehicles); NCOA (National Change-of-Address); SSA (Social Security Administration); SSN (Social Security Number); N/A (not applicable). Note that the numbers in parentheses after the words "undeliverable" or "non-voting" indicate the number of years that pass between periodic uses of these two processes. For example, "undeliverable (2)" indicates that the State sends out postcards every two years to determine who has moved. By the same token, "non-voting (4)" indicates that an inactive voter will be removed from the Statewide VRD System if he or she fails to vote for four years after being labeled as inactive. Where no number is given, the number of years was not specified. "Not specified" means that the process was not explained in the State's response.

Table 5. Voter Registration Database¹⁸

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Connecticut	Top-down	N/A	DMV; SSA; Department of Public Health (death records); Department of Corrections (felon records)	Undeliverable, failure to respond to canvass notice pursuant to NVRA	Request, non-voting (4), felony, death
Delaware	Top-down	N/A	DMV	Not specified	Death, registration elsewhere, NCOA outside State, felony, mental incompetency, inactive for two elections
District of Columbia	Top-down	N/A	DMV (DL, Name, Address)	Non-voting, Undeliverable	Non-response, non-voting
Florida	Top-down	Near real-time	DMV (DL); SSA; Department of Health (death records); Department of Law Enforcement, Department of Corrections, Commission on Offender Review (clemency records)	Undeliverable, no response to address verification	Request, death, NCOA outside State, non-voting, felony, mental incompetency, not eligible
Georgia	Top-down	N/A	Department of Driver Services (DL, Name, Date of Birth, U.S. Citizenship); SSA; Department of Community Health (death records); Department of Revenue; Administrative Office of the Courts (felon records); Department of Corrections (felon records)	Undeliverable, no response to address verification	Request, NCOA outside county/State, falsification of voter registration, felony, mental incompetency, death, eligibility challenged and upheld, non-response
Guam	Top-down	N/A	None	Request, mental incompetency, death, felony, other certified judgment directing cancellation, non-voting, NCOA outside jurisdiction	Request, mental incompetency, death, felony, other certified judgment directing cancellation, non-voting, voter outside jurisdiction
Hawaii	Top-down	N/A	Department of Customer Services, Driver's License Section (DL)	Undeliverable confirmation postcard	Non-voting

Table 5. Voter Registration Database¹⁸

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Idaho	Top-down	N/A	DMV; SSA	N/A	Death, NCOA outside county/State, non-voting (4), felony, no response to challenge notice, request
Illinois	Bottom-up	24 hours	DMV; SSA; Department of Public Health (death records); Department of Corrections (convictions)	Undeliverable	Non-voting (4)
Indiana	Top-down	N/A	Bureau of Motor Vehicles (DL); SSA; Department of Health (death records); Department of Corrections (convictions)	Undeliverable, failure to respond to notice, NCOA, DMV surrender of license to another jurisdiction	Request, death, non-voting, NCOA outside county, felony, failure to respond to notice
Iowa	Top-down	N/A	Department of Transportation (DL); State Health Department (death records)	Undeliverable, NCOA, non-voting	Death, registered elsewhere, felony, mental incompetency, request, challenge, non-voting
Kansas	Top-down	N/A	DMV; SSA; Department of Corrections (felon records); Department of Health and Environment (deceased persons)	Non-voting, undeliverable, NCOA	NCOA outside county, registered elsewhere, undeliverable, non-voting, death, felony
Kentucky	Top-down	N/A	Transportation Cabinet Division of Driver Licensing (DL); State Public Assistance Agencies	NCOA outside county, non-voting, undeliverable	Request, death, mental incompetency, felony, non-voting, failure to respond to confirmation
Louisiana	Top-down	N/A	Office of Motor Vehicles (DL); SSA; Death Master File; Emergency 911 System; Department of Public Safety and Corrections (felon records); May enter into agreements with other States or the Electronic Registration Information Center	Not qualified, NCOA	NCOA outside parish, failure to respond to confirmation
Maine	Top-down	N/A	Bureau of Motor Vehicles (DL); SSA; Office of Vital Statistics (death records)	Failure to respond to NVRA notice, undeliverable	Death, NCOA, request, non-voting (4)

Table 5. Voter Registration Database¹⁸

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Maryland	Top-down	N/A	Motor Vehicle Administration (DL); Department of Vital Statistics (death records); Judicial Information System (felon records)	Failure to respond to confirmation notice, non-voting	Request, death, felony, moved outside State, failure to respond to confirmation
Massachusetts	Top-down	N/A	Registry of Motor Vehicles (DL, SSN); SSA; Department of Public Health (death records)	Failure to respond to street listing and confirmation notice	Non-voting (4) and failure to respond to confirmation, death, registration in another jurisdiction, felony, voter request for removal
Michigan	Top-down	N/A	Driver License Agency (DL)	No vote in six consecutive years, and no response to confirmation notice	NCOA, failure to respond to confirmation
Minnesota	Top-down	N/A	Driver Vehicle Services (DL); SSA; Court Records; Department of Health	Non-voting	Never removed (only made "inactive")
Mississippi	Hybrid	Real-time	Department of Public Safety; Department of Health; Administrative Office of Courts	(1) Voter has moved outside the county jurisdiction, (2) failure to respond to confirmation notice. Failure to respond to NVRA notice	NCOA, Voter confirms change of address to a place outside the registrar's jurisdiction in writing; failure to respond to confirmation notice; non-voting (4) proof of death; proof of disenfranchising conviction; voter initiated request; proof of adjudication of incompetence of mental capacity.
Missouri	Top-down	N/A	SSA; Department of Health and Senior Services (death records); Department of Corrections (felon records)	NCOA, failure to respond to confirmation notice	NCOA, fail to respond to NVRA notice, non-voting, death, mental incompetency, felony
Montana	Top-down	N/A	DMV; SSA; Department of Public Health and Human Services (death records); Department of Corrections (felon records)	Failure to respond to notices pursuant to NVRA	Request, death, mental incompetency, felony, non-voting, registration elsewhere, failure to meet qualifications
Nebraska	Top-down	N/A	DMV; SSA; death records database; felon records database	Undeliverable, failure to respond to NVRA notice	Non-voting, NCOA

Table 5. Voter Registration Database¹⁸

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Nevada	Bottom-up	Daily	DMV; SSA; Office of Vital Statistics (deceased persons)	Undeliverable, non-voting	Death, mental incompetency, felony, non-response, request, duplicate registration
New Hampshire	Top-down	N/A	DMV; SSA; Department of Corrections (felon records); Division of Vital Records (death records); NCOA	N/A	Death, non-voting, NCOA outside jurisdiction, felony, duplicate registration
New Jersey	Top-down	N/A	Motor Vehicles Commission (DL, SSN, signatures); Department of Health and Senior Services, Bureau of Vital Statistics (death records); Department of Corrections, State Parole Board, Judiciary Administrative Office of the Courts (incarcerated records, on probation records, on parole records)	When confirmation notice is sent	Death, felony, mental incompetency, request, failure to respond to confirmation
New Mexico	Top-down	N/A	None	Undeliverable, failure to respond to NVRA notice, NCOA	Non-voting (4), NCOA outside county, cancellation by Board of Registration, still inactive after second general election after notice
New York	Bottom-up	Near real-time	DMV (DL, SSN)	Undeliverable, NCOA	Not qualified, non-response
North Carolina	Top-down	N/A	DMV (DL, Address Changes); SSA (SSN, Address Changes)	Non-voting, non-response	Death, felony, NCOA, non-response
North Dakota	Top-down	N/A	Department of Transportation (DL, Name Address); Department of Vital Records (death records); North Dakota Association of Counties (marriage name changes records); State Courts (protection order records)	Non-voting	Death, registration elsewhere
Ohio	Bottom-up	Real-time	DMV (DL, Name, Address, Date of Birth, SSN)	Undeliverable, failure to respond to NVRA notice	Death, non-voting, NCOA outside county, felony, challenge
Oklahoma	Hybrid	Daily	Department of Public Safety (DL, SSN); Department of Health (death records)	Non-response to confirmation notice	Death, mental incompetency, non-voting, registration elsewhere, felony, request

Table 5. Voter Registration Database¹⁸

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Oregon	Top-down	N/A	DMV; SSA	Non-voting, undeliverable	Death, request, non-voting, registration elsewhere
Pennsylvania	Top-down	N/A	Department of Transportation (DL, Address Change, Name Change). Department of Health	Failure to respond to NVRA notice	Request, NCOA outside county, death, non-voting
Puerto Rico	Top-down	N/A	Civil Registry records	Non-voting; failure to appeal in-person following confirmation	Challenge, non-voting
Rhode Island	Hybrid	Daily	DMV	Undeliverable, non-voting, non-response	Undeliverable, non-voting, non-response
South Carolina	Top-down	N/A	DMV	Undeliverable, felons, death, request, non-response to confirmation notice	Death, NCOA, felony, non-response to confirmation notice
South Dakota	Top-down	Daily	State Vital Records; Judicial System	Non-voting, undeliverable (4), NCOA, non-response to confirmation notice	Mental incompetency, death, felony, registration elsewhere, duplicate registration
Tennessee	Bottom-up	Daily	Department of Safety	Failure response to confirmation notice	Death, NCOA outside county, registration elsewhere, non-voting felony, request, citizenship, failure to respond to confirmation
Texas	Hybrid	Daily	None	Undeliverable (2)	Request, mental incompetency, duplicate registration, death, challenge, undeliverable, NCOA
Utah	Top-down	N/A	Driver License Agency (DL); SSA	NCOA, undeliverable	Death, NCOA, request, felony, registration elsewhere, undeliverable, non-voting
Vermont	Top-down	N/A	DMV; SSA	Non-response to or undeliverable confirmation notice	NCOA, challenge, death, registration elsewhere, request
Virgin Islands	Top-down	N/A	Court System (felon records)	N/A	Non-voting (2), non-response

Table 5. Voter Registration Database¹⁸

State	Type of System (B1a)	Reconciliation Frequency (B1b)	Database Sharing or Linking (B4)	Moving Voters to Inactive List (B2)	Removing Voters from Rolls (B3)
Virginia	Top-down	N/A	Department of Health (death records); State Police (felon records); U.S. Attorney's Office (felon records); State Circuit Courts (mental incompetency adjudications); DMV (SSN; non-citizen records); Bureau of Vital Statistics (death records); SSA (death records); U.S. Postal Service (street address records); other States	Undeliverable, non-response to confirmation notice, NCOA	Death, felony, mental incompetency adjudication, citizenship, request
Washington	Hybrid	Near real-time	Department of Licensing (DL, SSN); SSA; Other States	Undeliverable notices, NCOA outside State	Death, non-voting, NCOA outside State, felony, mental incompetency
West Virginia	Top-down	N/A	None	Undeliverable, non-response to confirmation notice (1), NCOA	Death, felony, mental incompetency, request, challenge, non-voting
Wisconsin	Hybrid	Real-time	Department of Transportation (DL); SSA (SSN); Department of Corrections (felon records); Office of Vital Records (death records)	Undeliverable, mental incompetency, felony, registration elsewhere, challenge, four-year maintenance, death, condemnation of address, administrative action, request, voter fraud	Never removed (only made "inactive")
Wyoming	Top-down	N/A	Department of Transportation (DL); the Division of Criminal investigation (felon records), the Department of Health, and the State Board of Parole (Paroles Granted)	Non-voting	Non-voting, death, registration elsewhere, NCOA outside county, disqualification, request

In addition to the responses shown in Table 5, the Statutory Overview asked States whether they used the NCOA service to identify voters who have moved and whether they use the Internet to facilitate the voter registration process. These two issues are discussed below.

National Change of Address Service (B5). Thirty States use the NCOA service available from the U.S. Postal Service to help identify voters who have moved (this information is listed in the last column of Table 5). Additionally, Arizona and the District of Columbia indicated that they "may," but are not required, to use NCOA. Seven States indicated that their local governments and municipalities use NCOA.¹⁹ Mississippi provides NCOA data to individual counties who are responsible for conducting voter roll maintenance. Minnesota uses NCOA monthly to verify addresses, while Rhode Island and West Virginia utilize NCOA every other year. Seven States use a vendor to check their records against NCOA.²⁰ Six States review the NCOA data for accuracy before determining whether a voter has moved, and four of them—California, Connecticut, Nevada, and New York—described the procedure for sending notification to the voter's last known address to give the voter an opportunity to resolve any discrepancies and update his or her address.

Nine of the States that reported using NCOA gave some response about their satisfaction with the service. Six of those States indicated general satisfaction with NCOA (Delaware, Illinois, Iowa, Mississippi, Oregon, South Dakota, and the Virgin Islands). Pennsylvania indicated satisfaction, but also noted some inaccuracies, particularly the discrepancies that can result when only one member of the family relocates. Two States (Kansas and Vermont) expressed some dissatisfaction with using NCOA. Kansas identified errors related to one member of a family relocating as well as other errors that make using NCOA costly. Vermont reported that it does not use NCOA because it has found it to be ineffective. Louisiana reported that it has been using NCOA for years and has had good experiences.

Internet-Facilitated Voter Registration (B7). Eighteen States offer online voter registration, and 12 of those require that the voter hold a valid State identification or driver's license to utilize the online system. Among the 18 States offering online registration, some noted additional online features. Arizona allows residents utilizing the Motor Vehicle Division website to select an option to be included on the permanent early voter list. Washington also allows verification of voter registration and within-county change of address online. Most States make limited use of the Internet to facilitate voter registration. Forty-two States offer a voter registration form online that required the voter to print and sign the form before submitting it via mail. Of the 42 States offering this, 31 have a "fillable pdf" online voter registration form. Of these 31, only four (Alaska, Kentucky, South Carolina, and Virginia) allow voters to print, sign, scan, and e-mail the form. The remaining 22 States accept printed and signed forms by mail and in-person. Additionally, Maine, Mississippi, and Virginia will accept scanned and e-mailed voter registration forms only from UOCAVA voters.

Section 3: Felon Disenfranchisement

Question B6 of the Statutory Overview asked States to report on their laws regarding the disenfranchisement of felons—and for how long this disenfranchisement lasts. The results are presented in Table 6. Fifty-two of the 55 responding States disenfranchise felons in some manner; the exceptions are Maine, Puerto Rico, and Vermont.

Character of Disenfranchising Offense (B6). Forty-six States indicated that any felony will trigger disenfranchisement. Eight States require disenfranchisement for certain felonies or crimes. Guam and Michigan disenfranchise those convicted of any crime that results in confinement. In addition to disenfranchising those convicted of a felony, Massachusetts and South Carolina disenfranchise those convicted of an elections-related crime. Alabama, Alaska, Georgia and the Virgin Islands disenfranchise only those who are convicted of felonies involving "moral turpitude." Mississippi disenfranchises individuals who commit one of 22 enumerated crimes. Kentucky disenfranchises those convicted not only of felonies but also for some misdemeanors.

¹⁹ They are Florida, Massachusetts, Mississippi, Tennessee, Texas, Vermont, and Washington.

²⁰ The seven States are Delaware, Georgia, Iowa, Kansas, Maine, Nebraska, and New York.

Disenfranchisement Period (B6). Twenty of the 55 States that responded to the Statutory Overview disenfranchise felons until the unconditional discharge of their sentences, including parole and probation. The second most common approach, taken by 14 States, is to disenfranchise felons only for the period that they are in actual physical confinement. Other States restore voting rights only after a waiting period following discharge (American Samoa, Nebraska, and the Virgin Islands). Some States never restore voting rights short of an official pardon (Kentucky and Mississippi). In Delaware, persons convicted of the enumerated “disqualifying” felonies are permanently disenfranchised. Other disenfranchised persons convicted of felonies in Delaware may reregister after officials review their files and determine they have unconditionally discharged their sentences and paid all fines. In Tennessee, the conviction of certain crimes between specified time periods precludes individuals from having their rights restored.

Restoration Process (B6). As summarized in Table 6, 25 States indicated that felons who have regained their eligibility to vote do not need to take any action to vote again except to reregister. In eight States, the restoration process is “automatic,” although it is not always clear whether the voter must reregister in these States. In an additional 10 States listed as “non-automatic,” a person who has regained eligibility may register but officials must make an affirmative determination of eligibility, including convicted felons who can only reregister after having been pardoned. In Missouri, voting is not allowed after conviction of a felony or misdemeanor connected with the right of suffrage.

Table 6. Felon Disenfranchisement²¹

State	Character of Offense	Disenfranchisement Period	Restoration Process
Alabama	Felony of moral turpitude	Until Certificate of Restoration is issued	Non-automatic – must apply for Certificate of Restoration
Alaska	Felony of moral turpitude	Until unconditional discharge	Must reregister
American Samoa	Any felony	Two years after date of conviction or release from prison, whichever is later	Not specified
Arizona	Any felony	Until unconditional discharge	Automatic after first offense only
Arkansas	Any felony	Until unconditional discharge	Non-automatic – must provide proof of discharge from probation or parole and payment of all fees, court costs, fines, or restitution
California	Any felony	Until unconditional discharge	Must reregister
Colorado	Any felony	During confinement including parole, but not probation	Automatic, must reregister
Connecticut	Any felony	Until unconditional discharge	Must reregister
Delaware	Any felony	Some violent felonies must be pardoned by the Governor.	Must reregister
District of Columbia	Any felony	During confinement only	Not specified
Florida	Any felony	Until restoration of civil rights	Non-automatic - Must reregister and attest to restoration of civil rights on registration application

²¹ “Not specified” means that the character of the offense, the disenfranchisement period, or the restoration process was not explained in the State’s response. “N/A” indicates that the State does not disenfranchise felons.

Table 6. Felon Disenfranchisement²¹

State	Character of Offense	Disenfranchisement Period	Restoration Process
Georgia	Felony of moral turpitude	Until unconditional discharge	Not specified
Guam	Any crime that results in confinement	Not specified	Not specified
Hawaii	Any felony	Until probation, parole or final discharge	Must reregister
Idaho	Any felony	Until unconditional discharge	Automatic
Illinois	Any felony	Until discharge, not including parole	Not specified
Indiana	Any felony	During confinement only	Must reregister
Iowa	Any felony	Until application for voting rights restoration is accepted	Non-automatic – only after Governor's Office accepts application for voting rights restoration
Kansas	Any felony	Until unconditional discharge	Must reregister
Kentucky	Any felony, treason, elections crimes, high misdemeanors, others	Only after executive pardon	Non-automatic – only after pardon
Louisiana	Any felony	Until unconditional discharge	Non-automatic – must provide documentation showing that he or she is no longer under order of imprisonment
Maine	N/A	N/A	N/A
Maryland	Any felony	Until discharge including parole and probation, but not including community service or payment of fines	Must reregister
Massachusetts	Any felony or elections crime	During confinement only (for felony); either temporarily or permanently (for elections crime)	Must reregister
Michigan	Any crime that results in confinement	During confinement only	Automatic
Minnesota	Any felony	Until unconditional discharge	Automatic
Mississippi	22 enumerated crimes	Until executive or legislative pardon	Non-automatic – only after pardon
Missouri	Any felony	Until unconditional discharge	Automatic unless connected with suffrage
Montana	Any felony	During confinement only	Must reregister
Nebraska	Any felony	Until two years after unconditional discharge	Must reregister; no documentation required when reregistering
Nevada	Any felony	During confinement	Non-automatic – persons convicted of a violent felony and all second- time felony offenders must seek restoration of their voting abilities in the court in which they were convicted
New Hampshire	Any felony	During confinement only	Must reregister

Table 6. Felon Disenfranchisement²¹

State	Character of Offense	Disenfranchisement Period	Restoration Process
New Jersey	Any felony	Until unconditional discharge	Must reregister
New Mexico	Any felony	During confinement	Automatic
New York	Any felony	During confinement including parole, but not including probation	Must reregister
North Carolina	Any felony	Until unconditional discharge	Must reregister
North Dakota	Any felony	During confinement only	Not specified
Ohio	Any felony	During confinement only	Must reregister
Oklahoma	Any felony	Until unconditional discharge	Must reregister
Oregon	Any felony	During confinement only	Automatic
Pennsylvania	Any felony	During confinement	Must reregister
Puerto Rico	N/A	N/A	N/A
Rhode Island	Any felony	During confinement only	Must reregister
South Carolina	Any felony or elections crime	Until unconditional discharge	Must reregister
South Dakota	Any felony	Until unconditional discharge	Must reregister
Tennessee	Any felony	Receipt of pardon, until unconditional discharge	Non-automatic – must apply for restoration
Texas	Any felony	Until unconditional discharge	Must reregister
Utah	Any felony	During confinement only	Automatic
Vermont	N/A	N/A	N/A
Virgin Islands	Any felony or crime of moral turpitude	If one conviction – until one year after unconditional discharge; if two convictions – for 10 years	Automatic, though documentation is required
Virginia	Any felony	Until release from confinement and probation/parole; three years wait for more serious offenders	Non-violent offenders can apply for automatic restoration of rights after release from confinement and probation/parole. Violent/more serious offenders (e.g., electoral offenses) must wait three years to apply.
Washington	Any felony	Until unconditional discharge	Must reregister
West Virginia	Any felony	Until unconditional discharge	Must reregister
Wisconsin	Any felony	Until unconditional discharge	Must reregister
Wyoming	Any felony	Not specified	Non-automatic – must apply for restoration

Section 4: Election Counting and Reporting

Question C1 of the Statutory Overview had four parts asking States about the process by which votes are counted and then reported. Table 7 summarizes the results.

Mail-in Voting/Absentee Voting (C2). Twenty-two States require a reason (such as expecting to be out of town) for a voter to request a mail-in ballot. Twenty-nine States do not require a reason, allowing any person to cast a mail-in ballot. Florida requires a reason if a voter wants to vote absentee on election day. One State, Indiana,

requires a reason to cast a mail-in ballot, but does not require any reason to cast an in-person absentee ballot. Louisiana requires a reason to cast a mail-in ballot, except for disabled voters, voters over the age of 65, and those in the Address Confidentiality Program. Maine does not require a reason up until the third business day before the election, but does require this after that day. Colorado, Oregon, and Washington vote entirely by mail, and therefore this question is not applicable.

In-person Early Voting (C3). Thirty-five of 55 States allow in-person early voting (defined as casting a no-excuse, in-person ballot prior to Election Day). Some of these States referred to the practice as “early voting,” while others referred to it as “in-person early voting” or by some other term. Puerto Rico has no-excuse, early voting but did not specify if it is in-person. Minnesota has no-excuse, in-person absentee voting” rather than early voting. One other State, New Jersey, does not have early voting, but anyone may “vote by mail” or in-person at the county clerk’s office up to the day before the election. Four States permit in-person early voting, but only with a reason; these four States are Alabama, American Samoa, Delaware, and Virginia. The remaining 13 States do not have early voting of any kind.

Early/Absentee Counting Location (C1a). Six States count all early and absentee ballots in the precincts themselves, while 25 States use one central location to count all ballots. The other 24 States count ballots either centrally or at the precinct. The choice depends on several factors: 1) the type of ballot (in some States, mail-in ballots are counted with one method and in-person ballots another), 2) the type of technology used, and 3) local discretion.

Redirection of Central Count Ballots to Precinct (C1b). Question C1b of the Statutory Overview asked whether States that centrally count ballots report the results down to the precinct level for accounting purposes, rather than just reporting them at the jurisdictional level. Thirty-one States redirect votes to the appropriate precinct for reporting in the canvass and two States, Nebraska and Oklahoma, redirect votes to the appropriate precinct. Oklahoma reports the results to the precinct level for all but their two largest counties. Nebraska redirects all except early voting ballots. Fourteen States do not redirect votes to the appropriate precinct. Two States (Kansas and Missouri) handle redirection depending on the jurisdiction.

Counting UOCAVA Ballots (C1d). The Statutory Overview asked States to indicate how they *count* and *report* UOCAVA ballots. Thirty-eight States count and report UOCAVA ballots the same as absentee ballots. Pennsylvania counts UOCAVA ballots the same as absentee ballots unless they are late. Washington counts UOCAVA ballots the same as absentee ballots, and indicated that they may be received and counted up until the day before county certification day. The remaining States reported a variety of approaches including: counting and reporting UOCAVA ballots the same as early ballots; counting and reporting UOCAVA ballots the same as “other” ballots; counting UOCAVA ballots separately; counting UOCAVA ballots centrally; or counting UOCAVA ballots separately or centrally depending on the electoral contest.

Table 7. Rules on Absentee and In-Person Early Voting and the Counting and Reporting Process

State	Excuse Required for Absentee Voting (C2)	In-Person Early Voting (C3)	Early / Absentee Counting Location (C1a)	Central Ballots Redirected to the Precinct Level (C1b) ²²	UOCAVA Reporting Methods (C1d)
Alabama	Yes	Only with excuse	Precinct	N/A	Same as absentees
Alaska	No	No	Central	No	Same as absentees
American Samoa	Yes	Only with excuse	Central	No	Same as absentees

²² N/A indicates that the State reported that ballots are counted at the precinct level and C1b is therefore not applicable. To read the State’s complete response, log onto www.eac.gov.

Table 7. Rules on Absentee and In-Person Early Voting and the Counting and Reporting Process

State	Excuse Required for Absentee Voting (C2)	In-Person Early Voting (C3)	Early / Absentee Counting Location (C1a)	Central Ballots Redirected to the Precinct Level (C1b) ²²	UOCAVA Reporting Methods (C1d)
Arizona	No	Yes	Central	Yes	Same as early ballots
Arkansas	Yes	Yes	Central	Yes	Same as absentees
California	No	Yes	30 counties Central / 28 counties Precinct	Yes	Not reported separately
Colorado	No	Yes	Central	Yes	Not reported separately
Connecticut	Yes	No	Precinct	N/A	Separately
Delaware	Yes	Only with excuse	Central	Yes	Same as absentees
District of Columbia	No	Yes	Central	Yes	Same as absentees
Florida	No, except for voting absentee on Election Day	Yes	Absentee and Provisional Central / Election day and early voting Precinct	Yes	Central count / same as absentees
Georgia	No	Yes	Central	Yes	Same as absentees
Guam	Yes	No	Central	Yes	Not reported separately
Hawaii	No	Yes	Early votes at Precinct / absentee Central in each county	No	Same as absentees
Idaho	No	Yes	Paper ballots and two arrow optical scan at Precinct/ Punch card and all other optical scan counted Central	Yes	Same as absentees
Illinois	No	Yes	Election day ballots at Precinct / all others Central	Yes	Counted centrally

Table 7. Rules on Absentee and In-Person Early Voting and the Counting and Reporting Process

State	Excuse Required for Absentee Voting (C2)	In-Person Early Voting (C3)	Early / Absentee Counting Location (C1a)	Central Ballots Redirected to the Precinct Level (C1b) ²²	UOCAVA Reporting Methods (C1d)
Indiana	Yes, an excuse is required to cast a mail-in ballot, but not an in-person absentee	Yes	County election board determines location	Yes	Same as other ballots
Iowa	No	Yes	Central	No	Same as absentees
Kansas	No	Yes	Central	County officials decide	Not reported separately; manually counted in some cases
Kentucky	Yes	No	Central	No	Same as absentees
Louisiana	Yes, with exceptions for voters age 65 or older, disabled or in Address Confidentiality Program	Yes	Central	No	Same as absentees
Maine	No, for requests made through 3rd business day before election; Yes, for one of four allowable reasons after that day	Yes	Absentee at Precinct	No	Centrally tabulated and reported as a statewide UOCAVA precinct
Maryland	No	Yes	Central	No	Same as absentees
Massachusetts	Yes	No	Precinct	N/A	Same as absentees
Michigan	Yes	No	Precinct	Yes	Same as absentees
Minnesota	No	No, but no-excuse absentee voting is allowed either in-person or by mail	Central	Yes	Counted centrally by Precinct
Mississippi	Yes	No	Central / Precinct for those counties using precinct scanners	Yes	Same as absentees
Missouri	Yes	No	Central	Varies by jurisdiction	Same as absentees
Montana	No	Yes	Local officials decide	No	Same as absentees / not separately
Nebraska	No	Yes	Central/ Precinct, depending on the county	Yes, except for early voting ballots	Reported separately

Table 7. Rules on Absentee and In-Person Early Voting and the Counting and Reporting Process

State	Excuse Required for Absentee Voting (C2)	In-Person Early Voting (C3)	Early / Absentee Counting Location (C1a)	Central Ballots Redirected to the Precinct Level (C1b) ²²	UOCAVA Reporting Methods (C1d)
Nevada	No	Yes	Central	No	Same as absentees
New Hampshire	Yes	No	Precinct	N/A	Same as absentees
New Jersey	No	No. However, anyone may vote "Vote by Mail" at the county clerk's office up to 3:00 p.m. of the day before the election	Central	No	Same as absentees
New Mexico	No	Yes	Precinct	Yes	Same as absentees
New York	Yes	No	Emergency ballots at Precinct / absentee and provisional ballots central	Yes	Same as absentees
North Carolina	No	Yes	Precinct	N/A	Same as absentees
North Dakota	No	Yes	County officials decide	Yes	Same as absentees
Ohio	No	Yes	Central	Yes	Same as absentees
Oklahoma	No	Yes	All votes not cast at a precinct are counted centrally	Yes, but not in the two largest counties	Same as absentees
Oregon	No	No	Central	Yes	Same as all other ballots
Pennsylvania	Yes	No	Central/ Precinct, depending on county	Yes	Same as absentees, unless late
Puerto Rico	Yes	Yes, for early voting, but not specified if in-person	Central	Yes	Same as absentees
Rhode Island	Yes	No	Central	Yes	Same as mail ballots
South Carolina	Yes	No	Both Central and Precinct	No	Same as absentees
South Dakota	No	Yes	Central	Yes	Same as absentees

Table 7. Rules on Absentee and In-Person Early Voting and the Counting and Reporting Process

State	Excuse Required for Absentee Voting (C2)	In-Person Early Voting (C3)	Early / Absentee Counting Location (C1a)	Central Ballots Redirected to the Precinct Level (C1b) ²²	UOCAVA Reporting Methods (C1d)
Tennessee	Yes	Yes	Central	Yes	Same as absentees
Texas	Yes	Yes	Central/ Precinct, depending on county	Yes	Same as early ballots
Utah	No	Yes	Central	Yes	Same as absentees
Vermont	No	Yes	Early absentee Precinct / vote-by- phone and provisional Central	Yes (only applies to vote-by-phone ballots)	Same as absentees
Virgin Islands	Yes	Yes	Central	No	Same as all other ballots
Virginia	Yes	Excuse only, in- person absentee voting	Localities have both options for absentee ballots	No; reported in a Central absentee precinct	Same as absentees
Washington	No	Yes. Counties must make at least one accessible voting unit (AVU) available in the county for the disability access voting period – 18 days before the election through Election Day. Any voter can come in-person to the auditor’s office and vote on an AVU	Central	Yes	Same as absentees, but may be received and counted up to the day before county certification day
West Virginia	Yes	Yes	Depends whether in- paper or electronic	Yes	Same as absentees
Wisconsin	No	Yes	Absentee and optical scan ballots Central	Yes	Same as absentees

Table 7. Rules on Absentee and In-Person Early Voting and the Counting and Reporting Process

State	Excuse Required for Absentee Voting (C2)	In-Person Early Voting (C3)	Early / Absentee Counting Location (C1a)	Central Ballots Redirected to the Precinct Level (C1b) ²²	UOCAVA Reporting Methods (C1d)
Wyoming	No	Yes	Central/ Precinct depending on the county	Yes	Same as absentees

The Statutory Overview (Question C4) also asked States to report whether any All Vote-by-Mail (AVBM) elections. The analysis of the responses to this question is presented below.

All Vote-by-Mail (AVBM) (C4). Only 12 States permit some AVBM elections for State and/or Federal elections: Arizona, California, Colorado, Idaho, Minnesota, Nebraska, Nevada, New Jersey, North Dakota, Oregon, Utah and Washington. Of these, Colorado, Oregon, and Washington conduct all elections by mail. Additionally, four other States (Kansas, Missouri, Montana, and New Mexico) permit AVBM elections for local elections, and three of those (Kansas, Missouri, and New Mexico) for “issue-only elections”. For example, New Mexico indicated that for issues such as the imposition of a new property tax rate, an AVBM election may occur. Florida only permits AVBM elections for certain local referendum issues. Finally, Hawaii indicated that, for historical reasons, the area of Kalawao is identified as a county and uses a vote-by-mail system. For the remaining 37 States, AVBM is not permitted for any circumstance or it was “not applicable” to them.

Section 5: Provisional Voting

Table 8 summarizes States’ responses to Question C5; this question what triggers the use of provisional ballots and provisional voting. Table 8 also reports the analysis of Question C6, which asked whether the provisional ballots count when cast in the wrong precinct. Table 2, above, provides additional details on States’ definitions of provisional ballots.²³

Triggers for Provisional Voting (C5). Table 8 presents whether or not States require voters to cast a provisional, rather than a regular ballot, in various situations. Frequently mentioned reasons are presented in Table 8 as separate columns. The most common reason for issuing a provisional ballot is when the voter’s name does not appear in the poll book (mentioned by 46 States), followed closely by when the voter fails to present sufficient ID (mentioned by 38 States). Twenty-nine States require a provisional ballot when a voter is challenged as ineligible, and 20 States require a provisional ballot when a voter’s eligibility cannot be immediately established. Twenty-four States require a provisional ballot when a voter is voting during extended polling hours, a time period when the polls are open due to an order of a State or Federal court. Other commonly cited reasons include: a voter’s registration containing an error in the voter’s party listing (11 States), and a voter had requested an absentee ballot and had not cast it (18 States). Idaho and Minnesota do not use provisional ballots. New Hampshire allows voters to register on Election Day, but if a registration is challenged as ineligible, the voter must sign an affidavit. In such an instance, New Hampshire local officials are instructed to contact the State Department of Justice immediately, so this situation is typically resolved at the polls. Vermont only uses provisional ballots on very limited occasions when a voter attempts to vote at the wrong precinct and insists on using a provisional ballot despite being told that it will not count.

²³ HAVA guarantees the right to cast a provisional ballot.

Standards for Counting Provisional Ballots (C6). Question C6 of the Statutory Overview asked States to indicate whether or not they count provisional ballots that are cast in the wrong precinct. The question also asked about the process used by local election officials to determine whether or not to count a provisional ballot.

Twenty-six States do not count provisional ballots cast in the wrong precinct, and six States do count these ballots. An additional five States (Arizona, Arkansas, California, Louisiana, and Pennsylvania) only count these ballots if they were cast in the same county in which the voter is registered. Utah will count a provisional ballot cast by a voter in a precinct other than the precinct of registration if the voter provides ID showing residence in the new precinct; however, without the proof of residence, the ballot will not count. States listed as “partial” in the table only count the votes for contests in which the voter is eligible to vote; in other words, contests that also appear on the ballot in the correct voting precinct. Some States identified other specific circumstances for counting such ballots, including: a voter providing a valid voter ID; for Federal offices only; for offices common between the voting and registered precinct, if registration is verified; a voter being unable to make it to the polling place; a voter registered in the voting county; and for emergency workers during a declared disaster.

Table 8. Provisional Voting

State	Situations That Require Provisional Voting (C5) ²⁴							Counted If Cast in Wrong Precinct (C6)
	Name Not on Poll or Registration List	Registration Reflects Error in Party Listing	Voter Eligibility Cannot Be Immediately Established	Challenge of Voter as Ineligible	Voter Does Not Have Proper ID	When Voting During Extended Polling Hours	Voter Requested Absentee Ballot But Has Not Cast It	
Alabama	X			X	X	X	X	Must complete voter update form
Alaska	X		X	X	X			Yes
American Samoa				X	X			Subject to review by election officials
Arizona	X			X	X	X	X	Only if cast in precinct in same county as registered
Arkansas	X		X	X	X	X	X	Only if cast in precinct in same county as registered
California	X		X			X	X	Only if cast in precinct in same county as registered
Colorado	X		X	X	X			Yes
Connecticut	X			X	X			No
Delaware	X		X	X		X		No
District of Columbia	X	X	X	X	X	X	X	Yes
Florida	X			X	X	X		No
Georgia	X				X	X		Voters may be allowed to vote in a different precinct with a provisional ballot, depending on circumstances
Guam	X					X	X	Partial
Hawaii	X							No

²⁴ Blank cells in the table indicate that the situation was not mentioned by the State; Idaho and Minnesota do not have provisional balloting systems and indicated that the term “provisional/challenged ballot” has no meaning for them. The abbreviation N/A for “Not Applicable” is used in the table for these States. States listed as “partial” in the last column in the table indicated that they only count the votes for contests in which the voter is eligible to vote, in other words, contests that also appear on the ballot in the correct voting precinct.

Table 8. Provisional Voting

State	Situations That Require Provisional Voting (C5) ²⁴							Counted If Cast in Wrong Precinct (C6)
	Name Not on Poll or Registration List	Registration Reflects Error in Party Listing	Voter Eligibility Cannot Be Immediately Established	Challenge of Voter as Ineligible	Voter Does Not Have Proper ID	When Voting During Extended Polling Hours	Voter Requested Absentee Ballot But Has Not Cast It	
Idaho	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Illinois	X			X	X	X	X	No
Indiana	X		X	X	X	X		No
Iowa	X			X	X			No
Kansas	X			X	X	X	X	Partial
Kentucky	X			X	X	X		No
Louisiana	X			X	X	X		Only if cast in a precinct in same parish as registered
Maine	X	X	X	X	X	X		Validity is only reviewed if large enough number to affect results of the election
Maryland	X	X		X	X	X	X	Yes
Massachusetts	X	X	X		X	X		Partial
Michigan	X		X		X			No
Minnesota	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mississippi	X	N/A			X			No
Missouri	X		X					No
Montana	X		X	X	X		X	No
Nebraska	X				X	X	X	No
Nevada	X			X	X	X	X	No
New Hampshire								No
New Jersey	X	X	X		X		X	Partial
New Mexico	X		X		X			Yes
New York	X	X			X			Only for issues that are the same in both districts
North Carolina	X	X			X	X		No
North Dakota	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 8. Provisional Voting

State	Situations That Require Provisional Voting (C5) ²⁴							Counted If Cast in Wrong Precinct (C6)
	Name Not on Poll or Registration List	Registration Reflects Error in Party Listing	Voter Eligibility Cannot Be Immediately Established	Challenge of Voter as Ineligible	Voter Does Not Have Proper ID	When Voting During Extended Polling Hours	Voter Requested Absentee Ballot But Has Not Cast It	
Ohio	X		X	X	X		X	Only in multi-precinct polling locations
Oklahoma	X	X			X			No
Oregon			X					Partial
Pennsylvania	X	X	X	X	X	X		Only if cast in precinct in same county as registered
Puerto Rico	X							Partial
Rhode Island	X			X	X		X	Federal votes only
South Carolina				X				No
South Dakota	X			X				No
Tennessee	X		X	X	X			No
Texas	X		X		X	X	X	No
Utah	X			X	X			Only if ballot is same
Vermont	X							No
Virgin Islands	X	X						Subject to review by District Board
Virginia	X		X		X	X	X	No
Washington					X	X	X	Yes
West Virginia	X	X		X				No
Wisconsin			X		X			No
Wyoming	X			X				No

Section 6: Voter Identification

The Statutory Overview asked about ID requirements for the following voting activities: 1) registration; 2) in-person voting; 3) mail-in or absentee voting; and 4) UOCAVA voting. Table 9 presents the responses to these four questions. For this analysis, voter identification is defined as physical identification such as a driver's license, passport, state ID card, other government-issued, non-government ID such as a student ID or employee ID, utility bill, bank statement, or paycheck.

HAVA Requirement. HAVA (42 U.S. Code § 15483) requires voters registering by mail to provide ID if they have not voted for Federal office in that State before. Those voters may provide this identification either at the time of registration or when they vote. If the voter waits until he or she votes in-person to provide ID, he or she can present either: 1) a current and valid photo ID, or 2) a copy of a utility bill, bank statement, government check, paycheck, or other government document that shows name and address. Voters who opt to provide ID by mail may also provide copies of those documents, or they may provide either their driver's license number or the last four digits of their social security number (SSN4), which the State may use to match to the voter identification record.²⁵

Table 9 provides a description of States' varied ID requirements. Twelve States indicated that the only voter ID requirements they have are the minimum Federal HAVA requirements described above. Four States—Georgia, Hawaii, Indiana, and New Mexico—use the HAVA ID requirements for voter registration, but have more stringent requirements for in-person voting.

ID for Registration (D2a). As described in the previous paragraph, 17 States use the Federal HAVA ID requirement for voter registration. In addition, a considerable number of States have voter registration ID requirements that differ only slightly from those described in HAVA. For example, in four States, the voter registration requirements are the same as in HAVA, except the ID requirement applies to all registering voters, and not just those registering by mail who have not voted for Federal office in that State before. Furthermore, five States accept either a driver's license or social security number as proof of ID, but do not accept other forms of photo ID or a government document listing the voter's name and address. Four States—Arizona, Kansas, New Hampshire, and Puerto Rico—require some, if not all, registering voters to provide proof of U.S. citizenship. In New Hampshire, however, voters without a document that proves their citizenship may sign an affidavit in its place. Four States—Alabama, California, Oklahoma, and Utah—do not have any ID requirement for voter registration. North Dakota is the only State without voter registration.

ID for In-person Voting (D2b). Thirty-four States require some form of ID when voting in-person, even if the voter already provided ID when registering to vote. However, in eight (Delaware, Idaho, Louisiana, Michigan, New Hampshire, South Dakota, New Mexico, and Washington) of those 34 States, voters may provide some type of self-affirmation (usually in the form of a signed affidavit) in place of an ID. Additionally, in another three of those 34 States (Alaska, Kentucky, and Missouri) election officials may attest to a voter's identity in place of the voter providing ID. T States (Alabama, Florida, Georgia, Guam, Indiana, Kansas, Mississippi, Puerto Rico, Tennessee, Texas, Virginia, and Wisconsin) require some form of photo ID for in-person voting.

ID for Mail-in or Absentee Voting (D2c). Nineteen States do not require any ID beyond a signature or self-affirmation to cast a mail-in or an absentee ballot. Twenty-four States require ID of only some populations of voters, such as first-time voters or those who did not present ID at registration, as well as pending and "inactive" voters. Missouri and Oklahoma require that a mail-in ballot be notarized. North Carolina and Wisconsin require a signed witness statement.

ID for UOCAVA Voting (D2d). Thirty-eight States do not require identification of UOCAVA voters beyond a signature. In North Carolina and Wisconsin, UOCAVA voters are never required to provide ID or proof of address, but a witness signature is required. One variation that emerged is whether States apply HAVA's ID requirement

²⁵ HAVA: 42 USC 15483, Section 303

for unverified, first-time, mail-in registrants to UOCAVA voters. Arkansas, Colorado, Connecticut, Maine, Mississippi, Nebraska, New Jersey, New York, North Carolina, and Oregon either do not mention an ID requirement for UOCAVA voters or explicitly mention that UOCAVA voters who register to vote-by-mail are exempt from this requirement. On the other hand, Maryland, Vermont, and West Virginia specifically indicated that they do require one of the forms of HAVA-specified IDs for first-time UOCAVA voters.

Table 9. Voter Identification Rules for Registration and Voting^{26, 27}

State	HAVA Requirement Only	Registration ID (D2a)	In-person Voting ID (D2b)	Mail-in voting ID (D2c)	UOCAVA Voting ID (D2d)
Alabama		None	Photo ID (8)	Photo ID (8)	None
Alaska		One of the following: <ul style="list-style-type: none"> • Photo ID • Government non-photo ID (2) • Registration official attests to voter's identity 	One of the following: <ul style="list-style-type: none"> • Photo ID • Government non-photo ID (2) • Document with name and address • Registration official attests to voter's identity 	DL, state ID, voter registration number, SSN4, or DOB	DL, state ID, voter registration number, SSN4, or DOB
American Samoa		BOTH of the following: <ul style="list-style-type: none"> • Photo ID • Social security card 	Voter registration card or government ID	None	None
Arizona		Proof of citizen ship <ul style="list-style-type: none"> • DL • Birth Certificate • Passport • Naturalization papers • Native American tribal identification 	Photo ID (3) OR Two forms of non-photo ID (11) OR One form of photo ID with photo and name with one form from list two which includes name and address.	HAVA requirement	None
Arkansas	✓	-----	-----	-----	None
California	✓	-----	-----	-----	None

²⁶ The following abbreviations are used in this table: ID (identification); DL (driver's license); DOB (date of birth); SSN (Social Security number); SSN4 (last four digits of Social Security number). "Not specified" indicates that the State did not provide a sufficient response for inclusion in that particular cell.

²⁷ The numbers in parentheses that follow ID entries indicate how many different types of that ID the State accepts. For example, "Photo ID (8)," indicates that the State accepts eight specific types of photo ID. On the other hand, an entry such as "Photo ID", followed by no number in parentheses, indicates that the State accepts photo ID, but the State does not specify which specific types of photo ID it accepts.

Table 9. Voter Identification Rules for Registration and Voting^{26, 27}

State	HAVA Requirement Only	Registration ID (D2a)	In-person Voting ID (D2b)	Mail-in voting ID (D2c)	UOCAVA Voting ID (D2d)
Colorado		For first-time voters: DL, state ID, or SSN4	One of the following: <ul style="list-style-type: none"> • Photo ID (6) • Government non-photo ID (6) • Document with name and address 	For first-time voters: DL, state ID, or SSN4	
Connecticut	✓	-----	-----	-----	None
Delaware		One of the following: <ul style="list-style-type: none"> • Photo ID (3) • U.S. postal material 	Unspecified ID or sworn affidavit	None	None
District of Columbia		One of the following: <ul style="list-style-type: none"> • Government photo ID • Document with name and address 	None	None	None
Florida		For first-time voters: DL, state ID or SSN4 (1st time voter registering by mail without DL/state ID/SSN4, these voters are exempt if 65+, temporarily or permanently disabled, or and UOCAVA)	One of the following: <ul style="list-style-type: none"> • Photo ID with signature (9) • Photo ID without signature plus additional ID with signature 	For first-time voters: same as registration ID requirements	None
Georgia		HAVA requirement	Photo ID (6)	HAVA requirement	None
Guam		Government ID (7)	Photo ID	Not specified	Not specified
Hawaii		HAVA requirement	Unspecified ID	HAVA requirement	None
Idaho		For first-time voters registering by mail: DL, state ID, SSN, or other photo ID with proof of address	Unspecified ID or signed affidavit	None	None

Table 9. Voter Identification Rules for Registration and Voting^{26, 27}

State	HAVA Requirement Only	Registration ID (D2a)	In-person Voting ID (D2b)	Mail-in voting ID (D2c)	UOCAVA Voting ID (D2d)
Illinois		Two forms of ID, including proof of address (8)	Not specified	None	None
Indiana		HAVA requirement	Government photo ID	None	None
Iowa		For voters registering after the pre-registration deadline: Photo ID and proof of address	For Election Day Registration voters: see registration ID requirements If voter is in “inactive” or “pending” status, one of the following: • Photo ID • Document with name and address	ID required only if voter is in “inactive” or “pending” status	None
Kansas		For first-time voters: Proof of citizenship (4) Other voters: DL or SSN4	Photo ID, with certain voter exemptions	Photo ID	None
Kentucky		Not specified	One of the following: • Photo ID with signature • Social Security card • Credit card • Election officer attests to voter’s identity	None	Not specified
Louisiana		Photo ID, SSN, or document with name and address	One of the following: • Photo ID with name and signature • Sworn affidavit	First time voters must vote in person and show same ID for In-person Voting or for early voting	None
Maine	✓	----	----	----	None
Maryland	✓	----	----	----	HAVA requirement
Massachusetts		DL or SSN4	Required for inactive voters and provisional voters	None	None

Table 9. Voter Identification Rules for Registration and Voting^{26, 27}

State	HAVA Requirement Only	Registration ID (D2a)	In-person Voting ID (D2b)	Mail-in voting ID (D2c)	UOCAVA Voting ID (D2d)
Michigan		For voters registering by mail: HAVA requirements For voters registering in-person, one of the following: • Photo ID (7) • Signed affidavit	One of the following: • Photo ID (7) • Signed affidavit	None (first-time voters that register by mail must vote in-person)	None
Minnesota		For first-time voters: DL or SSN	For Election Day Registration voters: multiple methods of documentation are accepted (unspecified) For all other voters: No ID, unless challenged	DL, state ID, or SSN4	Passport, DL, state ID, or SSN4
Mississippi	✓	HAVA requirements	Photo ID	None	None
Missouri		one of the following: • Proof of citizenship • Government ID • Missouri student ID • Document with name and address	One of the following: • Government ID • Missouri student ID • Document with name and address • Election judges attest to voter's identity	Notarization of ballot required	None
Montana		For all voters, one of the following: • DL, State ID, or SSN4 • Photo ID • Certain documents with name and address	One of the following: • Photo ID • Notice of voter registration confirmation • Certain documents with name and address	Signature verification; provisionally registered must provide ID	DL, State ID, or SSN4
Nebraska	✓	-----	-----	-----	None

Table 9. Voter Identification Rules for Registration and Voting^{26, 27}

State	HAVA Requirement Only	Registration ID (D2a)	In-person Voting ID (D2b)	Mail-in voting ID (D2c)	UOCAVA Voting ID (D2d)
Nevada		For first-time voters, one of the following: • Government ID (7) • Other ID (2) • Document with name and address	If ID was not shown when registering, one of the following is required: • Voter registration card • Government photo ID	For first-time voters: see registration ID requirements	None
New Hampshire		Proof of citizenship, age, and domicile OR Sworn affidavits attesting that the voter does not possess such documents	One of the following: • Photo ID • Signed affidavit	None	None
New Jersey	✓	-----	-----	-----	None
New Mexico		HAVA requirement	One of the following: • Photo ID • Document with name and address • Verbal or written statement attesting to voter's name, address, and DOB	HAVA requirement	None
New York	✓	-----	-----	-----	None
North Carolina	✓	-----	-----	-----	Witness signature
North Dakota		N/A	One of the following: • Photo ID (3) • Other ID (2)	One of the following: • Photo ID (3) • Other ID (2) • Other voter with ID attests to applicant's voting eligibility	One of the following: • Photo ID (5) • Other ID (2)

Table 9. Voter Identification Rules for Registration and Voting^{26, 27}

State	HAVA Requirement Only	Registration ID (D2a)	In-person Voting ID (D2b)	Mail-in voting ID (D2c)	UOCAVA Voting ID (D2d)
Ohio		One of the following: • Photo ID (3) • SSN4 • Document with name and address	One of the following: • Photo ID (3) • Document with name and address	One of the following: • Photo ID (3) • SSN4 • Document with name and address	One of the following: • Photo ID (3) • SSN4 • Document with name and address
Oklahoma		None	One of the following: • Photo ID • Government non-photo ID (2)	Notarization of ballot	Signed affidavit
Oregon	✓	-----	-----	-----	None
Pennsylvania		DL or SSN4	First-time voters: • Photo ID (7) • Government non-photo ID (4) • Document with name and address	One of the following: • Photo ID • SSN4 • Government non-photo ID (1)	None
Puerto Rico		DL or SSN4 AND For naturalized citizens: Passport, naturalization certificate, or Dept. of State certificate of citizenship For persons born in the U.S.: Passport or official document attesting to the date and place of birth	Electoral ID card	For first-time voters: photo ID	For first-time voters: photo ID
Rhode Island		DL or SSN4	One of the following: • Photo ID (7)	HAVA requirement	None

Table 9. Voter Identification Rules for Registration and Voting^{26, 27}

State	HAVA Requirement Only	Registration ID (D2a)	In-person Voting ID (D2b)	Mail-in voting ID (D2c)	UOCAVA Voting ID (D2d)
South Carolina		One of the following: • Photo ID • Document with name and address	One of the following: • Photo ID (2) • Voter registration card	None	None
South Dakota		DL or SSN4 OR Signed statement attesting that the voter possesses neither a DL or social security card	One of the following: • Photo ID (4) • Signed affidavit	Same ID as required for in-person voting, or notarization of ballot	None
Tennessee		Tennessee DL OR BOTH of the following: • ID with signature • Document with name and address	Government photo ID	None	None
Texas		DL or SSN4	Photo ID (7)	None	None
Utah		None	One of the following: • Government photo ID • Tribal ID OR Two documents with the voter's name and address (14)	None, unless voter did not show ID at time of registration	None
Vermont	✓	-----	-----	-----	HAVA requirement
Virginia		Not required to register	One of the following: • Government photo ID • Photo ID (2)	HAVA requirement	For mail-in

Table 9. Voter Identification Rules for Registration and Voting^{26, 27}

State	HAVA Requirement Only	Registration ID (D2a)	In-person Voting ID (D2b)	Mail-in voting ID (D2c)	UOCAVA Voting ID (D2d)
Virgin Islands		Passport, birth certificate, naturalization certificate, baptismal certificate, or military discharge form	Unspecified ID	None	None
Washington		One of the following: • DL, state ID, or SSN4 • Document with name and address	One of the following: • Photo ID • Voter signature	None	None
West Virginia	✓	-----	-----	-----	HAVA requirement
Wisconsin		One of the following: • Photo ID (4) • Other government ID • Document with name and address	Photo ID ²⁸	Unspecified ID and witness signature	None, but witness required
Wyoming		One of the following: • Photo ID • Document with name and address	For first-time voters who registered by mail: Unspecified ID	For first-time voters who registered by mail: Photo ID	For first-time voters who registered by mail: Photo ID

²⁸ The struck down Wisconsin's "photo ID" law on October 9, 2014, which occurred after the State completed its Statutory Overview questionnaire.

Section 7: Post-Election Audits

More than half of the responding States either require post-election audits or have laws that enable officials to conduct audits of ballots at their discretion. Table 10 shows that States differed not only in whether or not they conduct audits, but also in the manner in which they carry them out.

Audits Required (C7). Thirty-four States require audits after elections, and 20 do not. The remaining State, Indiana, only conducts an audit if there is a discrepancy of more than five votes cast between the poll book and the direct recording electronic (DRE) voting machines' voting record. Vermont is not required to audit, but State law authorizes the Secretary of State to conduct random post-election audits on a discretionary basis. In South Carolina, audits are not required, but one is conducted after every State-level election.

Audit Scope (C7). Table 10 shows a wide range of approaches that States use to perform required audits. Audit scope is most often a set percentage of the original vote or a designated number or percentage of precincts. A few States tailor the scope of the audit depending on the size of the county (Minnesota and Nevada) or the margin of victory (Oregon, New Mexico). New York audits three percent of the voting machines rather than auditing a percentage of votes or precincts. Colorado, Utah, and Virginia audit specific types of voting machines. Colorado also specified that five percent of optical scanners and DRE machines, plus additional equipment if there is a report of equipment malfunction, are audited. Utah audits one percent of the total number of AccuVote TSx and precinct-count AccuVote OS voting machines. Virginia audits optical scan tabulators. Two of the States that reported that they require audits did not specify the required audit scope.

Audit Method (C7). Eighteen States perform audits where a small number of ballots are counted manually to confirm the accuracy of the original count. North Dakota performs a machine audit, assessing the accuracy of machine counting of ballots. Seven States—Colorado, Florida, Idaho, Maryland, Nevada, North Carolina, and Washington—use a combination of manual and machine recounting to audit the original contest result. Eleven States did not specify the audit method.

Re-Audit Triggers (C7). Ten States—Alaska, Connecticut, Idaho, Minnesota, Montana, Nevada, New Mexico, North Carolina, West Virginia, and Wisconsin—specified situations in which a re-audit would be conducted as a result of the findings of an initial audit. Reasons for conducting a re-audit include remaining discrepancies or errors, or significant differences or decreases in the winning margin. Twenty-seven of the responding States did not specify whether or not re-audits occur. Re-audits vary in scope; in Minnesota and Montana, additional precincts are audited, and in New Mexico an additional sample of ballots is audited based upon a sample of voting machines.

Table 10. Post-election Audits²⁹

State	Audits Required (C7)	Audit Scope (C7)	Audit Method (C7)	Re-audit Trigger (C7)	Re-audit Scope (C7)
Alabama	No	N/A	N/A	N/A	N/A
Alaska	Yes	A review of precinct registers, tallies, and ballots cast; a review of absentee and questioned ballots	Hand recount of one precinct that accounts for at least 5% of ballots cast in that district	Discrepancy of 1%	Hand recount of ballots in affected jurisdiction
American Samoa	Yes	Report vote numbers, not correct discrepancies	Not specified	Not specified	Not specified
Arizona	Yes	At least 2% of the polling locations in that county or two polling locations, manual audit of 5,000 or 1% of early ballots; in event of recount at least 5% of precincts	Manual	Not specified	Not specified
Arkansas	No	N/A	N/A	N/A	N/A
California	Yes	At least 1% subject to manual tally, and an additional precinct for each race not included in the initial group; "Secretary of State imposed ... a requirement to conduct a 100% post-election manual tally audit of all ballots cast on the DRE voting machines."	Manual, use of a random number generator to randomly choose	Not specified	Not specified
Colorado	Yes	Randomly select 5% of optical scanners and 5% of DRE, plus additional equipment if there is a report of equipment malfunction	Manually/Electronically	Not specified	Not specified

²⁹ DRE refers to "direct recording electronic" voting machines, most typically touch screens. "N/A" represents Not Applicable, and "Not Specified" indicates that a State did not specify the audit scope, method, re-audit trigger, or re-audit scope in their response to Question C7.

Table 10. Post-election Audits²⁹

State	Audits Required (C7)	Audit Scope (C7)	Audit Method (C7)	Re-audit Trigger (C7)	Re-audit Scope (C7)
Connecticut	Yes	10% of all precincts	Manual	Discrepancy of 0.5%	Secretary of State will investigate and may order a recanvass in close races
Delaware	Yes	Random audit of election districts where there were unusual situations (fusion candidates, cross-county districts, etc.)	Not specified	Not specified	Not specified
District of Columbia	Yes	At least 5% of the precincts with precinct level vote tabulation; 5% of voter verifiable records	Manual audit in public	Not specified	Not specified
Florida	Yes	Two options: 1) audit of votes for one randomly selected race in 2% of precincts containing that race, or 2) public tally of the votes cast across every race that appears on the ballot in at least 20% of randomly-chosen precincts	Manual or automated, depending on which audit option is chosen	Not specified	Not specified
Georgia	No	N/A	N/A	N/A	N/A
Guam	No	N/A	N/A	N/A	N/A
Hawaii	No	N/A	N/A	N/A	N/A
Idaho	Yes, an audit on automated tabulation systems when required	For statewide or Federal office or a statewide measure, equal to two precincts in each county. For other offices or measures, greater of 100 or 5% of ballots cast	Manual and electronic count	If there is a difference between the manual and electronic count	For statewide or Federal office or a statewide measure, manual count if the difference is greater than one-fourth of 1% (0.25%); for other officers or measures, manual count if the difference is greater than 1% (1.0%) or two votes.

Table 10. Post-election Audits²⁹

State	Audits Required (C7)	Audit Scope (C7)	Audit Method (C7)	Re-audit Trigger (C7)	Re-audit Scope (C7)
Illinois	Yes	Where in-precinct counting equipment used- 5% of precincts and 5% of voting devices used in early voting	Manual	Not specified	Not specified
Indiana	Only if there is a discrepancy of more than five votes cast between the poll book and DRE voting record	For each race and ballot measure	Not specified	Not specified	Not specified
Iowa	No	N/A	N/A	N/A	N/A
Kansas	No	N/A	N/A	N/A	N/A
Kentucky	No	N/A	N/A	N/A	N/A
Louisiana	No	N/A	N/A	N/A	N/A
Maine	No	N/A	N/A	N/A	N/A
Maryland	Yes	Two manual audits and one automated audit: manual tallying of totals reports and signed voter authority cards in 5% of precincts, automated audit of total voters checked in against total ballots cast	Manual and automated	Not specified	Not specified
Massachusetts	No	N/A	N/A	N/A	N/A
Michigan	Yes	State and county-level audits are performed. County-level audits are performed in randomly-selected precincts across the state.	Performance audit, covering numerous pre-election, Election Day, and post-election day tasks		

Table 10. Post-election Audits²⁹

State	Audits Required (C7)	Audit Scope (C7)	Audit Method (C7)	Re-audit Trigger (C7)	Re-audit Scope (C7)
Minnesota	Yes	Depends on county size. Two to three precincts for smaller counties. For larger counties, four precincts or 3% of precincts, whichever is greater	Manual	0.5% or greater than two votes in a precinct where 400 or fewer votes are cast	Review of additional precincts required if discrepancy persists
Mississippi	No	N/A	N/A	N/A	N/A
Missouri	Yes	At least 5% of precincts	Manual	Not specified	Not specified
Montana	Yes	Post-election audits of one Federal office, one statewide office, one legislative office, and one ballot issue	Manual	Discrepancy	Additional precincts
Nebraska	Yes	Done in 2% of randomly selected precincts, and includes one each of Federal, statewide and local races	Not specified	Not specified	Not specified
Nevada	Yes	If county population > 100k, select machines equal to 2%; If county population < 100k, select machines equal to 3%	Either mechanical or manual	Error	Errorless count must be made before mechanical recording devices approved
New Hampshire	No	N/A	N/A	N/A	N/A
New Jersey	No	N/A	N/A	N/A	N/A
New Mexico	Yes	Electronic voter tabulators; conducted for all fed. offices, government and statewide elective offices (when winning candidate won by small percentage)	Manual	If winning margin decreases	Second sample equal to the first in size, full recount of the ballots for that office conducted
New York	Yes	Random selection of 3% of machines	Manual	Not specified	Not specified

Table 10. Post-election Audits²⁹

State	Audits Required (C7)	Audit Scope (C7)	Audit Method (C7)	Re-audit Trigger (C7)	Re-audit Scope (C7)
North Carolina	Yes	One or more full precincts, full counts of: mailed absentee ballots, one stop early voting sites; consult statistician for sample size	Manual and mechanical count	If difference between manual and mechanical counts is significant	If the difference between manual and mechanical counts are significant, complete manual count shall be conducted
North Dakota	Yes	Pre-election testing of voting machines; post-election random testing of the machine voter system programming for one precinct in each county ³⁰	Machine; processing pre-audited group of ballots; errorless count must be secured	Not specified	Not specified
Ohio	Yes- required in State-wide general elections during even-numbered years and the presidential primary election of March 2012	Not specified	Not specified	Not specified	Not specified
Oklahoma	No	N/A	N/A	N/A	N/A
Oregon	Yes	Depends on margin of victory; 10%, 5%, or 3% of ballots	Manual	Not specified	Not specified
Pennsylvania	Yes	Recount of random sample of the lesser of 2%, or 2,000 ballots	Not specified	Not specified	Not specified
Puerto Rico	No	N/A	N/A	N/A	N/A
Rhode Island	No	N/A	N/A	N/A	N/A

³⁰ This appears to describe audits of machine programming logic and accuracy. The State did not provide a description of an audit of actual votes cast.

Table 10. Post-election Audits²⁹

State	Audits Required (C7)	Audit Scope (C7)	Audit Method (C7)	Re-audit Trigger (C7)	Re-audit Scope (C7)
South Carolina	No law requires, but an audit is conducted after every state-level election	Not specified	Not specified, but data and results posted on SEC website	Not specified	Not specified
South Dakota	No	N/A	N/A	N/A	N/A
Tennessee	Yes	Not specified	Not specified	Not specified	Not specified
Texas	Yes	Not more than three races in 1% of precincts or three precincts, whichever is greater; does not apply to tabulation of DRE machines	Manual	Not specified	Not specified
Utah	Yes	1% of the total number of AccuVote TSx and precinct-count AccuVote OS voting machines	Manual	Not specified	Not specified
Vermont	Not required - at discretion of the Secretary of State	Discretion of the Secretary of State	Manual	Not specified	Not specified
Virgin Islands	Yes	Each District Board verifies a sample of ballots verifying the jump drive against the tape and ballots	Not specified	Not specified	Not specified
Virginia	Yes	One or more optical scan tabulators in one or more precincts in one or more localities in which the margin between candidates exceeds 10%	Manual	Not specified	Not specified
Washington	Yes	4% of the DRE's or 1 DRE per jurisdiction, whichever is greater	1/4 manually, 3/4 mechanically; In counties voting entirely by mail, random check of ballot counting equipment allowed	Not specified	Not specified

Table 10. Post-election Audits²⁹

State	Audits Required (C7)	Audit Scope (C7)	Audit Method (C7)	Re-audit Trigger (C7)	Re-audit Scope (C7)
West Virginia	Yes	In electronic voting systems elections, 3% of total precincts	Manual	Difference >1%	Entire jurisdiction recounted
Wisconsin	Yes	50 reporting units randomly selected; at least five units of each type of system being used will be selected	Manual	Any error (one in 10,000,000).	Vendor must explain discrepancy; If vendor unable to provide explanation, all voting machines manufactured or serviced by that vendor will be suspended
Wyoming	Yes	County clerk random audit of ballots on 5% of tabulating equip. for that county, not less than one machine	Not specified	Not specified	Not specified

Section 8: Polling Place Operations

The Statutory Overview asked States to describe polling place operations, including any requirements for poll worker training, as well as laws that regulate access to polling places for election observers. Responses to these questions are described in this section.

Frequency of Poll Worker Training (C8). The frequency of poll worker training varies from State to State and, in some cases, from locality to locality, as shown in Table 11. Twenty-four of the 54 States train their poll workers before each election. New Mexico trains poll workers within a year prior to the election. New York trains poll workers annually, while eight other States train their poll workers every two years. Indiana and Mississippi train poll workers every four years. In Kansas and Pennsylvania, local discretion determines the frequency of poll worker training. New Jersey requires new poll workers to undergo training 30 days prior to the election, and all poll workers are required to undergo training every two years. California’s Secretary of State’s Office provides a set of guidelines to local election officials and recommends administering training within six weeks of the election. Eight States have no State-level requirements for poll worker training including Oregon, which has no need for Election Day poll workers in its entirely vote-by-mail elections. Ten States did not specify the frequency of poll worker training.

Which Poll Workers Are Required to be Trained (C8). Thirty States require that all of their poll workers undergo training at some point. The remaining States varied in their requirements as to which poll workers undergo training. In Washington, even though all poll workers are required to undergo training, those who have been trained and served for a sufficient length of time are exempt from the training. Virginia requires that the chief and assistant chief poll workers be trained before each election. Similarly, North Carolina trains chief judges and judges of elections but noted that election assistants can also attend the trainings. Seven States do not require poll worker training, and three did not specify who is required to undergo training.

Observers (D3). Only one State, West Virginia, expressly does not allow observers at the polls. Twenty-nine States allowed a specified number of observers who must be appointed by a party, candidate, advocacy group, or ballot issue group. Three States (Michigan, New Hampshire, and Oregon) do not limit the number of observers. New Hampshire polls are open to the public. Oregon does not have polling places but allows observers at ballot processing offices in numbers determined by the counties. North Carolina allows 10 observers per political party, but an unlimited number of non-partisan observers, at election officials’ discretion. American Samoa and Kansas leave it to the discretion of local officials whether or not to allow observers.

Table 11. Poll Worker Training and Access to the Polls by Election Observers³¹

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
Alabama	Before each election	All	One per political party	Must be appointed by political party
Alaska	Every two years	All	One per political party	Must be appointed by political party, candidate, or issue group
American Samoa	Before each election	All	Chief Election Officer’s discretion	Permission from “Chief Election Officer”
Arizona	Before each election	All	One per political party	Must be appointed by political party

³¹ “Not specified” indicates that a State did not indicate the frequency of training, training participants, number of observers or authorization to be an observer in response to Questions C8 and D3.

Table 11. Poll Worker Training and Access to the Polls by Election Observers³¹

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
Arkansas	Before each election	Election Board members, poll worker, and certified election monitor	Any candidate, and one representative per candidate, issue position, or political party	Any candidate or authorized representative of a candidate, issue position, or political party; observers must present an affidavit
California	Not specified	Not specified	Not specified	Open to public as long as rules are obeyed
Colorado	Before each election	All election judges	One per party or measure is allowed at each polling location and processing activity	Watchers may be appointed by political parties, unaffiliated candidates, and proponents / opponents of a ballot measure. The Secretary of State may also appoint official observers, and media may observe
Connecticut	Before each election	All	Not specified	Designees of Secretary of State
Delaware	Before each election	All election officers	Challengers allowed - one per party on ballot	Must be appointed by political party
District of Columbia	Not specified	All	Not specified	Must be requested by candidate
Florida	Before each election	All	One per political party, candidate, and issue group	Must be appointed by political party chairperson, candidate, or issue group
Georgia	Before each election, except for elections between the primary and general election	All	One per candidate, no more than two for each precinct	Must be appointed by political party
Guam	Not specified	Precinct board members	Not specified	Not specified
Hawaii	Not specified	All	One per political party	Must be appointed by political party
Idaho	Before each election	All	One per political party, candidate, or issue position	Must be appointed by political party chairperson, candidate, or issue group
Illinois	No State requirement	No State requirement	Two per political party or candidate and one per group	Must be registered to vote, appointed by political party, chairperson, candidate or issue group

Table 11. Poll Worker Training and Access to the Polls by Election Observers³¹

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
Indiana	Before each election	Poll worker in charge of polling place	Not specified	(1) The Secretary of State (unless that person is a candidate for office); (2) political party county chairman or vice-chairman; (3) watchers, pollbook holders, and challengers; (4) minor children accompanying a voter; and (5) an individual authorized to assist a voter under federal and state law. All observers must be credentialed.
Iowa	Before each election	All	One per political party, candidate, or issue position	Must be appointed by political party chairperson, candidate, or issue group
Kansas	Local discretion	Local discretion	Local discretion	Local discretion
Kentucky	Before each election	All	Two per political party; one per candidate not representing a major party	Must be appointed by candidate groups from party
Louisiana	Annually for commissioners-in-charge and before particular elections for commissioners-in-charge and commissioners	All	One watcher per polling place	Not specified
Maine	Every two years	Clerk and registrar of each municipality	Not specified	Not specified
Maryland	Before presidential and gubernatorial primaries, and before the general election	All	Not specified	Must be appointed by respective groups; but also allows non-accredited
Massachusetts	No State requirement	No State requirement	Not specified	Observers are allowed
Michigan	Every two years	All	Unlimited	Challengers from political party not required to apply, but those from an incorporated organization need to apply with the locality where the election is being held
Minnesota	Every two years	All election judges	Media observers and challengers	Appointed by party, candidate, organization

Table 11. Poll Worker Training and Access to the Polls by Election Observers³¹

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
Mississippi	Before each election; eight hour training course every four years	All	One per candidate; two per political party if the party has a candidate on the ballot	Selected by either the candidate on the ballot or the political party, if they have a candidate on the ballot (general and special elections only)
Missouri	Not Specified	Election judges	Not specified	Must be registered to vote, appointed by political party chairperson
Montana	Every two years	All	One per political party; more from candidates and groups if no interference with election process	Permission by election administrator
Nebraska	Not specified	Not specified	Not specified	Not specified
Nevada	Not specified	Election board	Not specified	Authorization from Secretary of State
New Hampshire	No State requirement	No State requirement	Open to public	Open to public
New Jersey	New poll workers are required to go through training 30 days before election, training is required for all poll workers every two years	All	Two per political party	Selected by the political party
New Mexico	Within a year of the election	All	One per organization	Written request from organization
New York	Annually	All	Not specified	Must be appointed by political party or candidate, cannot be a candidate for public office in that jurisdiction
North Carolina	Before each election	All chief judges and judges of election	Ten per political party, unlimited nonpartisan observers at officials' discretion	Observers be appointed by political party, monitors unaffiliated with a political party must obtain permission from county or state election board
North Dakota	Before each election	All	Not specified	Observers are allowed
Ohio	Before an election	All	One per political party or candidate group	Must be appointed by political party or candidate group
Oklahoma	Every two years	All	One per candidate and political party	Must be commissioned in writing by 5 p.m. on the Wednesday before the election

Table 11. Poll Worker Training and Access to the Polls by Election Observers³¹

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
Oregon	N/A	N/A	No limit - based on space and staff availability	Anyone may be an observer; no specific authorization needed
Pennsylvania	Local discretion	Local discretion	Not specified	Must be appointed by political parties or candidates
Puerto Rico	No requirement, but CEE conducts "train the trainer" programs and provides materials	No State requirement	One per political party or candidate, plus one for each candidate for senator or representative	Appointed by political party or candidate
Rhode Island	Not specified	All	Not specified	Open to public as long as they are not electioneering, cannot enter voting area
South Carolina	Not specified	Poll managers	One per candidate, but at general elections only two per 1,000 registered voters at the polling place	Open to public
South Dakota	Before each election	Chief poll workers only	Not specified	Open to public
Tennessee	Before each election	Not specified	Not specified	Local discretion
Texas	No State requirement	No State requirement	Not specified	Must be appointed by political party or candidate
Utah	No State requirement	No State requirement	Three per political party and per issue position	Must be appointed by political party or issue group
Vermont	Every two years	Election clerks	Two per political party, candidate, or issue position	Not specified
Virgin Islands	No State requirement	No State requirement	Two per candidate at primaries; three per political party at generals	Must be appointed by candidate or political party
Virginia	Before each election	Chief poll workers and assistant chief poll workers before each election; others every four years	Three per political party or independent candidate (local discretion to allow up to three)	Must be appointed by political party or candidate

Table 11. Poll Worker Training and Access to the Polls by Election Observers³¹

State	Frequency of Training Required (C8)	Who Is Required To Be Trained (C8)	Number of Observers Allowed (D3)	Authorization To Be Observer (D3)
Washington	Before each election	All- those who have previously received instructions and served for a sufficient length of time and are qualified are exempt	At least one per political party; total number is determined by the county auditor	Must be appointed by political party, campaigns or organizations
West Virginia	Before each election	All	None allowed	Only employees of Secretary of State, county clerk's office, or county prosecutor
Wisconsin	Every two years	All	Not specified	Open to public, cannot be a candidate for public office in that jurisdiction
Wyoming	Before each election	All	Not specified	Must be appointed by political party

Section 9: Other Data

Additional topics covered by the Statutory Overview included States' processes for capturing "over-votes" and "under-votes" and whether or not States have revised their administrative complaint procedures since they were first implemented. EAC's analysis of States' responses to these questions is summarized below.

Capturing Under- and Over-Votes (D1): Question D1 of the Statutory Overview asked States to identify the processes used to capture under-vote and over-vote counts. The combination of both under-votes and over-votes is sometimes referred to as "residual votes". Twenty-nine States indicated that the voting technology in use in their State collects statistics regarding both under- and over-vote counts. Thirteen States (California, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, North Carolina, Puerto Rico, South Carolina, the Virgin Islands, Virginia, and Wisconsin) do not collect such statistics on a statewide level. Three additional States indicated that their voting technology collected only over-vote counts (Arizona and Ohio) or under-vote counts (Connecticut).

Six States (Colorado, Delaware, Georgia, New Jersey, New Mexico, and Tennessee) reported that their voting technology specifically prevents over-votes. However, none of these States mentioned whether over-vote statistics are kept for absentee ballots that do not use the voting technology. Additionally, Kansas reported that its DREs and optical scan systems prevent over-votes and notify the voter of under-votes. In Utah, the optical scan equipment separated over- and under-voted ballots, and voters are given the opportunity to correct the ballot.

Revision of HAVA Administrative Complaint Procedures (E1): Question E1 of the Statutory Overview asked States whether they have revised their procedures to allow individuals and entities to file complaints regarding HAVA procedures. In the 2008 Statutory Overview, EAC reported that Maryland, Montana, Virginia and Washington revised their procedures regarding the filing of complaints. In addition to those four States, Illinois, Iowa, Kentucky, New York, and Puerto Rico indicated in the 2010 Statutory Overview that they have revised their procedures. In the 2012 Statutory Overview, besides a few minor changes to the text of the responses, Virginia was the only State that has revised its complaint procedures since 2010. In the 2014 Statutory Overview,

only three States—Colorado, Maryland, and West Virginia—had revised their complaint procedures. Colorado revised the rules around filing and resolving a HAVA complaint. The new rules provide for amending a complaint, and investigation and hearing procedures. West Virginia revised its regulations to separate complaints that potentially involve criminal procedures from administrative complaints, and Maryland revised its regulations again in 2014 to provide the State Administrator discretion on whether to hold a hearing on alleged violations of State law. The remaining 40 States have not revised their administrative complaint procedures since they were first implemented.

Observations

As the 2014 Statutory Overview demonstrates, the decentralized nature of American election administration has created substantial variation in terms and definitions, reflecting the diversity of election laws and processes in use across the country.

The information in this report suggests that while many States have similar understandings of various terms and laws (e.g., active voters, use of provisional ballots), leading to comparable election administration procedures, there are other areas in which significant variation remains (e.g., voter identification requirements, how an audit is conducted, the frequency of poll worker training).

Serving as a reference guide for comprehending this diverse environment of election laws and procedures, the Statutory Overview assists EAC, policymakers, advocates, journalists, and other members of the public in understanding the context for the data that appear in the Election Administration and Voting Survey reports.³² As such, the Statutory Overview also serves as an important resource in EAC's clearinghouse of election data and information.

This report provides a valuable national overview and summary. Readers are encouraged to review the actual responses from the States, available on EAC's website (www.eac.gov), for more information on voting in specific States, and to contact each State directly for more information.

³² The biennial Election Administration and Voting Survey report series includes 1) the National Voter Registration Act of 1993 report; 2) the Uniformed and Overseas Citizens Absentee Voting Act report; and 3) the more comprehensive Election Administration and Voting Survey report.

Appendix A

U.S. ELECTION ASSISTANCE COMMISSION



2014 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2014 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	
Title	
Office/Agency Name	
Address 1	
Address 2	
City	
State	
Zip Code	
E-mail Address	
Telephone (area Code and number)	
Fax Number (area code and number)	

DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

We have provided you with your answers to the 2014 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2014 with an "X" as shown below:

X **No Change Since 2012**

If the response has changed since 2012, please mark Changed Since 2012 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2012 response and record your 2014 response between the red bracketed text lines, as described below.

X **Changed Since 2012**

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or Federal court, or executive decision, please specify.

Please put your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

b. Under-vote

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

c. Blank ballot

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

d. Void/Spoiled ballot

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

e. Provisional/Challenged ballot

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

f. Absentee

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

g. Early voting

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

h. Active Voter

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

i. Inactive Voter

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

j. Other terms (please specify) _____

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

_____ No Change Since 2012 _____ Changed Since 2012

2012 Response:

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

d. How are UOCAVA ballots counted and reported?

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

_____ **No Change Since 2012**

_____ **Changed Since 2012**

2012 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

_____ **No Change Since 2012**

_____ **Changed Since 2012**

2012 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

_____ **No Change Since 2012**

_____ **Changed Since 2012**

2012 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

_____ **No Change Since 2012**

_____ **Changed Since 2012**

2012 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

_____ **No Change Since 2012**

_____ **Changed Since 2012**

2012 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

C8. Please describe any state requirements for poll worker training.

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

b. casting an in-person ballot;

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

c. casting a mail-in or absentee vote;

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

d. casting a ballot under UOCAVA;

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☐ No Change Since 2012

☐ Changed Since 2012

2012 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☐ No Change Since 2012

☐ Changed Since 2012

2012 Response:

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

_____ **No Change Since 2012** _____ **Changed Since 2012**

2012 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.