

## **Acknowledgements and Credits**

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## EXECUTIVE SUMMARY

Following the historic 2008 election, one lesson has been well learned:

*The success of any election is utterly dependent on the resources and skills of our local and state-level election officials.*

The practices of local election administrators ultimately determine who is registered to vote and who is not, come Election Day. Election administrators are responsible for making the statutory requirement of the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act of 2002 (HAVA) a reality in their county. They deal with the local-level hurdles, funding issues, and challenges inherent in attempting to register eligible citizens in their jurisdiction. Officials accept the registration forms from public assistance agencies and Departments of Motor Vehicles, they administer data entry when third party groups and the Republican and Democratic parties submit forms, and they are responsible for sending accurate voter information to the state database.

The strong turnout of 2008 was only possible because millions of new voters were added to the rolls. This surge in voter registration occurred both as a result of extraordinary registration efforts by partisan campaigns, independent expenditure groups and non-partisan organizations, and because of the diligence of local officials in data-entering their information. While there is much to celebrate in the expanded participation of traditionally underrepresented groups – for example, 3.4 million more young voters than the previous election – it is also important to recognize the enormous obstacles and cost inefficiencies that occur in our current registration system.

### **Millions spent**

U.S.PIRG Education Fund's survey of 100 counties showed that **over \$33,467,910.00 of public money** was spent on simple registration

implementation and error-correction issues in 2008. That boils down to more than **\$86,977.00** of the elections budgets in counties with populations under 50,000.

The average office in counties with 50,000 to 200,000 people spent **\$248,091.00**.

The average county elections office in jurisdictions of 200,000 to around one million people<sup>1</sup> spent **\$1,079,610.00**.

Some of the largest counties in our survey spent far more than this average, for example St Louis County, with a population of 995,118, conservatively spent over 3 million dollars on registration implementation and issues in the 2008 cycle.

Additionally, these significant sums only reflect a portion of the costs election officials spend administering our outdated registration system.

Overtime pay, systems design costs, and outreach to citizens for registration are other significant costs not reflected in the already substantial money amounts uncovered by the report.

Moreover, our antiquated system has numerous ancillary effects on every piece of the election process which lead to further costs. One example of this can be seen in one of the largest counties in the country, Los Angeles County, California. In Los Angeles County due to the large population, the delay in entering information into the database system leads to an expense of over \$56,000 in every major countywide election *just* to mail supplemental voter rosters to poll inspectors overnight.<sup>2</sup> Election officials from coast to coast tell similar stories of being forced to apply inefficient, expensive band-aids in order to effectively administer the system.

Election officials must spend taxpayer dollars to deal with the errors and challenges of our paper-driven, inefficient registration system. If we modernized our

system, election officials could instead use their budget for activities that promote our democracy, such as training poll-workers and election education, as well as on more effectively administering Election Day.

### **Other registration issues**

In addition to the time spent by current staff simply *implementing* the paper registration system, some of the extra registration issues that local administrators face are:

- **Missing Information:** inaccurate, incomplete, duplicated, or illegible forms;
- **Citizen Confusion:** a lack of clarity for any particular registrant concerning citizenship status;
- **Overtime/Staffing:** there are many problems and costs associated with hiring part-time staff or paying overtime to data-entry floods of forms in time for Election Day;
- **Acknowledgment Cards:** some states require a card be sent to registrants to confirm registration details;
- **Reaching voters in rural areas:** states face challenges when reaching out to register eligible citizens across a geographically complex rural jurisdiction; and
- **Provisional ballot printings, mailings, and outreach:** once a registrant is not accurately entered, HAVA requires that they be allowed to cast a day-of-election provisional ballot. States must provide said ballot, and then in order for it to count, states need to follow up with the voter and state to determine their registration status.

### **Recommendation:**

U.S.PIRG Education Fund finds that a more streamlined and automatic system linking existing databases with the state voter rolls could free up significant resources at the local level.

Thanks to the Help America Vote Act, we have already seen technological change in

the initial creation of the mandated state database voter rolls.

By creating a more automatic system, the majority of the cost burden currently facing election officials due to registration could be eliminated.

Under an automatic and permanent voter registration system, local officials could focus their time and resources on administering elections and engaging citizens, not on the cost and complexity of today's paper-driven registration process.

### **Specific Recommendations:**

1. A federal mandate should be passed to require affirmative and automatic registration. Specified and privacy-protected data transfers and information sharing should occur from federal and state databases to the state voter rolls as a means of continuously updating the list.
  - \* By eliminating the data entry and duplicate and error verification follow-up responsibilities of local officials, there will be large cost savings at the county level.
2. Federal funding should be provided to make it possible for states to implement this mandate.
3. States should also use specified private database transfers or information sharing to keep citizens on the rolls permanently at their most up-to-date address.
4. States should perform same-day balloting as a catch-all for citizens who may have been missed in the automatic and permanent systems.

## Introduction

*"An adequate and effective registration will go far toward assuring honesty and fairness in the conduct of elections. Upon the honest and faithful maintenance of the registration books depends the purity of the ballot box. And upon the purity of the ballot box depends the success or failure of our democratic form of government."*

– Registration of Voters in Louisiana, Alden L. Powell and Emmett Asseff,  
Bureau of Government Research, Louisiana State University, 1951

One of the central problems with America's registration system is that it puts the onus of becoming registered onto its citizen population.

The system of voter-initiated registration was put in place in the late nineteenth century and is not able to keep up with the demands of a larger population. Although we have made some strides in making it easier to register to vote over the last few decades, in part due to new federal laws, over 50 million eligible United States voters are currently not registered.<sup>3</sup>

State and local election offices manage voter registration using different approaches in many different jurisdictions. In 2002, Congress sought to make these disparate efforts more uniform by passing the Help America Vote Act. This bill required that each state have a computerized statewide voter registration database. However, *"although states must now maintain a statewide electronic database, local elections officials continue to be the primary point of contact for registration applications."*<sup>4</sup> At the local level, forms are data entered and confirmed for

accuracy. From there the information is transmitted to the state voter roll.

It is this point in the process, data-entry and accuracy confirmation, that some of the largest challenges can be found at the local level. The current registration system is error-prone and this leads to necessitated wasteful spending of election budgets to make corrections.

The voter registration process seems easy to most voters. They give their names, addresses, and birth date to election officials with the expectation that they will be able to vote on Election Day. In reality, from that point election officials are responsible for a complex system. They must ensure that the voters' information is accurately recorded, that the system is transparent while voter information is kept secure from unauthorized access, that the information gets to the state rolls, and that poll workers can access this information on Election Day to determine voter eligibility. A well-managed voter registration system is a necessity to ensure public confidence in our election processes.

## **Requirements of State Election Offices under NVRA, HAVA, and State Election Codes**

### National Voter Registration Act (NVRA):

Local and state elections offices have responsibilities to register eligible citizens under the National Voter Registration Act. States have to establish procedures to register eligible citizens to vote in federal elections by mail application, by application made simultaneously with application for a motor vehicle driver's license, by application in person at public assistance agencies, by offices providing state services to people with disabilities, and by other designated state offices.

Other designated offices may include; public libraries, public schools, unemployment compensation offices and offices of city and county clerks.<sup>5</sup> Sections 5 through 10 specify these requirements as well as setting up procedures for list maintenance, administration within the states and the establishment of a state elections chief officer. (See appendix 1 for Sec. 5-10 of the NVRA)

### Help America Vote Act (HAVA):

The Help America Vote Act of 2002 established an additional set of requirements that state and local officials work to comply with. HAVA requires that

the state maintain a "single, uniform, official, centralized, interactive, computerized, statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the state."<sup>6</sup>

Additionally, HAVA requires that local polling places provide provisional ballots for later counting to all those that claim to be registered in the jurisdiction, that states maintain clean and accurate voter registration lists, that the state office that maintains the state list enter into agreements with other state agencies that provide information relevant to keeping voter information accurate, and that data-sharing take place among these agencies.<sup>7</sup>

### State Election Codes:

In addition to the federal laws that require compliance, each state also has an election code that includes additional requirements, as well as the interpretation of the federal mandates as they relate to the state specific laws. The state election code establishes the state-specific practices that administrators much follow. The state requirements can add to the challenges that administrators face.

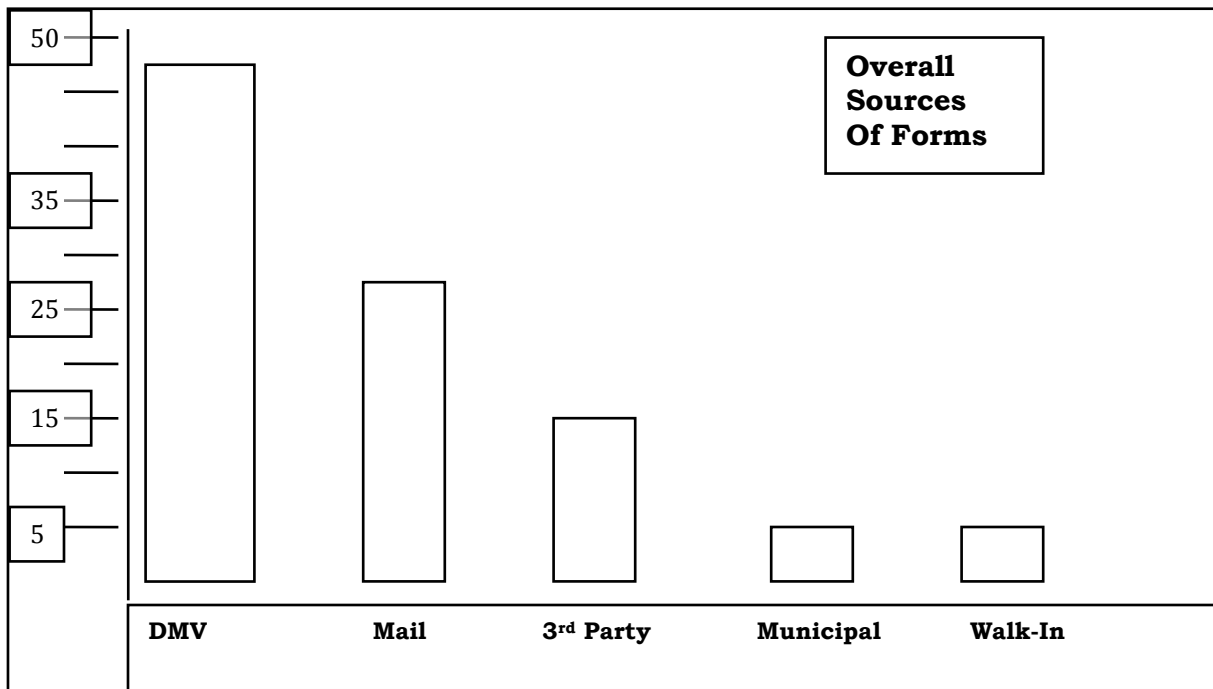
*Pertinent details of the state specific election administration legislation for the states examined in this report can be found in Appendix 2.*

## Sources of Forms

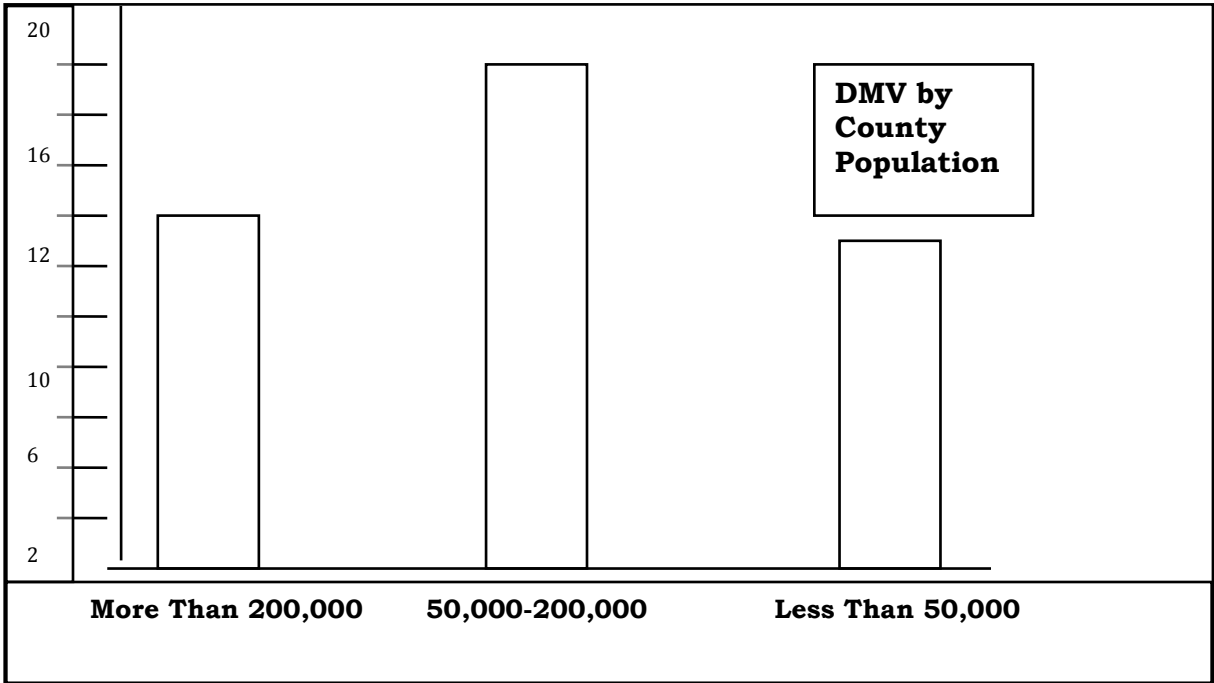
In order to completely understand the picture of the costs at the local level, the study first looked at the source of the forms in major election years.

We found that the majority of forms across the country come in from the Department of Motor Vehicles. We then took a deeper look at each form source as it relates to the population size of the counties we surveyed nationwide. We found that although more forms come in from the DMV overall for counties of all sizes, the importance of third party registration groups is higher in large population counties. Additionally, more people mail-in their registrations in the smaller counties in each state.

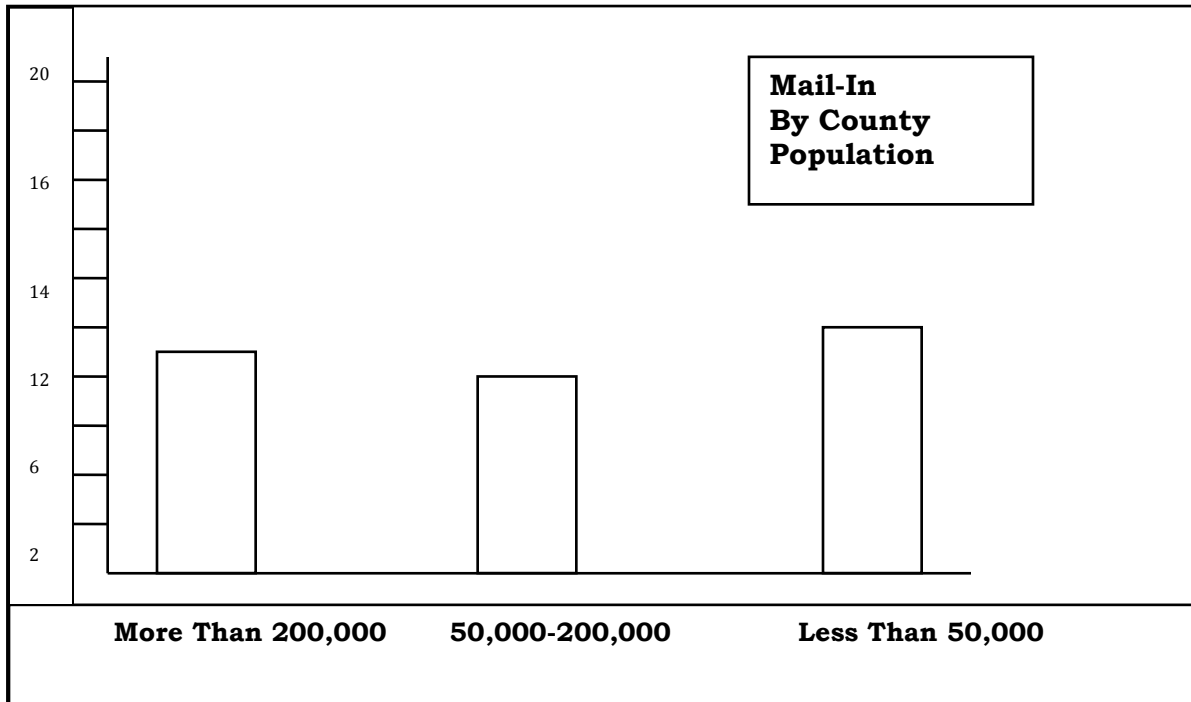
*(Numbers of forms in 1,000s)*



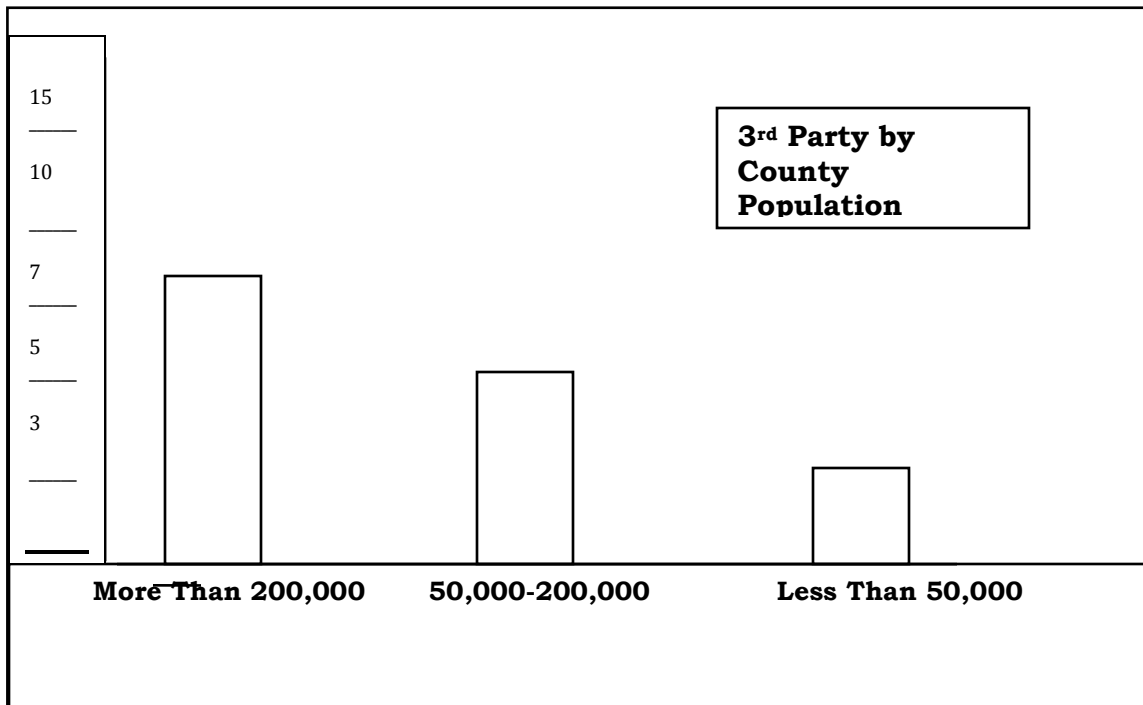
*(Numbers of forms in 1,000s)*



*(Numbers of forms in 1,000s)*



*(Numbers of forms in 1,000s)*



(The number of forms that came in during the 2008 cycle from both municipal and walk-in sources was small enough in aggregate numbers not to warrant individual charts.)

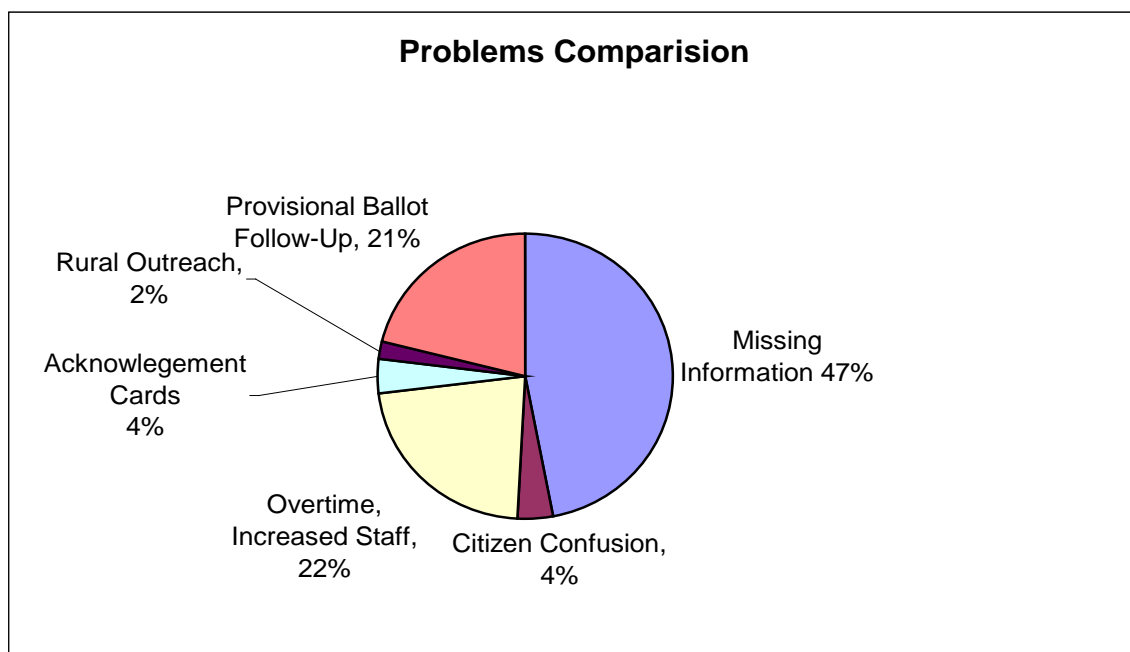
## Findings and Data on Costs and Implementation Challenges to State and Local Administrators

### EXTRA REGISTRATION COSTS

Election officials in the 34 states in the conducted survey listed 6 major areas of extra registration costs outside of the time and associated costs of simply implementing the process of registration.

The areas of additional cost most often reported are characterized as follows (Total is out of over 100 percent, as many jurisdictions reported multiple problems):

- *Missing Information (47%)*: inaccurate, incomplete, duplicated, or illegible forms;
- *Citizen Confusion (3.9%)*: a lack of clarity for any particular registrant concerning citizenship status;
- *Overtime/ Staffing (22.5%)* there are many problems and costs associated with hiring part-time staff or paying overtime to data-entry floods of forms in time for Election Day;
- *Acknowledgment Card Costs (3.9%)*: many states require a card be sent to registrants to confirm registration details;
- *Reaching voters in rural areas (1.9%)*: challenges of reaching out to register eligible citizens across a geographically complex jurisdiction; and
- *Provisional ballot printings, mailings, and outreach (21.2%)*: once a registrant is not accurately entered, HAVA requires that they be allowed to cast a day-of-election provisional ballot. States need to provide said ballot, and then in order for it to count, states need to follow up with the voter and the state to determine the voter's registration status.



**COST ANALYSIS**

We chose to be conservative in all of the cost estimates and assumptions in the research as well as in our decision to delve deeper only into the three most common areas of “extra cost” as reported by local election officials.

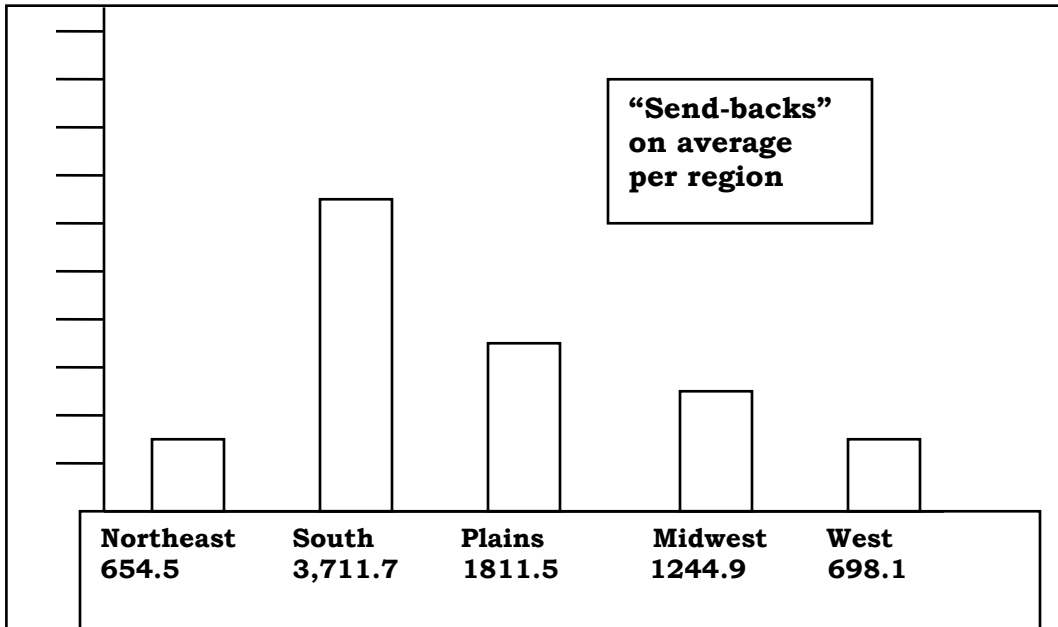
The following is the detailed analysis U.S.PIRG Education Fund researchers performed on the extra costs that administrators termed most onerous; “send-back” costs due to error, additional staffing costs related to data entry, and provisional ballot follow up costs.

**“Send-backs” (Letters Due to Errors) Costs:**

Different state statutes have different requirements concerning how many times and through what medium county officials must reach out to citizens to correct registration form errors. However, regardless of the specific requirements, almost every registrar we surveyed agreed that sending these letters out was a major cost and inconvenience.

Sharon Schumaker, the registrar in Hartford, Indiana, said that often “forms that are done by hand are problem forms and we need to send a letter out to get corrections.” These “send-backs,” usually include sending the citizen a letter explaining the problem as well as a copy of their registration form to make corrections on. Again, depending on the state statutes, some registrars are required to send prospective voters the letter and form over and over again until the election, if they do not hear back from the citizen. As Mr. Nichols, a local registrar in MO stated, “We make every effort to register everyone, and we keep making phone calls or sending letters until everyone is registered.”

The “send-back” rates show certain patterns. On average the area with the most “send-backs,” is the south, with an average of almost 4000 send backs per office. The northeast and the western regions have the lowest rates, but even there the average rate of send backs is almost 700 per office.



We also looked at the average number of send backs by county size:

**Send-Back Averages by County Size**

Largest Offices	Over 200,000 people	30,000 send backs
Medium Offices	50,000-200,000 people	19,800 send-backs
Smallest Offices	Under 50,000 people	9,700 send backs

We determined the cost of these “send-backs” to county offices by figuring out the average cost of postage and envelopes nationwide.

**Postage Data**

*(Envelope Cost--Staples, Stamps Cost--stamps.com-official vendor of the USPS)*

- Stamp: \$0.42
- Envelope: Plain: \$6.49 for 100 box= \$0.0649 per envelope
- Total # of estimated “send-backs” from polled offices:  
 $\$0.42 + \$0.0649 = \$0.5498$  per mailing

It is worth noting again that many states continuously contact the person with inaccurate information until Election Day in the hopes of fixing errors on his or her form.

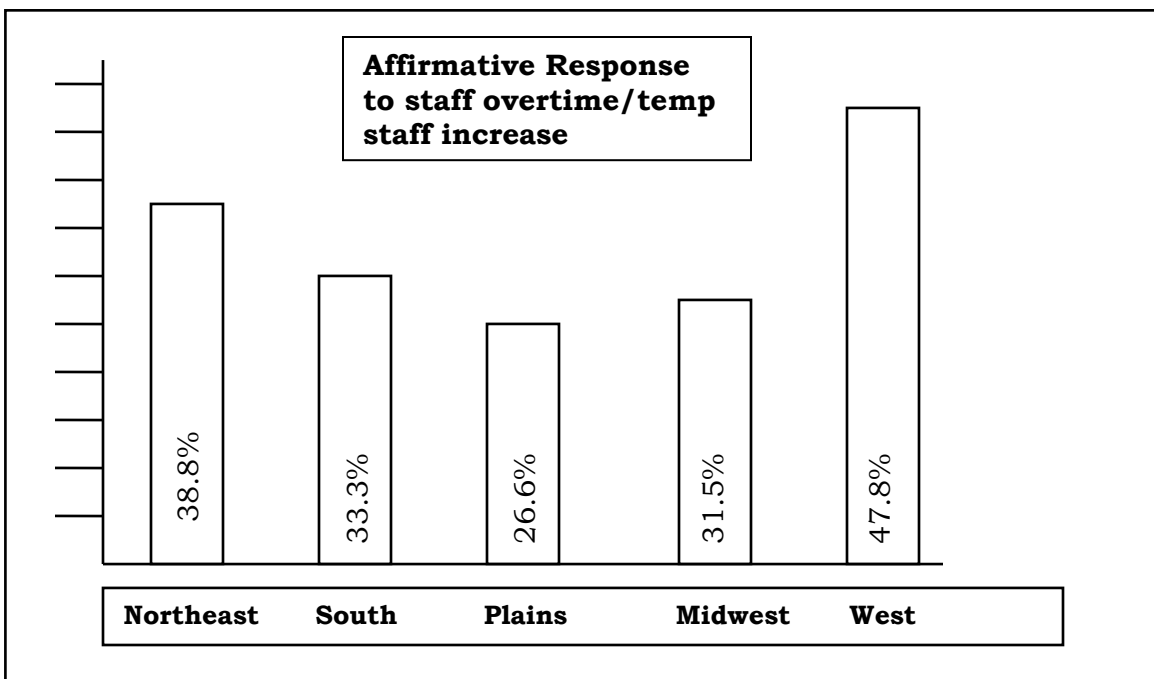
However, to be conservative we assumed one mailing per inaccurate form to do the below calculation of the estimated costs on average per office.

**Send-Back Costs by County Size**

Largest Offices	Over 200,000 people	30,000 send-backs	*\$0.5498/ mailing	=\$16,494
Medium Offices	50,000-200,000 people	19,800 send-backs	*\$0.5498/ mailing	=\$10,886
Smallest Offices	Under 50,000 people	9,700 send-backs	*\$0.5498/ mailing	=\$5,333

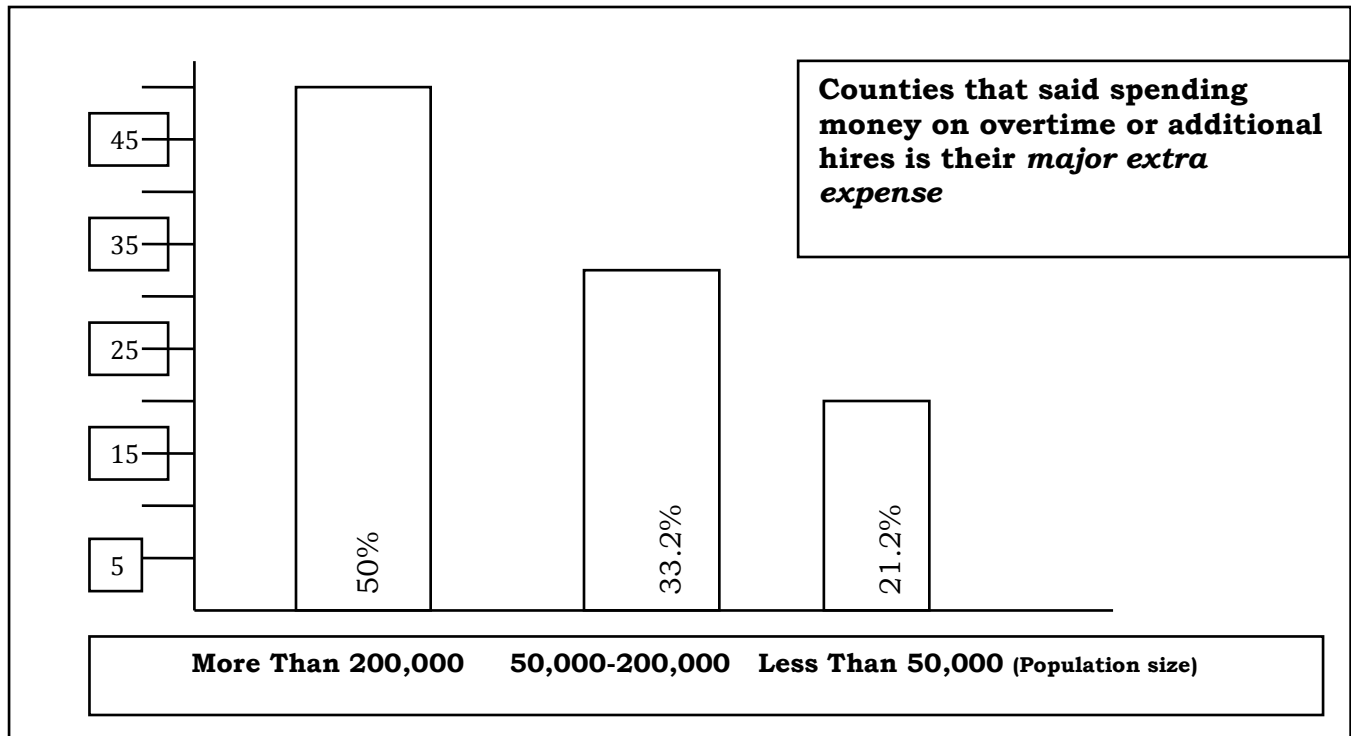
### Staffing Costs Due to Data Entry

Leading up to a major election, county officials must either increase staff or pay overtime due to the demands of the data entry. Again, this is separate from the cost of merely implementing our paper registration system as it exists with current staff, which will be discussed in more detail later on. Almost every county surveyed faced the burden of additional staff needs. The region reporting this expense most often was the West.



We also examined the same report statistic (countries reporting that they hired staff or used overtime) by county size across the country.

Although almost every office interviewed indicated that they spent *some* money on staffing costs around election time, a large number deemed it their most significant cost. Fifty percent of the largest counties we surveyed said paying overtime and hiring additional staff is one of the biggest extra costs that they have to manage. In Nashville TN, the county registrar informed us that their office habitually spends thousands of dollars on temporary staff in preparation for elections.



When all the counties surveyed were asked whether they were spending money on overtime or additional staff, the break down from the 100 counties surveyed was as follows: 22.2% spent money on overtime pay, while 77.8% replied that they chose to hire additional staff when faced with data entry challenges. Marilyn Brachon, an elections supervisor in Montana, said that having extra staff is a necessity; and that even in a place with low density population “we get overloaded with forms and it can get pretty sticky without them.”

While this report cannot track overtime spending costs per election office because there are different overtime payment scales in different states and county offices, it is possible to determine a realistic estimate of increased staffing costs due to new hires.

The majority of the 77% of offices that spent money on hiring additional staff were able to give us an estimate of how many people they bring on staff for a major election. The bulk of the counties surveyed said they use temporary employment agencies to hire these extra workers and that the staff is paid minimum wage for the data entry.

### **Staffing Data by Region**

Northeast: 55 staffers out of 5 offices- 11 per office

South: 62 staffers out of 7 offices- 8.85 per office

Plains: 14 staffers out of 4 offices- 3.5 per office

Midwest: 23 staffers out of 4 offices- 5.75 office

West: 189 staffers out of 8 offices- 23.62 per office

*\*\*Cities like San Francisco, Portland, and Denver have a lot of temporary employees and threw this average off a little.*

### **Staffing Data by County Size**

Largest Population Size Counties: 199 staffers out of 12 offices- 16.58 per office

Medium Population Size Counties: 101 staffers out of 13 offices- 7.77 per office

Small Population Size Counties: 43 staffers out of 4 offices- 10.75 per office

### **Wage Calculation Data:**

(From 5 county offices surveyed) Average employment Large Counties-7 months

(From 5 county offices surveyed) Average employment Medium Counties-3 months

(From 5 county offices surveyed) Average employment Small Counties-3 weeks

(40 hours/week)\* (4 weeks/month)\*(7 months) = 1120 hours, large county

(40 hours/week)\* (4 weeks/month)\*(3 months) = 480 hours, medium county

(40 hours/week)\* (3 weeks) = 120 hours, small county

Federal Minimum Wage \$6.55

*(Under the Fair Labor Standards Act (FLSA), the federal minimum wage for covered nonexempt employees is \$6.55 per hour effective July 24, 2008. Although many states also have minimum wage laws, the federal level is still the most common wage. <sup>8)</sup>*

1,120 hours\* \$6.55= \$7,336 per employee

480 hours\* \$6.55= \$3,144 per employee

120 hours\* \$6.55= \$786 per employee

### **Average Cost per Office**

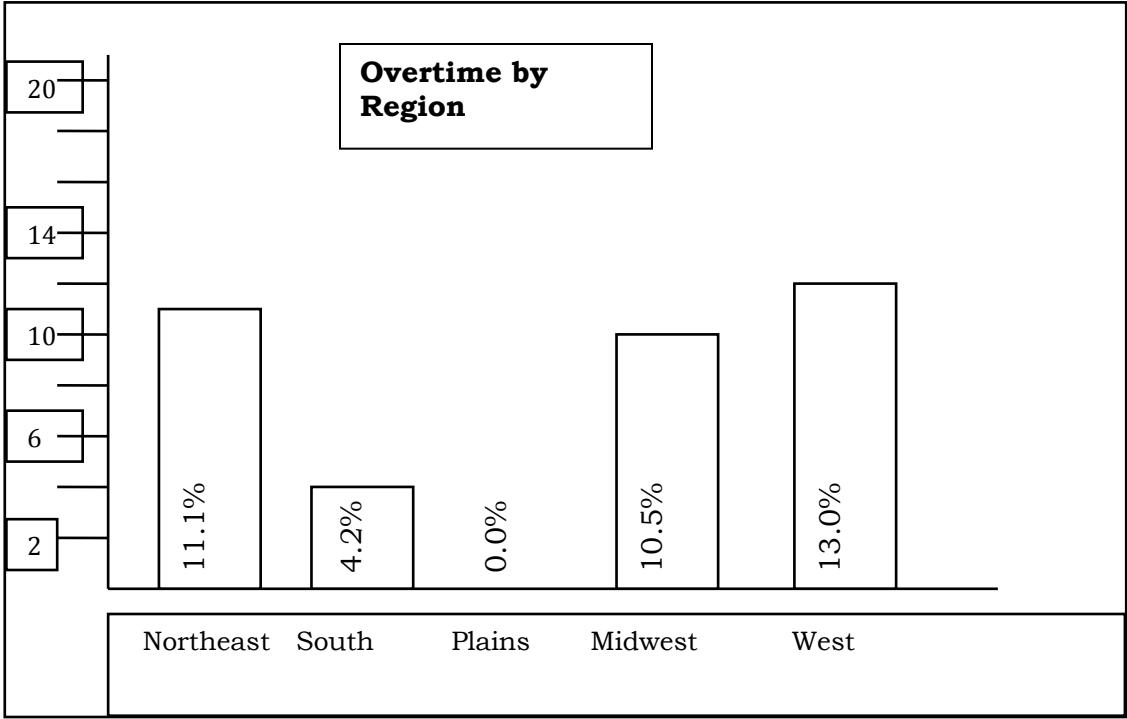
Largest Population Average Cost per Office: (16.58\*\$7,336) = \$121,630.88

Medium Population Average Cost per Office: (7.77\*\$3,144) = \$24,428.88

Smallest Population Average Cost per Office: (10.75\*\$786) = \$8,449.50

<b>Temporary Staff Cost Averages by County Size</b>				
Largest Offices	Over 200,000 people	16.58 staff added	*\$7,336 wages paid	=\$121,630.88
Medium Offices	50,000-200,000 people	7.77 staff added	*\$3,144 wages paid	=\$24,428.88
Smallest Offices	Under 50,000 people	10.75 staff added	*786 wages paid	=\$8,449.50

As stated above 22% of the offices surveyed said that when additional hours of data entry were needed they spent the money on overtime pay for existing staff rather than on temporary staff. Broken out by region the results show that the coastal regions are far more likely to pay for overtime than the rest of the nation who chose to hire temporary employees with more regularity.



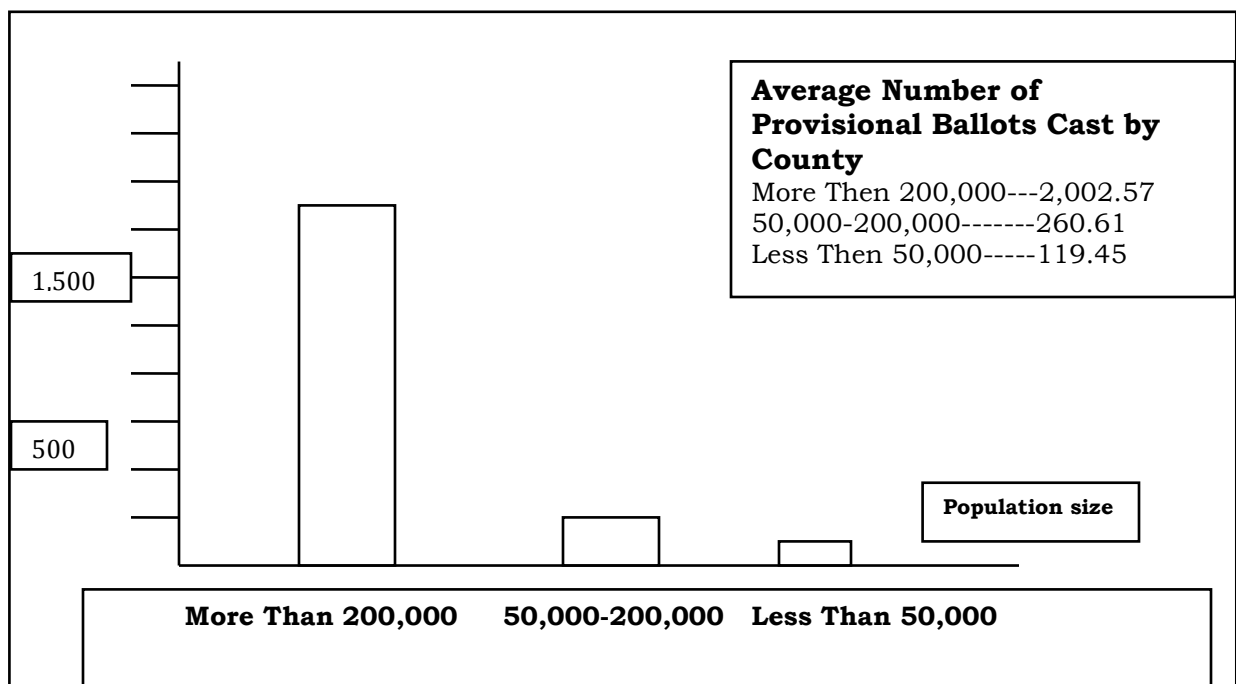
## Provisional Ballot Printing and Follow-Up Costs

Provisional ballots are intended to provide a mechanism to ensure that citizens' votes are counted. The fail-safe was federally mandated by the Help America Vote Act. If citizens believe themselves to be registered but are not present on the rolls on Election Day, they are eligible to cast a provisional ballot. Later, if they are proven to in fact be registered, their ballot will be counted.

Thirty states and the District of Columbia require provisional ballots to be cast in the correct precinct in order to be counted. (AL, AZ, AR, CT, DE, DC, FL, HI, IL, IN, IA, KY, MA, MI, MS, MO, MT, NE, NV, NY, OH, OK, SC, SD, TN, TX, UT, VA, WV, WI, WY), fifteen states count provisional ballots cast in the correct jurisdiction - i.e. municipality, county, state. (AK, CA, CO, GA, KS, LA, MD, NJ, NM, NC, OR, PA, RI, VT, WA). Three states are exempt from HAVA's provisional ballot requirement because they allow Election Day Registration, (ID, MN, NH) one state is exempt from HAVA's provisional ballot requirement because it does not have voter registration (ND), and one state with Election Day Registration allows voters to cast challenged ballots. (ME) <sup>9</sup>

States have different rules regarding follow up on provisional ballots.

(See appendix 3 for specific state laws concerning provisional ballot follow-up.) However all of the offices we surveyed spend money creating provisional ballots and then do some degree of follow-up on the provisional ballots cast in their county to determine whether to count them.



The surveyed counties told us that provisional ballots are on average one page. To be conservative in our cost estimate for printing the ballots we used one page as the standard. To determine the printing costs of provisional ballots we took the cost of a sheet of printing paper, the cost of printing one page of standard stock weight (The FEC stipulates that papers of different stock weights are usable for producing ballots <sup>10</sup>) and multiplied it by the average of number of provisional ballots cast in counties of different sizes.

**Printing Cost Assumptions:**

\$39.99 per case/5000 pages per case = \$0.01 per page <sup>11</sup>

Printing cost of one page \$0.78 <sup>12</sup>

Cost per page \$0.79

Largest Offices	Over 200,000 people	2002.57 provisional ballots cast on average	*\$0.79	= \$1,580.45
Medium Offices	50,000-200,000 people	260.61 provisional ballots cast on average	*\$0.79	= \$205.88
Smallest Offices	Under 50,000 people	119.45 provisional ballots cast	*\$0.79	= \$94.36

To determine the cost of the average follow-up on provisional ballots we used the same postage expense tabulations from the “send-backs” calculation.

In 95% of the counties surveyed the minimum action taken to follow-up on a provisional ballot was sending two letters; one that was sent to the county commissioner or the board of elections, and the other a letter sent to the voter letting him or her know if or when the vote was counted.

To figure costs conservatively we used the minimum standard of two mailings, even if the actual actions taken in a particular county are greater.

**Postage Costs Recap:**

- Stamp: \$0.42

- Envelope: Plain: \$6.49 for 100 box= \$0.0649 per envelope

- .4849 (stamp plus envelope)\* 2 letters per voter = \$0.9698 per provisional ballot cast

Largest Offices	Over 200,000 people	2002.57 provisional ballots	*\$0.9698	= \$1942.09
Medium Offices	50,000-200,000 people	260.61 provisional ballots	*\$0.9698	= \$252.74
Smallest Offices	Under 50,000 people	119.45 provisional ballots	*\$0.9698	= \$115.84

The costs we have examined to this point are ones that election officials pointed to as “extra” burdens due to the registration system. However it is also important to access the costs of simply running the paper-based registration system assuming it functions perfectly.

To examine this cost we did a partial survey, looking at 9 of the largest counties, 9 of the medium counties, and 9 of the smallest counties from the larger sample group.

The simplest way to examine the cost burden of registration implementation is to look at the number of staff per office, the costs of employing them and paying their benefits, and then to look at the percentage of their time that registrars estimated they spend dealing with implementing the registration system as it currently exists.

Most registrars reported over 50% of their full time employee’s time is spent administering the registration system, *and several reported almost 100% in an election year.*

<b>County</b>	<b>Population</b>	<b># of employees</b>	<b>Salary/Benefits per employee</b>	<b>% time spent on registration</b>	<b>\$ spent on staff on registration</b>
Modoc, CA	9,197	4	\$ 35,000.00	0.50	\$ 70,000.00
Todd, KY	12,044	5	\$ 35,000.00	0.50	\$ 87,500.00
Colfax, NM	13,216	7	\$ 30,000.00	0.75	\$ 157,500.00
Trinity, CA	14,177	1	\$ 30,000.00	0.50	\$ 15,000.00
Park, MT	16,099	6	\$ 19,890.00	0.75	\$ 89,505.00
Jefferson, OR	20,687	1	\$ 35,000.00	0.75	\$ 26,250.00
Summit, UT	35,541	4	\$ 50,000.00	0.25	\$ 50,000.00
Okanogan, WA	39,635	2	\$ 58,748.00	0.75	\$ 88,122.00
Boone, IN	54,137	3	\$ 30,600.00	1.00	\$ 91,800.00
Butler, KS	63,045	4	\$ 29,900.00	0.99	\$ 118,404.00
Sullivan, NY	76,303	8	\$ 33,600.00	0.70	\$ 188,160.00
Laramie, WY	86,353	6	\$ 25,571.00	1.00	\$ 153,426.00
Navajo, AZ	111,273	6	\$ 23,000.00	0.80	\$ 110,400.00
Maui, HI	141,783	15	\$ 47,145.00	0.55	\$ 388,946.25
Deschutes, OR	154,028	4	\$ 30,000.00	0.85	\$ 102,000.00
Scott, IA	162,687	10	\$ 35,668.00	0.80	\$ 285,344.00
Ulster, NY	181,860	12	\$ 78,730.00	0.50	\$ 472,380.00
Frederick, MD	224,705	15	\$ 34,733.33	0.55	\$ 286,549.97
Mahoning, OH	240,420	14	\$ 40,000.00	0.45	\$ 252,000.00
Loudoun, VA	278,797	8	\$ 37,000.00	0.99	\$ 293,040.00
Washoe, NV	406,079	20	\$ 70,375.00	0.50	\$ 703,750.00
Seminole, FL	409,509	16	\$ 77,545.00	0.61	\$ 755,598.48
Duval, FL (Jacksonville)	849,159	42	\$ 33,488.00	0.42	\$ 587,915.33
Travis, TX	974,365	20	\$ 35,100.00	0.33	\$ 231,660.00
St. Louis	995,118	72	\$ 66,281.00	0.60	\$ 2,863,339.20
Orange, CA	2,997,033	53	\$ 93,125.00	0.50	\$ 2,467,812.50

## Money Spent Implementing the Current Registration System

County Office	Population	Average Cost of Employee Time on Registration System
Largest Offices	Over 200,000 people	\$937,962.83
Medium Offices	50,000-200,000 people	\$212,317.81
Smallest Offices	Under 50,000 people	\$72,984.63

### Average County Office Costs Combined

By adding up the aggregate costs we have assessed to this point, we are now able to calculate the average total costs by varying county size across the country.

It is worth noting that the numbers we have tallied to this point are a conservative estimate.

First, we purposefully did not include the costs in each county of printing registration forms. We chose to exclude them, because our survey found that the costs of the printing are fairly negligible.

Second, we were not able to tabulate the exact numbers of the cost of the 22% of offices that spent funds on overtime pay for data entry due to the varying overtime pay scales and systems in different states.

Third, when we surveyed the counties we found six sources of extra costs, but only established a numerical value for the three sources that county officials found the most problematic. The three that we did not examine in more depth due to lower numbers of counties citing them were citizenship errors-*because we felt they would be captured in the larger category of overall errors*, acknowledgment cards of the whole voter roll lists in your jurisdiction-*because it is not required in some states*, and rural outreach-*because it is specific to a type of county*.

Lastly, there are many costs that registrars named that are specific to certain counties and so were not included in an aggregate survey and analysis of this kind. One example of this type of cost would be a state that chooses to upgrade their systems for the election year. Such a state has multiple costs as they create a computer system that is easy for staff to use and capable of scanning forms to catch duplicates and errors on forms.

Many registrars commented that it is hard to accurately estimate the sheer amount of time they spend dealing with registration in an election year because it literally becomes the entire job. Local official Judith Brown of Loudoun, VA commented that *“During an election year, in the months directly prior to the election, other than answering phones, pretty much all we do is enter registration information.”*

However, although the estimates below are very conservative due to the above factors, we still see very high cost numbers below:

**Average Conservative Large County Expenditure, Over 200,000 Population:**

(\$16,494 spent per office on “send-backs”) +  
(\$1,580.45 spent for provisional ballot printing)+  
(\$1,942.09 spent per office on provisional ballot follow-up) +  
(\$121,630.88 spent per office on average on extra staff hires) +  
(\$937,962.83 spent per office on regular staff time costs on registration) =  
**\$ 1,079,610.00**

**Average Conservative Medium County Expenditure, 50,000-200,000 Population:**

(\$10,886 spent per office on “send-backs”) +  
(\$205.88 spent for provisional ballot printing)+  
(\$252.74 spent per office on provisional ballots) +  
(\$24,428.88 spent per office on average on extra staff hires) +  
(\$212,317.81 spent per office on regular staff time costs on registration) =  
**\$ 248,091.00**

**Average Conservative Small County Expenditure, Under 50,000 population:**

(\$5,333 spent per office on “send-backs”) +  
(\$94.36 spent for provisional ballot printing)+  
(\$115.84 spent per office on provisional ballots) +  
(\$8,449.50 spent per office on average on extra staff hires) +  
(\$72,984.63 spent per office on regular staff time costs on registration) =  
**\$ 86,977.00**

## Conclusion

Too much time, effort, and money is spent at the local level reacting to and paying for our paper-driven, mistake-riddled registration process. Our system creates challenges for local officials and wastes taxpayer dollars.

Some of the smallest rural counties in our survey are spending a shocking amount of their election budgets jumping through hoops created by our current registration system, with only one or two permanent staffers to manage their programs. The numbers above do not include the rural outreach many of these jurisdictions perform, and yet *still* show on average small rural counties spending **\$86,977.00**

These are taxpayer dollars that could instead be used for activities that promote our democracy, such as distributing voter information, for training pollworkers, for creating additional disability access to the polls, and for creating ballots.

Our local election officials should be able to use the funds that our counties allot for the actual administration of elections, rather than for the cumbersome paper chase created by our current registration system.

U.S. PIRG recommends implementing a modernized automatic registration system to help eliminate some of the burdens local officials bear and to reallocate funds to enable local officials to more effectively administer our elections.

## Recommendations

If a more streamlined and automatic system were put into place, we would free up a significant amount of resources at the local level. Election Administrators currently spend too much of their budget on follow-up, due to the inefficiencies in the current registration system. The technological changes that have come about due to HAVA concerning gathering voter names from more and different databases into a central state system, have opened the door to making real and lasting improvements to our system.

### Specific Recommendations

1. A federal mandate should be passed to require affirmative and automatic registration. Specified and privacy-protected data transfers and information sharing should occur from federal and state databases to the state voter rolls as a means of continuously updating the list.
  - \* By eliminating the data entry and duplicate and error verification follow-up responsibilities of local officials there will be large cost savings at the county level.
2. Federal funding should be provided to make it possible for states to implement this mandate.
3. States should also use specified database transfers or information sharing to keep citizens on the rolls permanently at their most up-to-date address.
4. States should perform same-day balloting as a catch-all for citizens who may have been missed in the automatic and permanent systems.

**Methodology:**

In compiling this research U.S.PIRG Education Fund researchers surveyed 100 counties from 34 states. The states included are: AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, IL, IN, KS, KY, MA, ME, MN, MO, MT, NC, NJ, NM, NV, NY, OH, OK, OR, PA, SD, TN, VA, WA, WI, and WV. We contacted counties with a wide range of population sizes and from disparate regions. Within each state we spoke with representatives from one of the smallest counties, the medium county or closest available, and one of the largest counties. The full listing of counties and population sizes can be found in Appendix 1 of this report.

The correct person to talk to varied. Larger counties have election offices and registration department staff available to answer specific questions. Smaller counties usually have only a single county clerk who is responsible for the administration of the entire election.

We contacted everyone via telephone, but in some cases used email for follow up conversations.

We chose to be conservative in all of the cost estimates and assumptions, as well as in our decision to delve deeper only into the three largest extra costs as reported by local election officials.

## **Appendix 1: NVRA Sections 5-10**

**Section 5** requires states to offer voter registration simultaneously with driver's license application or renewal. (42 U.S.C. § 1973gg-3)

**Section 6** requires states to use and accept the Federal Mail Voter Registration Application. (42 U.S.C. § 1973gg-4) It also requires states to distribute the form to public and private entities, with an emphasis on making the form available for organized voter registration programs. (42 U.S.C. § 1973gg-4)

**Section 7** requires public assistance offices<sup>7</sup> and offices providing state services to people with disabilities to offer voter registration services at application, recertification or renewal, and change of address. (42 U.S.C. 1973gg-5 (6) (A)) States must also designate additional state offices as voter registration agencies. (42 U.S.C. 1973gg-5 (3)(A))

**Section 8** specifies the circumstances under which a voter's name may be removed from the registration list, (42 U.S.C. § 1973gg-6 (a)(3), (a)(4), (b)(2)) establishes requirements for list maintenance activities (42 U.S.C. § 1973gg-6 (in general)) and suggests procedures, (42 U.S.C. § 1973gg-6 (c)) and institutes failsafe voting for registered voters who have changed addresses. (42 U.S.C. § 1973gg-6, (e))

**Section 9** creates the Federal Mail Voter Registration Application, (42 U.S.C. § 1973gg-7 (a)(2)) assigns to the Election Assistance Commission the responsibility of designing the federal form in consultation with the states' chief election officials, (42 U.S.C. § 1973gg-7 (a)(1)) and for reporting to Congress on the implementation of the NVRA in odd-numbered years. (42 U.S.C. § 1973gg-7 (a)(3))

**Section 10** requires states to designate a state officer or employee as chief state election official who is "responsible for coordination of State responsibilities under this Act." (42 U.S.C. § 1973gg-8)

## **Appendix 2: States Surveyed List and Population Size Breakdown**

34 States:

Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts (partial), Minnesota, Montana, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Virginia, Wisconsin, West Virginia, Washington

100 Counties:

### Arizona

Pinal County- 299,246

Cochise County- 127,866

Greenlee County- 7,754

### Arkansas

Pulaski County (Little Rock) - 373,911

Sebastian County- 121,766

Saline County- 96,212

### California

San Mateo County- 706,984

Monterey County- 407,637

Sierra County- 3,328

### Colorado

Denver County (Denver) – 588,349

Mesa County- 139,082

Park County- 17,004

### Connecticut

Hartford- 124,512

Fairfield Township- 57,518

Naugatuck- 31,872

Delaware

New Castle County (Wilmington) - 528,218

Kent County- 152,255

Florida

Broward County (Ft. Lauderdale) - 1,759,591

Leon County (Tallahassee) - 260,945

Lake County- 19,086

Georgia

Fulton County (Atlanta) - 519,145

Bibb County- 97,606

Toombs County- 11,224

Hawaii

Hawaii County- 173,057

Kauai County- 62,828

Illinois

Cook County (Chicago) – 2,836,658

McHenry County- 100,537

Lee County- 35,450

Indiana

Marian County (Indianapolis) - 876,804

Elkhart County- 197,942

Blackford County- 13,189

Iowa

Polk County (Des Moines) – 418,339

Story County- 84,752

Dallas County- 57,288

Kansas

Sedgwick County (Wichita) – 476,026

Butler County- 63,045

Franklin- 26,479

Kentucky

Jefferson County (Louisville) – 709,264

Hardin County- 97,949

Boyle County- 28,664

Maine

Portland- 63,011

Bangor- 31,008

Biddeford- 20,942

Massachusetts

Nantucket (Island) - 10,531

Minnesota

Hennepin County (Minneapolis) - 1,136,599

Ramsey County (St. Paul) – 499,891

Rice County- 61,955

Lake County- 10,741

Montana

Yellowstone County (Billings) – 139,936

Lewis and Clark County- 59,998

Valley County- 6,899

Missouri

Jackson County (Kansas City) – 666,890

Cole County- 73,698

Knox County- 4,058

Nevada

Clark County (Las Vegas) – 1,836,333

Douglas County- 45,406

White Pine County- 9,146

New Jersey

Bergen County- 894,000

Essex County (Newark) – 280,135

Middlesex County- 99,884

New Mexico

Dona Ana County (Albuquerque) – 198,791

Santa Fe County- 142,955

Taos County- 31,608

New York

Rockland County- 296,483

St. Lawrence County- 109,809

Schuyler County- 19,027

North Carolina

Mecklenburg County- (Charlotte) – 671,588

New Hanover County- 99,623

Beaufort Country- 10,055

Ohio

Franklin County (Columbus) – 747,755

Medina County- 169,832

Butler County- 10,025

Oklahoma

Oklahoma County (Oklahoma City) – 701,807

Washington County- 49,888

Jackson County- 25,778

Oregon

Multnomah County (Portland) – 701,986

Yamhill County- 96,573

Crook County- 22,906

Pennsylvania

Bucks County- 621,144

Allegheny County (Pittsburg) – 312,819

Lehigh County- 107,117

South Dakota

Minnehaha County (Sioux Falls) – 175,272  
Lincoln County- 175,272  
Hughes County- 16,880

Tennessee

Davidson County (Nashville) – 619,626  
Hamilton- 330,168  
Scott- 21,973

Virginia

Fairfax County- 1,010,241  
Hanover County- 98,946  
Floyd County- 14,641

Washington

Thurston County- 238,555  
Grays Harbor County- 71,335  
Columbia County- 3,986

West Virginia

Kanawha County (Charleston) - 191,306  
Monongalia County- 87,516  
Braxton County- 14,639

Wisconsin

Dane County (Madison) – 476,785  
Eau Claire County- 97,406  
Door County- 27,811

### **Appendix 3: States Surveyed, Pertinent Election Code Sections**

#### Arizona

- 16-134 B. “If the information on the registration form is incomplete or illegible and the county recorder is not able to process the registration form, the county recorder shall notify the applicant within ten business days of receipt of the registration form.”
- 16-173- The county recorder must use an electronic data processing system to create list
- 16-513.01- Provisional ballots: must send out minimum of two notices

Source: Arizona State Legislature

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=16>

#### Arkansas

- Arkansas 7-5-109 (c)(1)(A)- County clerks have to keep a list that can be given to the state level and do everything in their power to verify accuracy
- 7-5-308 Provisional Ballots- (7) “The election official shall provide the voter written information instructing him or her on how to determine whether his or her provisional ballot was counted”

Source- Arkansas State Legislature

<http://www.arkleg.state.ar.us/SearchCenter/Pages/ArkansasCodeSearchResultPage.aspx>

#### California

- 2153a- If there are mistakes on registration forms, they must first try telephone contact and then mail a letter. “If the affidavit does not contain all of the information required, and the county elections official is not able to collect the missing information by telephone, but the mailing address of the affiant is legible, the county elections official shall inform the affiant of the reason for rejection and shall send to the affiant a new voter registration card.”
- 14310-Provisional Ballots- (b) “During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast.”
- 14310-(d) “The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted”

Source: California Law

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=elec&codebody=&hits=20>

#### Colorado

- Provisional Ballots-Verification of Information in Provisional Ballot Affidavit. The designated election official shall verify the information contained in the provisional ballot affidavit pursuant to Rule 26. If the information contained in the affidavit provides adequate criteria such that the designated election official, using the Rule 26 search, can ascertain the registration of the elector, the provisional ballot shall count. If the information cannot be verified, the ballot shall be rejected. See 1-8.5-105 and Rule 26.
- The verification and counting of all provisional ballots shall be completed prior to the certification of the official abstract of votes cast in the election by the canvass board, pursuant to Section 1-10-203(1), C.R.S.

5.5.9 Canvassing Board’s Count of Provisional Ballots.

Source: Colorado Elections Board

[http://www.elections.colorado.gov/WWW/default/Rule%20Making/2005/electionrules\\_11-10-05.pdf](http://www.elections.colorado.gov/WWW/default/Rule%20Making/2005/electionrules_11-10-05.pdf)

#### Connecticut

- Sec.9-348gg.- All data has to be computerized for the secretary of state, verified for accuracy, and kept open to the public
- Provisional ballots need to be verified before being counted

Source- Justia US Law Connecticut

<http://law.justia.com/connecticut/codes/title9/title9.html>

## Delaware

- § 1302 (c) – Errors in terms of citizenship on forms “The departments shall notify such persons by first-class mail that their application has been rejected and the reason or reasons thereto.”
- § 2013 Send-Backs - (b) “Each county Department of Elections shall promptly notify in writing each person whose voter registration application has been rejected and shall state in such notice the specific reason or reasons for such rejection.”
- § 4910 (a) (2)- Must provide instruction sheets for provisional ballots

Source- State of Delaware. Official Site

<http://delcode.delaware.gov/index.shtml>

## Florida

- 98.035 (2) – The secretary of state runs a centralized, computerized statewide database. “The statewide voter registration system must contain the name and registration information of every legally registered voter in the state.”
- 98.075 (7) - Procedures for removal from voter list. Send by mail seven days within deciding the person cannot be registered
- 101.048 (6)- Provisional Ballots- Supervisor of elections must set up a free access for people who cast the vote to see if their vote counted

Source- The 2008 Florida Statutes

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Index&Title\\_Request=IX#TitleIX](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Index&Title_Request=IX#TitleIX)

## Georgia

- O.C.G.A. § 21-2-220 (d) “If an applicant fails to provide all of the required information on the application for voter registration with the exception of current and valid identification, the board of registrars shall notify the registrant in writing of the missing information.”
- O.C.G.A. § 21-2-211 Secretary of State keeps a list compiled from county level
- Provisional Ballots-Only upon presentation of a properly completed voter's certificate and the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in the same manner as other voters in the precinct. County officials need to make an effort to find this information.

LEXIS NEXIS CUSTOM SOLUTIONS- The State of Georgia

<http://www.lexis-nexis.com/hottopics/gacode/default.asp>

## Hawaii

- Provisional Ballots-An election official shall transmit the provisional ballot cast to the County Clerk for prompt verification. If the County Clerk determines the voter is eligible under State law to vote, the voter's provisional ballot shall be counted in accordance with State law.

Source-Hawaii factsheet on election practices

<http://hawaii.gov/elections/factsheets/html/fspo405.htm>

## Illinois

- Chapter 10 (10 ILCS 5/4-10) from Ch. 45, par. 4-10- Shall notify in writing inaccurate registration forms. (Cities and towns less than 500,000 people) Chapter 10 ILCS 5/5-21 from Ch. 46 par.5-21- Shall notify in writing (for cities more than 500,000 people)
- Chapter 10 ILCS 5/18A-20- Must set up some sort of access system for provisional ballots to see if vote counted
- Chapter 10 ILCS 5/18A-15- Provisional ballots must be sent to a board and they must separate them from other ballots and determine whether to count them

Source- Illinois General Assembly

<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=001000050HArt%2E+18&ActID=170&ChapterAct=10%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=3&ChapterName=ELECTIONS&SectionID=36587&SeqStart=60100000&SeqEnd=62400000&ActName=Election+Code%2E>

## Indiana

- IC 3-7-32-5- Send Acknowledgment Cards
- IC 3-7-33-5- Shall send a notice to mailing address
- IC 3-7-13-12- Must put all forms into computerized list with errors or without
- IC 3-7-26.3- Entire Section on upkeep of “computerized list” “As required under 42 U.S.C. 15483, each county voter registration office, the election division, and the secretary of state must be able to obtain immediate electronic access to the information contained in the computerized list.”
- IC 3-11.7-6-3- Provisional ballots- “The county election board shall prescribe written instructions to inform a provisional voter how the provisional voter can determine whether the provisional voter's ballot has been counted.”

Source- Indiana General Assembly

<http://www.in.gov/legislative/ic/code/title3/>

#### Iowa

- 48A.25A- Must find out errors in information
- 48A.26- Must send an acknowledgment card/ Send back a letter if there is an error
- 47.7- State registrars have to forward information
- No Provisional Ballots- EDR

Source- The Iowa Legislature- General Assembly

Voters and Voting Section of Elections

<http://search.legis.state.ia.us/NXT/gateway.dll/2009code/1/2272/2273/2506>

#### Kansas

- 25-2304- Secretary of State must work with county election officials to set up data to receive list of all registered voters
- 25-2309 (e) - Voter is sent an acknowledgment of being registered
- 25-2309 (k) “If an applicant fails to answer the question prescribed in paragraph (15) of subsection (b), the county election officer shall send the application to the applicant at the postal delivery address given on the application, by nonforwardable mail, with a notice of incompleteness.”
- No comment on provisional ballots

Source- Kansas Legislature

<http://www.kslegislature.org/legsrv-statutes/articlesList.do>

#### Kentucky

- Provisional Ballot- The county board of elections shall count all eligible provisional ballots, and the county board of elections shall begin counting provisional ballots no later than 9 a.m. prevailing time on the day following the election. The provisional ballot count shall be certified by the county board of elections on the Certification Official Count and Record of Election Totals prescribed by the State Board of Elections in 31 KAR 4:030, which contains the office name, name of candidate, machine vote totals, absentee machine vote totals, paper absentee ballot vote totals, provisional ballot vote totals, and total votes. This form shall be certified to the Secretary of State’s Office not later than 12 p.m., prevailing time, on the Friday following the election. For special elections this form shall be certified to the Secretary of State’s Office not later than 12 p.m., prevailing time, on the day following the election.

Source: Kentucky Board of Elections

<http://www.lrc.state.ky.us/kar/031/006/020.htm>

#### Maine

- Provisional Ballots-Maine has challenged ballot procedures and so no provisional ballots are counted unless needed for a recount

Source- [www.electionline.org](http://www.electionline.org)

#### Massachusetts

- Chapter 51: Section 37- “They shall, on or before the first Monday of June in each year,

send notice in writing to each voter of the preceding year whose name has not been entered in the annual register of the current year that the name of such voter may be removed from the voting list if the voter fails to respond to the notice.” Send out notices to people who have not been put on the rolls for any reason

- Chapter 51: Section 47- Rejection of defective affidavit of registration-“The registrars shall notify any person whose name is not so entered and give him a reasonable opportunity to remedy the defects in his affidavit.”
- Chapter 51: Section 55- Voter lists must be put together and made public by June of an election year
- (f) The city or town clerk shall count all eligible provisional ballots. A provisional ballot cast by an individual whose voter information is verified before 5:00 p.m. on the third day after a presidential or state primary or the twelfth day after a state election shall be removed from its provisional ballot envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot.

Source- The General Laws of Massachusetts

<http://www.mass.gov/legis/laws/mgl/gl-51-toc.htm>

### Minnesota

- 201.061- Registration before election-day and if there is an error- “he county auditor must notify the voter that the registration is incomplete and to complete registration”
- 201.022 Sub d 3- *“Consultation with local officials-The secretary of state must consult with representatives of local election officials in the development of the statewide voter registration system.”*
- No Provisional Ballots cast because of Same Day Registration

Source: Minnesota Office of the Revisor of Statutes

<https://www.revisor.leg.state.mn.us/statutes/?view=part&start=200&close=212>

### Montana

- 13-2-207. Confirmation of registration. (1) “The election administrator shall give or mail to each elector a notice, confirming registration”
- 13-2-107 This statute provides for database run by the secretary of state but information is entered by election offices
- 13-2-110 (7) This section discusses the fact that if there is an error or not the person should be notified. “Each applicant for voter registration must be notified of the elector's registration status”
- 13-13-601- Provisional ballots but how they work in Montana with Election Day Registration

Source- Montana Code Annotated 2007

[http://data.opi.mt.gov/bills/MCA\\_toc/13.htm](http://data.opi.mt.gov/bills/MCA_toc/13.htm)

### Missouri

- Chapter 115- Section 115.155 Subsection 4- “if the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail”
- Chapter 115.157 Subsection 2- Transfer the data computerized
- Chapter 115.430 Subsection 5- Provisional ballots need to be delivered and looked over by election board/ A copy needs to be made by board and sent to the voter

Source- Missouri Revised Statues

<http://www.moga.mo.gov/STATUTES/C115.HTM>

### Nevada

- NAC 293.450- Errors- The notice sent pursuant to [NRS 293.5235](#) to an applicant for registration by mail which informs him that his application is incomplete
- NAC 293.280- Provisional Ballots- 2. The county clerk shall provide the Secretary of State, in the format the Secretary of State prescribes, with all information on whether the provisional ballots cast by each person were counted and, if not, the reason why such a

ballot was not counted. The Secretary of State will add the information to the free access system to make such information available to the voters who cast a provisional ballot.

Source: Nevada Administrative Code

<http://www.leg.state.nv.us/nac/NAC-293.html>

#### New Jersey

- 19-31-2- Commissioner of Elections is in charge of entering data into a database that will be used to keep information statewide- Also 19-31-31 is all about the statewide database
- 19-31-6.5-“The commissioner shall notify a registrant of the reasons for any refusal to approve his registration.”
- 19-53C.12- provisional ballots must be delivered to the office of the commissioner of registration with written affidavits and must be decided on by the board

Source- New Jersey State Legislature

[http://lis.njleg.state.nj.us/cgi-](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=218865&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42)

[bin/om\\_isapi.dll?clientID=218865&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC\\_Frame\\_Pg42](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=218865&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42)

#### New Mexico

- A person is permitted to cast a provisional ballot regardless of proof of residence, verification however must happen to count the ballot.

Source: New Mexico Statutes

<http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>

#### New York

- ELN Title 2 5-208- County’s must transfer all changes and new registrations
- ELN Title 2 5-210 section 9- Must send by mail either an acknowledgment card if the registration is accepted or mail a card saying it was rejected. “The form of such mail notification shall be prescribed by the state board of elections”

Source: Laws of New York

<http://public.leginfo.state.ny.us/menuegf.cgi?COMMONQUERY=LAWS>

#### North Carolina

- § 163-82.7 (b) “Denial of Registration. – If the county board of elections makes a determination pursuant to subsection (a) of this section that the applicant is not qualified to vote at the address given, the board shall send, by certified mail, a notice of denial of registration.”
- § 163-82.7 (c) Acknowledgment Letter- “If the county board of elections tentatively determines that the applicant is qualified to vote at the address given, then the county board shall send a notice to the applicant, by nonforwardable mail”
- § 163-82.10- The section about the database and the transfer from county auditors to state auditors- “Paperless, Instant Electronic Transfer. – The application described in G.S. 163-82.3 may be either a paper hard copy or an electronic document.”
- § 163-166.11 Provisional ballots- (3) “At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted.”

Source: North Carolina General Statutes

<http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl?Chapter=0163>

#### Ohio

- 3503.19(c)(1)- Acknowledgment letter
- 3501.01(v)- Send a letter to voters about the information needed to complete a form with an error
- 3503.19(d)- Counties have to forward information as they receive it, but it does not designate how
- 3505.183- Provisional ballots need a team of employees making sure the ballots are valid.

Source- LAWriter Ohio Laws and Rules

<http://codes.ohio.gov/orc/35>

#### Oklahoma

- Title 26, Chapter A1, Article IV, Section 4-103.1 B – information about acknowledgment and send backs. B. “The secretary of the county election board for the county of the applicant's residence shall send to each applicant by nonforwardable, first-class United States mail a notice of the disposition of the application. Notice mailing costs shall be paid by the county.”
- Title 26, Chapter A1, Article VII, Section 7-116.1 Part B- Provisional ballots get checked by the secretary of the county election board.

Source: The Oklahoma State Courts Network

<http://www.oscn.net/applications/oscn/Index.asp?ftdb=STOKST26&level=1>

#### Oregon

- Provisional Ballots- the ballot shall only be counted if the county clerk determines whether the registration is active or inactive

Source: Oregon Statutes, 254.408

<http://www.leg.state.or.us/ors/254.html>

#### Pennsylvania

- If there are perceived errors on registration forms, county officials need to contact the citizen to make corrections
- Pennsylvania election officials are responsible for verifying the ballot.

Source: Pennsylvania Statutes

<http://www.legis.state.pa.us/>

#### South Dakota

- 12-4-5.3 “If the applicant is not eligible to be registered or sufficient information to complete the card cannot be obtained from the applicant, the applicant shall be sent an acknowledgment notice indicating why the registration was not filed.”
- 12-4-5.3 “Any applicant whose registration is accepted shall be sent an acknowledgment notice. The acknowledgment notice shall be prescribed by the State Board of Elections and sent by nonforwardable mail.”
- 12-4-8 State board of elections require all lists of records sent to them  
Prior to the official canvass, the person in charge of the election shall determine if the person voting by provisional ballot was legally qualified to vote in the precinct in which the provisional ballot was cast. In making this determination, the person in charge of the election shall consider the information provided on the affirmation and diligently investigate the voter registration status of the person. If there is no evidence that a voter registration form had been completed by the person showing a residence address in that precinct and returned to an official voter registration site prior to the deadline to register to vote for the election, the provisional ballot is invalid.

Source: South Dakota Election Board

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=12-20-5.1>

#### Tennessee

- 2-2-115 (3) Info Sent Back/Acknowledgment “Registration notification forms advising the applicant of the acceptance or rejection of the applicant's registration shall be completed and mailed by the county election commission to the applicant.”
- 2-2-303 Transferring of Data “Data from county election commission offices shall be transferred to the state coordinator of elections via the Automated Electoral System (AES) not less than once daily.”
- Provisional Ballots can be rejected if the central provisional ballot counting board of TN does not verify them

Source- Michie’s Legal Resource

<http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=tncode>

### Virginia

- § 24.2-418.1- A receipt or Acknowledgment form
- § 24.2-410.1. Citizenship status, “The Department of Motor Vehicles shall furnish monthly to the State Board a complete list of all persons who have indicated a noncitizen status to the Department in obtaining a driver's license.”
- § 24.2-114 6.- Missing information, specifically address requires information being sent back
- § 24.2-653 (B) All about provisional ballots- “All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar.” “The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered.”

Source- Virginia General Assembly, Legislative Information System

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC2402000000600000000000>

### Wisconsin

- 6.32(2)- “If the form is insufficient to accomplish registration or the clerk knows or has reliable information that the proposed elector is not qualified, the clerk shall notify the proposed elector within 5 days”
- 6.32 (4) - If acceptable- “transmit a 1st class letter or postcard to the registrant, specifying the elector's ward or aldermanic district, or both, if any, and polling place.”
- 6.36 (1)(a)- The state election board keeps a list of registration from county officials
- Nothing on Provisional Ballots because of Same Day Registration

Source: Wisconsin Legislature Data

<http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&d=stats&jd=top>

### West Virginia

- §3-2-3 (b) –Secretary of State will manage the registered voter database and keep the list from the counties on a computerized system
- §3-2-4a (7)- Clerks in counties put in the information that is on the list
- §3-2-16 (b) (1) - Acknowledgment Letter- “The clerk shall issue or mail, by first-class nonforwardable return requested, a verification notice addressed to the applicant at the residence.”
- §3-2-17 (b) “When the clerk of the county commission determines that the application must be denied, the clerk shall send, by first class forwardable return requested mail, a notice that the application for registration was denied and the reasons therefore.”
- §3-1-41 (c) “At the time that an individual casts a provisional ballot, the poll clerk shall give the individual written information stating that an individual who casts a provisional ballot will be able to ascertain under the free access system established in this section whether the vote was counted.”

Source- West Virginia Legislature

<http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=03&art=1>

### Washington

- RCW 29A.08.030- (1) For errors in registration ““Verification notice” means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration.”
- (2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration.
- (3) "Confirmation notice" means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address.

- RCW 29A.08.105- Secretary of state manages computerized database and county auditors are in charge of monitoring them
- RCW 29A.44.207 Provisional Ballots- “The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted.”

Source: Washington State Legislature

<http://apps.leg.wa.gov/RCW/default.aspx?Cite=29A>

## References

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1. Of note: These numbers reflect populations of citizens in a county, not a reflection of the registered voters in the jurisdiction.
2. Testimony of Jonah Goldman, Lawyer's Committee on Civil Rights Senate Rules Committee Hearing, March 2009.
3. Brennan Center for Justice Report, [http://www.brennancenter.org/content/resource/universal\\_voter\\_registration\\_draft\\_summary/](http://www.brennancenter.org/content/resource/universal_voter_registration_draft_summary/), assessed 4/12/09
4. Statewide Databases of Registered Voters: *Study Of Accuracy, Privacy, Usability, Security, and Reliability Issues commissioned by the U.S. Public Policy Committee of the Association for Computing Machinery* (<http://usacm.acm.org/usacm/VRD/>) assessed on 4/6/09
5. Project Vote, Website accessed on 2/21/09, ([http://projectvote.org/fileadmin/ProjectVote/pdfs/A\\_20Summary\\_20of\\_20the\\_20National\\_20Voter\\_20Registration\\_20Act1.pdf](http://projectvote.org/fileadmin/ProjectVote/pdfs/A_20Summary_20of_20the_20National_20Voter_20Registration_20Act1.pdf))
6. Help America Vote Act, HAVA, Sec 303(a)(1)(A)
7. Secretaries of States Website, Assessed on 2/21/09 (<http://www.sos.state.ms.us/elections/HAVA/Summary.pdf>)
8. Minimum Wage Calculation: <http://www.dol.gov/esa/minwage/q-a.htm>, assessed on 4/5/09
9. The PEW Center On the States, *Data for Democracy*, November 2008, p. 22-23
10. FEC site on paper ballots: <http://www.fec.gov/pages/paper.htm> assessed on 4/15/09
11. Cost of Paper, [www.Staples.com](http://www.Staples.com)
12. The Cost of Print in the United States, *InfoTrends* [www.ftp://ftp.hp.com/pub/softlib/software9/COL19323/ja-51202-2/CostofPrint\\_US\\_090507.pdf](http://ftp.hp.com/pub/softlib/software9/COL19323/ja-51202-2/CostofPrint_US_090507.pdf)