



U.S. ELECTION ASSISTANCE COMMISSION
 1225 NEW YORK AVENUE, N.W., SUITE 1100
 WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

BEFORE THE ELECTION ASSISTANCE COMMISSION

In the Matter of)
)
 EAC Staff Recommendation to Adopt the 2008)
 UOCAVA and 2008 Election Administration and Voting)
 Survey Reports)
)

CERTIFICATION

I, Gineen Beach, Chair of the Election Assistance Commission, do hereby certify that on November 4, 2009 the Commission decided by a vote of 3-0. The following action(s) were taken:

1.

EAC staff recommends that the EAC Commissioners vote to adopt the attached 2008 UOCAVA and 2008 Election Administration and Voting Survey reports.

These reports are not 508-complaint; however, GPO has indicated that it will provide EAC with the final, 508-complaint versions as soon as possible. Once adopted by the Commissioners EAC will post the non 508-complaint reports (and corresponding data). The complaint versions will be posted once they are available.

Commissioners Beach, Davidson, and Hillman approved the recommendation.

Commissioner Hillman notes:

I approve the attached tally vote to adopt the above referenced reports with qualification, as explained in this memorandum. The reports are excellent products and contain a wealth of valuable information. However, they will not be fully accessible when released and that, in my opinion, is not acceptable.

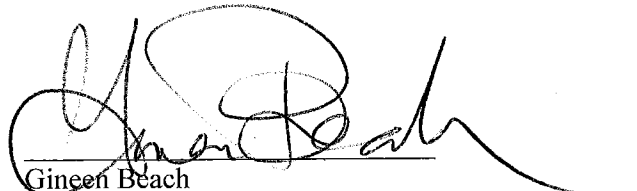
It is my understanding that the reports will be released as soon as the Tally Vote is certified, which will be on or about November 5, 2009. The memorandum that recommends approval of the tally vote also states that the reports will not be 508-compliant, therefore not fully accessible, when released.

I am deeply troubled by this situation. That same memorandum says that GPO will provide the 508-compliant versions as soon as possible, but there is no definitively identified target date for the receipt and subsequent release of the compliant versions.

It is with great reluctance that I approve the tally vote but do so to enable the timely release of the reports. I recommend that EAC take immediate action to ensure that the release of future reports and documents will be fully accessible to everyone at the same time.

Attest:

11/5/09
Date


Ginger Beach
Chair



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: November 2, 2009, 4:30p.m.

BALLOT DEADLINE: November 4, 2009, 4:30p.m.

COMMISSIONERS: BEACH, DAVIDSON, AND HILLMAN

SUBJECT: EAC STAFF RECOMMENDATION TO ADOPT THE 2008 UOCAVA
AND 2008 ELECTION ADMINISTRATION AND VOTING SURVEY
REPORTS

- I approve the recommendation.
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: _____

DATE: _____ **SIGNATURE:** _____

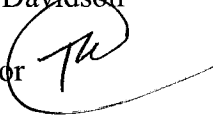
A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM THOMAS WILKEY, EXECUTIVE DIRECTOR



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

MEMORANDUM

TO: Commissioners Beach, Hillman, and Davidson
FROM: Thomas R. Wilkey, Executive Director 
DATE: November 2, 2009
RE: EAC staff recommendation to adopt the 2008 UOCAVA and 2008 Election Administration and Voting Survey reports.

BACKGROUND


Every two years following each Federal election the EAC issues reports associated with its Election Administration and Voting Survey data collection effort. The NVRA report was released in June 2009 and the UOCAVA and Election Administration and Voting Survey reports are the final in the series of reports to be publicly released.

The EAC's Election Administration and Voting Survey forms the basis for three reports: federally mandated reports on the impact of the National Voter Registration Act (NVRA), 42 U.S.C. §1973gg, and the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA), 42 U.S.C. §1973ff, and a comprehensive Election Administration and Voting Survey report summarizing findings across all areas of the survey.

RECOMMENDATION

EAC staff recommends that the EAC Commissioners vote to adopt the attached 2008 UOCAVA and 2008 Election Administration and Voting Survey reports.

These reports are not 508-compliant; however, GPO has indicated that it will provide EAC with the final, 508-complaint versions as soon as possible. Once adopted by the Commissioners EAC will post the non 508-compliant reports (and corresponding data). The complaint versions will be posted once they are available.



2008
Election Administration
and Voting Survey

A SUMMARY OF KEY FINDINGS
November 2009



U.S. ELECTION ASSISTANCE COMMISSION

The 2008 Election Administration and Voting Survey

A SUMMARY OF KEY FINDINGS

November 2009

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Executive Summary

The U.S. Election Assistance Commission (EAC) Election Administration and Voting Survey is the nation's foremost data collection effort on how Americans cast their ballots. The 2008 survey is the third sponsored by the EAC, and forms the basis for three reports: federally mandated reports on the impact of the National Voter Registration Act (NVRA), 42 U.S.C. §1973gg, and the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA), 42 U.S.C. §1973ff, and this comprehensive report summarizing findings across all areas of the survey.

More than 190 million Americans were reported to be registered to vote in the 2008 Presidential election, an increase of more than 14 million since the last Presidential election. The 2008 EAC survey collected information on how 133,944,538 Americans participated in the election, and while the completeness of State responses varied significantly, valuable voting data were collected from each of the 50 States, four Territories, and the District of Columbia.

The increasing use of alternative means of casting a ballot means that, in 2008, fewer than two-thirds of American voters cast a regular ballot in person at a polling place on Election Day (60.2%). The rest voted by domestic absentee ballot (16.6%); by absentee ballot as overseas or uniformed services voters (0.7%); by early voting before Election Day (13.0%); or by provisional ballot, the validity of which was decided later (1.3%). Early voting more than doubled from the 2006 elections, when 6.4% of voters cast their ballots early.

States transmitted more than 26 million domestic absentee ballots, and 91.1 percent were returned and submitted for counting. In three Western States (Arizona, Colorado, and Washington), more than half of all voters cast their ballots via absentee voting, while a fourth, Oregon, conducts its elections entirely by mail.

Improved data collection on UOCAVA ballots resulted in a more complete picture of voting by uniformed services and overseas voters. States reported transmitting nearly 1 million ballots to UOCAVA voters, and 69.0 percent were returned and submitted for counting. Of UOCAVA ballots returned, 93.6 percent were counted; the

others were rejected for various reasons, including missing deadlines.

Provisional ballots once again proved to be a significant source of both ballots and votes in some States, with more than 2.1 million provisional ballots reported cast nationwide. Three States—California, New York, and Ohio—reported the highest numbers of provisional ballots cast, accounting for 59.4 percent of the nation's total. States counted 67.3 percent of their provisional ballots in whole or in part. More than 600,000 provisional ballots, or 28.2 percent, were rejected, most commonly because poll workers determined that the voter was not properly registered. States reported using their provisional ballots in different ways; for example, some States issue provisional ballots when voters wish to change their address.

In addition to the voting data, the 2008 survey collected information on a range of election administration topics, from the ages of poll workers to polling places to voting technology. Among the key findings were that States employed 878,360 poll workers in the 2008 election, staffing some 132,237 polling places, or roughly seven poll workers per polling place. As expected, poll workers tend to be older than average, with fully one-fifth aged 71 years or older. These data—the most comprehensive attempt to collect information on the age of poll workers—do suggest, however, that some past estimates of the average age of poll workers were too high.

Nearly half of reporting jurisdictions reported having at least some difficulty in obtaining sufficient numbers of poll workers.

The type of voting technologies vary across and within States. Twenty-one States, the Virgin Islands and the District of Columbia reported deploying 218,370 Direct Recording Electronic (DRE) machines without the ability to produce voter-verified paper ballots. Another 16 States reported using 81,088 DREs which produced voter verified paper audit trails (VVPAT). The most widely deployed technology was the optical or digital scanner that reads voter-marked ballots; 43 States reported using 107,519 such counters in at least some of their jurisdictions.

While significant gaps remain in election data collection, response rates were higher in 2008 than for the two previous elections, particularly for UOCAVA-related questions. Readers are encouraged to consult the complete county-level data available from the EAC Web site, at www.eac.gov, for complete details, including explanatory comments.

Introduction

The United States Election Assistance Commission (EAC) is an independent, bipartisan commission created by the Help America Vote Act of 2002 (HAVA). Its mission is to assist State and local election officials with the administration of Federal elections. The EAC provides assistance by disbursing, administering, and auditing Federal funds for States to implement HAVA requirements; conducting studies and other activities to promote the effective administration of Federal elections; and serving as a source of information regarding election administration.

Since 2004, the EAC has collected data on voting, elections, and election administration in the United States. Much of these data support two biennial reports, on voter registration and on voting by uniformed and overseas citizens. As mandated by Federal law, these two series of reports were produced by other agencies prior to the creation of the EAC.

The EAC's data collection has evolved over the past three Federal election cycles. In 2004, the EAC administered two surveys to collect and report information mandated by the National Voter Registration Act (NVRA), 42 U.S.C. §1973gg, and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C. §1973ff. It additionally conducted a third survey on other information regarding Federal general elections per provisions found in §241(a) of HAVA, 42 U.S.C. §15381(a).

In 2006, the EAC incorporated these three data collections into a single survey instrument, the 2006 Election Administration and Voting Survey, to reduce the burden of responding to multiple collections of information, facilitate data collection and reporting, and encourage participation by the States.

For 2008, the EAC continues the practice of collecting empirical data through a single survey instrument, while seeking to improve tools and processes. Final approval of the survey was granted by the Office of Management and Budget (OMB) on September 25, 2008, with near-final drafts made available the previous month.

These continuing elections data collection efforts provide the basis for a more comprehensive report on a

wider range of election issues. These issues range from voting technology to poll workers to the use of electronic poll books. This 2008 Election Administration and Voting Survey report is the third such report produced by the EAC.

Detailed information on the 2008 Election Administration and Voting Survey is presented in this report. It contains summaries of the NVRA and UOCAVA reports, and a wealth of new information on the methods Americans used to vote and how State and local administrators ran their elections. Summary information at the State level is included in the tables which accompany the text. In addition, readers are invited to consult the county-level database, available at the EAC's Web site, www.eac.gov, with complete responses, including explanatory comments and data definitions.

Survey Methodology

The 2008 edition of the survey was the result of discussions with State and local election officials, political scientists, researchers, advocacy groups, and the general public. Revisions to the draft survey were made following review by the EAC's Standards Board and Board of Advisors.¹ The survey was revised based on input from these groups and the public, which was invited to submit comments after notice of the survey was published in the Federal Register on March 20, 2008 (Vol. 73, no. 55, page 14974). The EAC received 53 substantive comments covering all sections of the questionnaire. The questionnaire was further revised in response to these comments, and the revised draft were distributed to State officials in August and September 2008 for planning purposes.

The survey contained 51 questions in the quantitative section and 22 questions in an accompanying qualitative section called the Statutory Overview, which asked States and territories for information on their election laws, definitions and procedures. Many of the quantitative questions contained multiple parts. Both questionnaires were submitted for approval to the U.S. Office of Management and Budget, which approved the data collection on September 25, 2008 (OMB Control No. 3265-0006, exp. 3/31/2009).

The quantitative portion of the 2008 Election Administration and Voting Survey was composed of six sections:

1. Voter registration, which included questions required by the NVRA;
2. Uniformed and Overseas Citizens Absentee Voting Act, which included questions required by that Act;
3. Domestic civilian absentee ballots;
4. Election Administration, which asked States to report on their precincts, polling places, and poll workers;
5. Provisional Ballots; and

6. Election Day Activities, which contained a range of questions, from the number of people who participated in the 2008 election to the types of voting technology employed by local governments.

In addition, in 2008, for the first time, States were asked to report on their State laws, definitions, and procedures in the Statutory Overview. Responses to this portion of the survey are the basis of a separate report available from the EAC. These responses also provide a better understanding of the data analyzed in this report, and highlight the differences between States in how elections are administered.

States' Collection of Election Information

For 2008, the EAC continues its effort to make the survey available to State officials earlier in the election cycle, and to facilitate the task of responding by providing improved survey instruments and increased technical assistance. The primary survey instrument designed to assist the States in collecting and reporting their statistical data was a Microsoft Excel-based template, preloaded with each State's jurisdictions. Most States submitted their data using this survey instrument. States were also offered a Microsoft Word-based template that could be distributed to their local jurisdictions, and States with single jurisdictions could report their totals through this instrument. Responses were collected through uploads via a project Web site; other data were obtained via e-mail or fax. States were asked to begin sending their responses to the EAC on February 13, 2009. Data collection continued through March and early April 2009, as States reviewed and corrected the data they had submitted. The EAC distributed the collected data to the States for review, and in some cases asked for additional information on data that appeared inconsistent or in error. Finally, in preparation for this report, States were invited to review the tables which accompany this report.

¹ The Standards Board comprises 110 State and local election officials, and the Board of Advisors comprises 37 members who represent various national associations, government agencies, and congressional leadership.

About the States' Data

Election data collection varied significantly in the 55 States and Territories that responded to the 2008 survey. Most States rely at least to some degree on centralized voter registration databases (VRDs) and voter history databases, which allow State election officials to respond to the survey at the local level for many questions. Other States, conversely, collect relatively little election data at the State level, and instead relied on cooperation from county election officials to complete the survey. States and local offices vary widely in the amount of resources devoted to data collection, and in the emphasis placed on data collection. Some States did not collect data in all the categories requested in the survey, and others did not have data for all their local jurisdictions for all variables.

The results of the 2008 Election Administration and Voting Survey are presented in the tables at the end of this report and are summarized in Section 4. Complete results at the local level will also be made available on the EAC's Web site.

Caution is necessary when interpreting these survey data, particularly when comparing these data from year to year or State to State, because of changes to the survey, changes in State tracking of data across time, and the varying levels of completeness in many States' responses. In 2006, the EAC began asking States to produce county-level (or the equivalent) registration data, rather than the statewide totals asked for previously. Even in States with centralized VRDs, some data may be kept only at the local level, and the level of integration of information between local and State election offices varies across the country. Information on the number of jurisdictions in each State is provided in most of the tables, along with the number of counties included in each State's response.

Guide to Terms

Active Voter: A voter registration designation indicating the voter is eligible to vote. See also Inactive Voter.

Ballots Cast: Total numbers of ballots submitted by all voters for counting, including by all voting methods (absentee, provisional, early, in a polling place, etc.).

Ballots Counted: Number of ballots actually processed, counted, and recorded as votes.

Domestic Absentee Ballot: A ballot submitted, often by mail, in advance of an election, often by a voter who is unable to be present at the polls on Election Day.

Citizen Voting Age Population (CVAP): Persons who are citizens and of voting age (18 years or older). These num-

bers are estimates generated by the U.S. Bureau of the Census. See also Voting Age Population.

Early Voting: Refers generally to any in-person voting that occurred prior to the date of the election at specific polling locations for which there were no special eligibility requirements. Early voting is not considered absentee voting under the State's definitions/requirements for absentee voting.

Electorate: The body of persons eligible to vote.

HAVA: The abbreviation for the Help America Vote Act of 2002, 42 U.S.C. §15301 *et seq.* The text of HAVA and additional information is available at www.eac.gov.

Inactive Voter: A voter whose registration status appears to no longer be current where he or she was registered and who has not attempted to reregister, has not voted, and has not presented him- or herself to vote using the address of record; or one whom election officials have been unable to contact or for whom election officials have been unable to verify registration status. See also Active Voter.

Jurisdictions: Generic term to signify various geographic areas that administer elections. The jurisdictions in this study may include counties, parishes, independent cities, towns or cities, or an entire State (Alaska).

Poll Worker: Election judges, booth workers, wardens, commissioners, or other similar terms that refer to the person or persons who verify the identity of a voter; assist the voter with signing the register, affidavits, or other documents required to cast a ballot; assist the voter by providing a ballot or setting up the voting machine; and serve other functions as dictated by State law. This does not include observers stationed at polling places or regular election office staff.

Polling Place: A facility staffed with poll workers and equipped with voting equipment, or paper ballots, at which persons cast ballots in person on Election Day. Several precincts may be combined into one polling place.

Precinct: An administrative division representing a geographic area in which voters are provided ballots for particular races. These manageable geographic units may also be referred to as electoral districts, precincts, voting districts, boxes, beats, or wards, depending on State law. The number of registered voters in precincts will vary according to State law.

Provisional Ballot: A ballot provided to an individual who claims he or she is registered and eligible to vote but whose eligibility or registration status cannot be con-

firmed when he or she presents him- or herself to vote.

Section 5: Some jurisdictions are required by Section 5 of the Voting Rights Act, 42 U.S.C. §1973 *et seq.*, to obtain preclearance from the Department of Justice or the United States District Court for the District of Columbia before implementing a change in a voting standard, practice, or procedure.

Section 203: Some jurisdictions are required by Section 203 of the Voting Rights Act, 42 U.S.C. §1973 *et seq.*, to provide supplemental voting information to language minority groups.

Spoiled ballots: Ballots that, under the applicable State law, are incorrectly marked or impaired in some way by the voter and turned in by the voter at the polling place or mailed in absentee, with a replacement ballot issued so that the voter can correctly mark the ballot; also referred to in some States as a "voided" ballot.

Voting Age Population (VAP): People who are 18 years of age or older, regardless of whether they are eligible to register to vote, based on estimates made by the Bureau of the Census. Note that not all persons of voting age may be eligible to vote (e.g., felons, individuals judged to be mentally incompetent, noncitizens, etc.). See also Citizen Voting Age Population.

Survey Results

REGISTERING TO VOTE

Voting in the United States, in most places, begins with registration. While North Dakota has no voter registration, and other States allow eligible voters to register and vote on the same day, in most States registration takes place weeks or months prior to the casting of ballots. States maintain their voter registration rolls by removing invalid registrations when voters move out of State or die, and keeping eligible and registered voters on the rolls.

The key Federal legislation on voter registration is the National Voter Registration Act, or NVRA, 42 U.S.C. §1973gg. The information presented in this section is offered in greater detail in the EAC report, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2007-2008*, available on the EAC's Web site. The report includes complete data tables with totals for each State; data cited in this section are contained in those tables.

How Many Are Eligible?

The United States Census is required by Article I, Section 2 of the Constitution. Obtaining an accurate and complete census of the population remains a daunting task. Complicating the situation, the decennial census is only a baseline. Population estimates must take into account immigration (both legal and illegal), internal migration, mortality rates, and natural population growth and aging.

In 2008, the Census estimated the domestic Voting Age Population (VAP), which includes those 18 years and older, at 233,087,000.² Data by State are shown in Table 30. This reflects the standard estimates for July 1, 2008, meaning that it is 4 months out of date by Election Day.

² Because 8 years have elapsed since the 2000 Census, estimates for 2008 are prone to error, particularly for smaller jurisdictions. More information can be obtained at the Population Estimates page of the U.S. Census Bureau at <http://www.census.gov/popest/estimates.html>.

REGISTERING TO VOTE

To be eligible to vote a person must be a U.S. citizen, meet a residency requirement, and have attained the age of 18 by Election Day. Eligibility varies further according to State laws. Persons who have been legally declared mentally incompetent or who have been convicted of a felony and have not had their civil rights legally restored may not be able to vote (based on State law).

Individuals can obtain registration applications from either the local election official in the person's county or city or town of residence, or through registration outreach programs sponsored by various private groups. Federal registration forms and many State forms are now accessible on the Internet.

In addition, individuals can register using the National Mail Voter Registration Form when applying for a driver's license or identity card at their State's Department of Motor Vehicles or the driver's licensing offices, offices providing public assistance, offices providing State-funded programs for people with disabilities, and at Armed Forces recruitment offices.

The National Mail Voter Registration Form is the one document that allows individuals to register to vote from anywhere in the United States (in States that allow it). The form is available at www.eac.gov.

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