

Briefing for
U. S. Election Assistance Commission
July 28, 2005

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**Research Assistance
on
Provisional Voting
Voter Identification Procedures**



**EFFECTIVE
ADMINISTRATION**

**BALANCING
COMPETING
OBJECTIVES**

**VOTER
ACCESS**

**BALLOT
SECURITY**

Key Questions

1. How did the states prepare for the onset of the HAVA provisional ballot requirement?

Review of statutes and regulations

State narratives

2. How did this vary between states that had previously had some form of provisional ballot and those that did not?

Survey of local election officials

State narratives

3. How did litigation affect implementation?

Survey of case law and regulations
State narratives

4. How effective was provisional voting in enfranchising qualified voters?

Survey of litigation
State narratives
Survey of local election officials



5. Did states and local processes provide for consistent counting of provisional ballots?

State narratives

Survey of litigation

Survey of local election officials

6. Did local election officials have a clear understanding of how to implement provisional voting?

Survey of local election officials

State narratives

OUTREACH

American Enterprise Institute

Brennan Center for Justice at NYU School of Law

Center for Digital Government

The Century Foundation

The Constitution Project

DEMOS-USA

The Election Center

Election Reform Information Project

Leadership Conference on Civil Rights

League of Women Voters

**National Association of Secretaries of State
National Association
of State Election Directors**

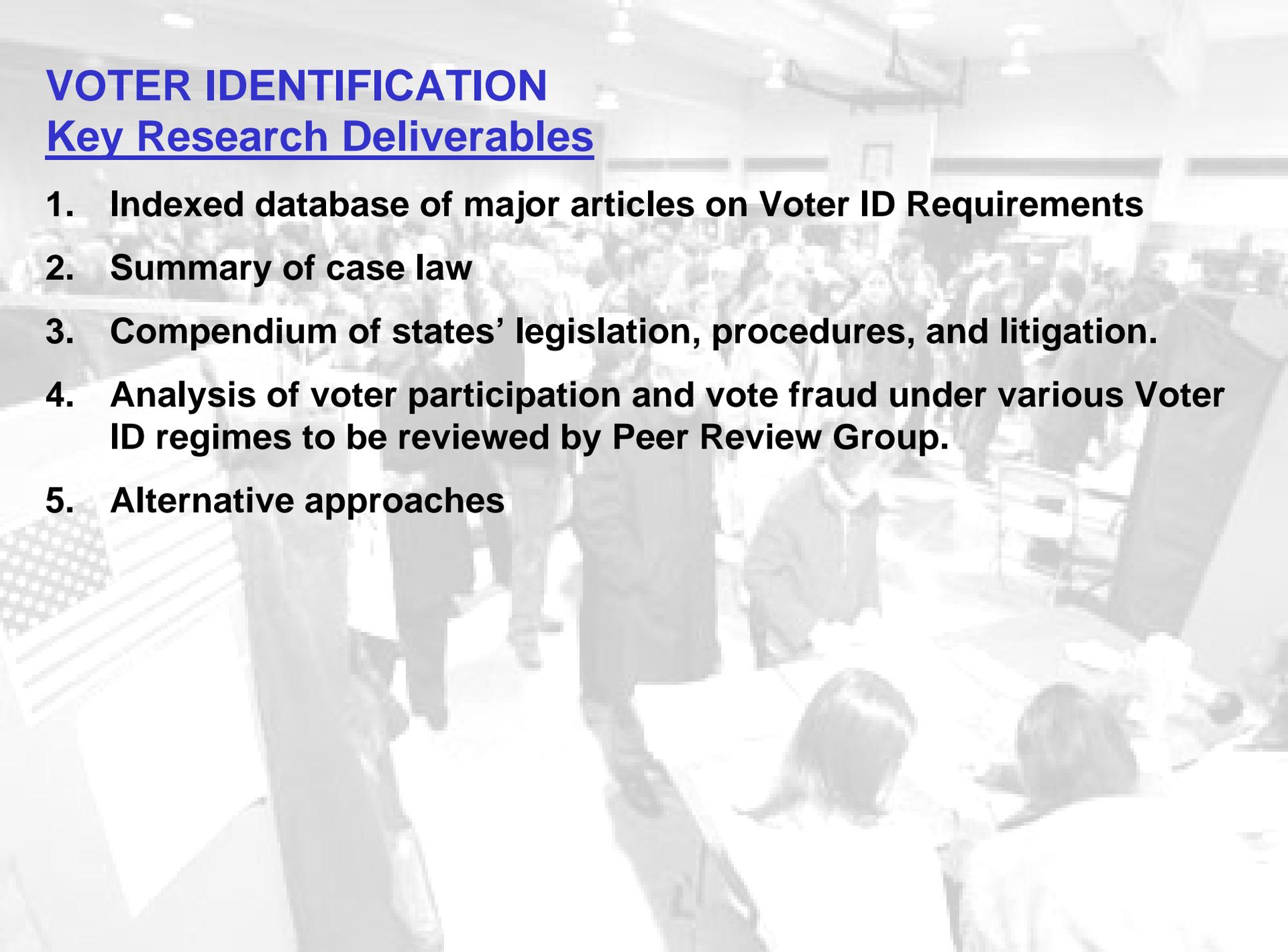
People for the American Way

+ Other organizations after consultation with U.S.E.A.C.

PROVISIONAL VOTING

Key Research Deliverables

- 1. Summary of case law on Provisional Voting**
- 2. Compendium of states' legislation, regulations, and litigation.**
- 3. Analysis of how provisional voting was implemented around the country, which will be critiqued by Peer Review Group.**
- 4. Description of alternatives to existing practices and procedures**



VOTER IDENTIFICATION

Key Research Deliverables

- 1. Indexed database of major articles on Voter ID Requirements**
- 2. Summary of case law**
- 3. Compendium of states' legislation, procedures, and litigation.**
- 4. Analysis of voter participation and vote fraud under various Voter ID regimes to be reviewed by Peer Review Group.**
- 5. Alternative approaches**

Hearings on Guidance Documents

Consult with EAC to identify locations and venues

Hearings to take place 30 days after publication

Deliverables

Transcript

Summary and analysis of comments

Recommend revisions to GD based on hearing results and discuss with EAC

Deliver final Guidance Document to EAC

Project Status

PROVISIONAL VOTING

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

- Initial legal, regulatory, and case law research for 44 states, is complete. Completion for all states by August 1.
- Compiling narrative description of experience in each state. Completion in first week in August.
- Surveying 400 county election officials actual practice in administering provisional voting. Completion mid-August.

Project Status

VOTER IDENTIFICATION

Task 3.10: Legislation, regulations, and litigation

- Initial research complete (and statutes compiled) for 45 states. Questions answered include “*Who is required to present ID*”, “*Types of ID required*”, and “*Consequences of having no ID*”. Complete mid-September.
- Collecting information on the voter id debate in the states to monitor possible secondary effects of HAVA and to suggest alternative approaches. Complete first week of August.
- Statistical analysis to gauge the effect of a state’s voter ID regime on turnout, especially turnout by minority and elderly voters. Complete late August.

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