

VOTER REGISTRATION MODERNIZATION AND THE NVRA:



How Paperless Information Technologies Can Help States
Better Implement The National Voter Registration Act

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EXECUTIVE SUMMARY

Since the 2008 presidential election, there has been a growing consensus among election officials, scholars, and voting rights advocates that voter registration can be modernized to take advantage of new information technologies, making the process more cost-effective, accurate, and efficient for government and voters.¹

This report discusses how voter registration modernization—or replacing paper-based election administration with electronic systems and procedures—can help states to better implement the National Voter Registration Act of 1993 (NVRA).² The NVRA, among other things, requires a range of state agencies to offer voter registration services to eligible residents—including historically underrepresented populations—and codifies voter list maintenance procedures to ensure official rolls are correct and current.

NVRA compliance has been uneven since the law was adopted, particularly at public assistance agencies where underperformance is widespread.³ However, state agencies now have new tools available to implement the NVRA, many of which have already been pioneered in several states at motor vehicle agencies and online. These options can provide many cost-saving, bureaucracy-cutting, and more accurate methods of offering registration services and managing voter information.⁴

Such paperless options could address major administrative challenges associated with offering required voter services.⁵ Tasks such as training state agency staff, developing registration materials, offering opportunities to clients to register to vote, assisting with applications, forwarding voter information to election offices, and tracking performance all could be transformed and

simplified. Such improvements will assist government and voters, and have been endorsed in the U.S. Department of Justice's recent NVRA guidelines.⁶

Other innovations already in use at some state motor vehicle agencies—such as on-screen registration templates, creation of paperless voter files, electronic recording of signatures, sending data over secure networks, shared databases with election offices, standardized file formats in statewide voter databases, and Internet portals to register or update voter information—are models for other states, as few have fully paperless operations.⁷

Modernizing NVRA implementation is an incremental step for election administration. Already some states have used HAVA funds to pioneer paperless registration at motor vehicle agencies, which not only brought savings and efficiencies, but also saw increased usage by the public.⁸ Such modernization will help election officials. The burdens and costs involved in processing paper registration applications can be significantly reduced by more widely implementing electronic records and data transfers, and list maintenance can be simplified as electronic voter files can follow voters who move within a state.

By taking advantage of current technologies, and by applying best practices to all NVRA agencies—particularly the long under-performing public assistance agencies—states will find new and better ways to implement this landmark law and fulfill its historic promise.

HISTORY AND IMPACT OF THE NVRA

The National Voter Registration Act is the only federal law that requires states to affirmatively offer voter registration services to their citizens.⁹

Congress adopted the NVRA after low nationwide turnout in the 1992 presidential election.¹⁰ The landmark law seeks to ensure equal access to the ballot for all eligible citizens, including historically under-represented populations such as low-income people and people with disabilities. It also seeks to ensure that voter lists will be accurate and current to protect the integrity of American elections.

To accomplish these goals, Congress established national standards for voter registration and voter roll maintenance. It created a simple, one-page, mail-in application for federal elections, and required states to proactively offer voter registration services at agencies not traditionally associated with elections. This included designated motor vehicle offices (hence the law's "motor voter" nickname), and public assistance and disability assistance agencies. The law also required states to designate other sites as NVRA agencies, such as libraries, schools, marriage and hunting bureaus, employment services, etc; military recruiters were also required to provide registration services. Additionally, the law codified procedures for election offices to remove registered voters who died, moved or lost the right to vote in court (after a felony or finding of mental incompetence.)

State Requirements

Under the NVRA, state agencies offering registration services are required to:

- **Distribute** a voter application (or declination form) to clients);
- **Assist** registrants to complete the voter application if requested;
- **Accept** the registration and promptly deliver it to election officials.

The application process at motor vehicle offices differs from other state agencies. Motor vehicle agencies are to create a single application combining questions for voter registration and driver's license (or state ID card) purposes. The application is to be signed by the registrant, attesting to their information (including citizenship¹¹) under penalty of perjury. The agency is required to forward registrant information, including a signature, to election offices before state registration deadlines.

Public assistance agencies, in contrast, have a two-step voter application process. All clients initially receive a short form informing them of their right to register to vote or to decline—which must be filled out by checking the appropriate box. If they seek to register, they are given the federal mail-in form or its state equivalent.¹² Agency employees are to offer and assist clients if they want help filling out the application,¹³ which must be signed and sent to the correct local election office before registration deadlines. Administrative costs are incurred whether clients register to vote or not.

The NVRA also has several provisions to safeguard voters and voting rights. New registrants, or people updating their information (after moving or changing a name due to marriage) are to receive a “disposition” notice citing their registration status. This notice, one of several required by the law, is usually a post card sent by local election offices (although the law does not specify a timeline for doing so).

Election offices also are not allowed to remove a registered voter from official lists unless that voter has granted written permission (which many states obtain on registration forms submitted by voters who move¹⁴), or until two federal cycles have passed with no activity from the registrant. Similarly, officials are required to send pre-paid, pre-addressed return mailings to inactive voters, informing them of their status and that they will be removed unless they update their registration information.

The law also allows registered voters who have moved within local jurisdictions, but have not updated their registration information, to do so and vote on Election Day.¹⁵ These safeguards seek to balance ensuring the integrity of official voter rolls against mistakes that would prevent eligible voters from casting regular ballots.

The Impact of the NVRA

The NVRA has helped millions of Americans register to vote. But compliance with specific provisions has been mixed. In 2007-2008, 18.1 million people registered or updated their voter file at motor agencies and 17.4 million people used the federal form. Yet only 962,000 people registered at public assistance agencies and 128,000 people at disability agencies.¹⁶ In contrast, 2.6 million people registered at public assistance agencies in 1995-1996, the first two years after the NVRA's passage.¹⁷ This disparity troubles voter advocates who believe millions more Americans would register to vote if asked by state agencies, particularly public assistance agencies.¹⁸

Some of the hurdles surrounding NVRA implementation stem from non-election agency officials who have avoided carrying out the law, or updating agency processes to do so.¹⁹ Others, however, can be traced to paper-based procedures that were developed soon after the law's passage in 1993, which have yet to take advantage of new information technology innovations—even as election offices have updated computer systems, created statewide voter databases and data networks, and put them to use.²⁰

VOTER REGISTRATION MODERNIZATION

Voter registration modernization—or replacing paper-based practices with electronic procedures and systems—offers states new ways to consider and address many of the long-standing compliance issues associated with the NVRA.

Voter registration is not a complex process. To be eligible, an individual must be of legal age, a U.S. citizen, satisfy state residency requirements, be mentally competent, and not be a convicted felon (or successfully reapply after completing a sentence).

Moreover, the specific information required for registration is also straightforward: an applicant's name, age, address for voting purposes, citizenship declaration, and their signature—a sworn oath attesting to their information under penalty of perjury. Some states also collect political party affiliation.

The NVRA was written in a paper-based era, and so is increasingly out of step with 21st century office environments. The law contemplates a range of registration forms—applications, documents, and post cards—to be designed and printed on paper, distributed by front-line state agency workers, and then mailed to other government

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employees—election officials—who manually review them and type voter information into their respective computer systems.

New Information Tools

Congress did not anticipate paperless information innovations in 1993, when the law was adopted. The Internet barely existed. Technologies—such as software templates to guide state employees through

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the application process, electronic signature pads, statewide voter databases and data transmission—did not yet exist for registration services. However, today, all of the information needed for voter registration can be collected and managed electronically—as growing numbers of states are doing.

A modernized paperless voter registration system means an eligible voter's information is entered and resides in state computers, as database text and image files.

Once there, government employees at all stages of the process (from intake workers at various state agencies to local and state election officials) can access, analyze, and manage that registrant's information—or send it to another jurisdiction—with minimal additional data-entry and fewer administrative tasks.

The first states to pioneer electronic registration procedures have realized significant savings and efficiency gains:

- In Maricopa County, Arizona, online registration costs 3 cents per registrant versus 83 cents for processing a paper form.²¹
- In Delaware, the average time for a registration transaction at the state's driver's agency fell from 90 seconds to 30 seconds after installing a paperless registration system.²²
- In Kansas, some county officials reported registration-related workloads reduced by half after transitioning to its electronic voter information system.²³

- In Michigan and Arizona, motor vehicle agencies share a database with elections officials.²⁴ Any address change in either database updates information for both agency's records, another efficiency gain and cost reducer.²⁵
- In Minnesota, election officials use the U.S. Postal Service's national change of address database (NCOA) to automatically update voter rolls.²⁶ (Other states regularly use NCOA data to analyze local voter rolls to determine if a voter has moved.²⁷)

Such computerization has improved election administration and prompted favorable public responses.²⁸ Washington reported a surge in online applications, particularly from young voters, before it even began public education efforts about its online registration program.²⁹ South Dakota, where the motor vehicle agency replaced paper applications with an electronic process creating a pre-populated form for applicants to sign, saw voter applications increase seven-fold after implementation.³⁰

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Americans increasingly expect election agencies to offer the same opportunities for interaction—online and otherwise—as other government agencies, such as tax and revenue departments, where their legal information can be filed electronically, or as the private sector, such as in online banking.³¹

Incremental Steps

Election administration is now beginning to develop such automation. The federal Help America Vote Act of 2002 (HAVA) required statewide voter databases—master files aggregating information submitted by counties, state agencies, and individuals—and has hastened the adoption of voter information infrastructure.³² Since HAVA, states have generally created more uniform management systems, creating a foundation for the next phase of voter registration modernization.³³ Indeed, online

registration is now possible, in part, because state election divisions first standardized voter file formats—to allow the statewide database to receive information from a range of sources, from NVRA registration agencies to voters using home computers.

The most recent federal reform, the Military and Overseas Voter Empowerment Act of 2009 (MOVE), seeks to use electronic tools to assist citizens abroad to register and to vote, including sending registration materials and ballots by the Internet.³⁴

The balance of this paper will discuss in greater detail how paperless technologies can streamline and enhance specific sections of NVRA implementation. Those are:

- Sec. 1973gg-3, concerning motor vehicle agencies (Section 5)
- Sec. 1973gg-4, concerning the federal mail-in form (Section 6)
- Sec. 1973gg-5, concerning state registration agencies (Section 7)
- Sec. 1973gg-6, concerning election administration (Section 8)

MOTOR VEHICLE OFFICES (SECTION 5)

Section 5 of the NVRA requires that voter registration services be provided at state motor vehicle offices using a simple application that combines voter registration and driver's license (or state identity card) questions, including renewals. Changes of residence for drivers and identity card holders are to be used for voter registration purposes, and are to be expeditiously forwarded to election offices. This section also requires registrants to attest to U.S. citizenship and other eligibility information by signature, under penalty of perjury.

By most measures, the “motor-voter” program has been a big success. The Election Assistance Commission (EAC)—which reports to Congress on the impact of the NVRA every two years—reported that 30 percent of the 60.3 million new voter applications in 2007-2008 came from motor vehicle agencies.³⁵ Moreover, the first states adopting online registration, Arizona and Washington—as well as recent adopters like Oregon—have offered that option to residents who already had a driver's license or state ID card. The registrant's information is automatically cross checked with DMV files to verify eligibility, and signature file is forwarded to local election offices where final processing is done before adding applicants to official voter rolls. (This version of online registration does not assist eligible voters who do not have a license or ID cards issued by motor vehicle offices.)

Motor vehicle agency implementation may be the most successful aspect of the NVRA,³⁶ but these offices have not been trouble-free.³⁷ In some states, voter advocates have found little training of frontline agency workers, poorly designed registration forms, failure to forward voter applications, and a lack of oversight.³⁸

One consequence were calls to Election Day hotlines in November 2008 by people who said they had registered at motor vehicle offices but were not on local voter lists and could not get a ballot.³⁹

In other words, *their information did not successfully migrate from the paper application form to the statewide voter database, and subsequently to the correct county election office and local precinct voter list.* Thus, people who showed up expecting to vote were forced to vote by provisional ballots, which in some cases were not counted.⁴⁰

Many of these problems—which are also found at public assistance agencies—can be traced to collecting and managing voter information on paper.

Implementation Challenges

More specifically, Project Vote has identified the following issues with processing voter registration applications at some state motor vehicle offices:⁴¹

- Voter registration information is not always collected during the intake process.
- Clients are not always told that they may need to re-register, or update their voter registration information, if they move (to meet state registration rules).
- Voter registration forms/applications are not sent to the appropriate local election office, or not delivered in a timely manner.
- Managers do not have training materials for frontline workers, or do not monitor compliance with the law.
- Managers do not always see voter registration as their agency's responsibility, and are unfamiliar with the NVRA's charge and duties.

Many of these problems—which are also found at public assistance agencies—can be traced to collecting and managing voter informa-

tion on paper. To start, a registrant's information often has to be copied from forms and correctly entered into computers. Not every voter application is legible. In most states, applications also have to be collected and delivered to the correct state and county election office—although a handful of states transmit voter file information, once inputted, electronically.⁴²

Paperless data collection, integration, and transmission have allowed Kansas to avoid many of the problems with paper-based systems.

In some states, motor vehicle employees will type information into their computer and print a completed form, which must be signed by registrants and mailed to local election offices, where workers will then retype that same information into their computers.⁴³ As registration deadlines approach, election officials have to process these and other paper applications (from individuals and registration drives), often hiring temporary workers and not always finishing by Election Day.⁴⁴ These paper-based process-

es can be costly, inefficient, and inaccurate, particularly when local, county, and state agency costs are combined.⁴⁵

States Pioneer Solutions

Consider the paperless alternative in a state such as Kansas.⁴⁶ There, a motor vehicle worker following an on-screen software template gathers information for voting and driving purposes. This software is an electronic equivalent of the NVRA's required combined form (for driving and voter registration). Once in the motor vehicle agency computer and verified by the client, that individual's electronic information is sent to state and county election offices where it appears on their screens the next morning. Further data entry is minimized. The information has been sorted electronically and transmitted instantly. Printing and postage costs are all but eliminated.

Registration eligibility problems, if any, can be more quickly identified and addressed by local election offices. If necessary, voter files can be

transferred between counties, following the citizens who have moved, instead of waiting for those individuals to reregister. Such paperless data collection, integration, and transmission have allowed Kansas to avoid many of the problems with paper-based systems.⁴⁷ Moreover, county election offices reported reductions in registration-related workloads by as much as 50 percent.⁴⁸

An integrated paperless system also avoids many of the problems highlighted by Project Vote. The need for training state employees is minimized. In Delaware, for example, motor vehicle employees are prompted by their computer screens to ask registration questions at the start of a transaction, and cannot bypass these questions until they are answered or a person declines to register.⁴⁹ There are no paper forms to distribute, print, collect, and forward, reducing training needs and mail costs. Before instituting its paperless system, a typical voter registration transaction at Delaware's DMV took 90 seconds, election officials said. Now that transaction takes 30 seconds.

Despite initial resistance to implementing electronic procedures from DMV officials, Delaware's paperless process has significantly streamlined the agency's registration services while also reducing workloads for election offices.

Electronic Signature Files

Delaware also pioneered another important innovation: a way to reduce subsequent processing by recording a registrant's signature electronically.⁵⁰ At its motor agency counter, state employees enter the registrant's information. The applicant reviews it on a computer screen for errors. The state employee then asks the registrant to use a debit card-like signature pad to select a political party and sign their name, which is saved as an electronic image file. The complete file—text and image—is instantly sent to state election offices. This process results in more accurate and timely voter information, and the motor vehicle agency no longer has to scan paper applications and export a signature for election purposes. The NVRA's timelines for forwarding voter ap-

plications to the election offices become moot with instantaneous data transmission.

Despite initial resistance to implementing electronic procedures from DMV officials, Delaware's paperless process has significantly streamlined the agency's registration services while also reducing workloads for election offices.⁵¹ The election division has been able to reduce its budget—by not filling vacant positions—because of these unanticipated efficiency gains.⁵² Delaware plans to implement this same process at its Health and Human Service Agency—for public assistance clients—in late 2010, and at its Department of Labor—for unemployment compensation recipients—by early 2011.⁵³ Election officials have said that these NVRA agencies are hopeful the paperless solutions will make their jobs easier.⁵⁴

An electronic environment also enables states to address other NVRA compliance issues. The law allows registered voters who have moved within a local jurisdiction, but have not updated their registration (their address), to do so on Election Day and get a regular ballot. Under a more modernized system, address changes in driver's files can be automatically sent to state and county election offices, allowing voter files to be updated or transferred without voters having to file a new application. This same electronic information can be used to alert county offices to remove outdated voter files—because a current signature would accompany the change of address form submitted by a motor vehicle agency—and be collected by a state employee.

States that have fully automated the process for transferring voter registration records from motor vehicle offices in the past several years include Delaware, Florida, Kansas, Michigan, North Carolina, Pennsylvania, and Rhode Island.⁵⁵ States that have “partially automated” their motor vehicle registration process include Arkansas, California, Georgia, Kentucky, New Jersey, South Carolina, and Texas.

FEDERAL MAIL-IN REGISTRATION FORM (SECTION 6)

The NVRA created the federal mail-in registration form to simplify and standardize voter registration nationwide. The law allows states to create their own voter registration forms, although most states adopted the federal form to avoid separate application processes for federal and state elections. The form has been a success, with nearly 29 percent of all applications in 2007-2008 coming by mail, according to the EAC's nationwide surveys.⁵⁶

Political parties, registration drive groups and individuals, and state agencies other than motor vehicle agencies, use the mail-in form or its state equivalent. In some states, voter advocates have found instances of local officials refusing to accept a form if it was submitted by specific voter registration organizations.⁵⁷ Similarly, some states have added criteria for registrants, such as Arizona where documentary proof of citizenship—as opposed to a registrant's oath and signature—is required,⁵⁸ though this is being challenged in federal court. While the NVRA requires a “disposition notice” to be sent to registrants, the statute does not set a time limit for doing so. As a result, actual timelines vary among states.⁵⁹

The paper mail-in form is not going away, as it is used by tens of millions of Americans in federal elections.⁶⁰ However, the introduction of online registration is as important and historic a development. Online registration further simplifies and standardizes strides made by the form, bringing savings and efficiencies to election offices. For voter advocates, it eliminates some of the local obstacles as registrants interact with statewide systems. But more importantly, it opens up new ways for voter registration groups to efficiently submit voter applications.

Cost Savings

Online registration is more than the mail-in form's electronic counterpart. It shows that state election offices can compile voter registration records from a range of data sources. Online registration is possible because election divisions have standardized file formats—for the statewide voter database—and can accept electronic feeds from NVRA agencies (motor vehicle offices) and from individuals using official state websites. This more uniform information backbone means election office could also accept voter information—including signatures—from under-performing state voter registration agencies, once they institute paperless tools and protocols. Indeed, the Justice Department's June 2010 NVRA guidelines encourage states to take these steps.⁶¹

Online registration shows that state election offices can compile voter registration records from a range of data sources.

At least seven states—Colorado, Indiana, Louisiana, Nevada, North Carolina, Oregon, and Utah—have implemented, or plan to implement, online registration in 2010.⁶² They follow Arizona, Washington, and Kansas, for a total of 10 states nationwide.

Online registration has reduced costs for states while making access easier for voters. In Washington, the cost of processing one paper registration form is \$1.55, compared to \$0.45 per online registrant, state election officials say.⁶³ Voters, especially young people, are finding it a faster, more responsive pathway to participation. Washington found a third of all new applications in 2008 were submitted online, and 30 percent of new registrants were between 18 and 24 years old.⁶⁴

Voter advocates, including Project Vote, are also seeking to take advantage of these efficiencies by creating portable electronic registration tools (using wireless devices) to replace the mail-in form, starting in mid-2010.⁶⁵ These computers will allow eligible individuals to register

by accessing state websites to enter their information, which will be cross checked with motor vehicle records to verify eligibility and to enable officials to obtain signature image files. This innovation should be welcomed by election officials, as it will deliver accurate registration information electronically, using the security and verification systems designed by states to do so.

Another approach, pioneered in Santa Clara County, California, allows individuals to register using a mobile touch-screen device that also records and sends a signature directly from the registrant, bypassing state motor vehicle agency.⁶⁶ Ideally, states offering online registration will eventually cross check applicant information with other state-collected data, such as from non-driver NVRA agencies and possibly other state databases, enabling an eligible voter without a driver's license or state-issue ID card to register online.

PUBLIC ASSISTANCE AGENCIES (SECTION 7)

Section 7 of the NVRA requires voter registration services to be offered at state public assistance and disability services offices. This section of the law was intended to expand voting rights to historically underserved populations—including low-income people and people with disabilities who may not drive—by requiring the state offices that assist these populations to also offer voter registration services.

Immediately following the law's passage, millions of citizens registered at these state agencies, and by using the federal application form, in one of the largest voter roll expansions in American history.⁶⁷ However, after an initial surge at public assistance agencies in 1995-1996 that saw 2.6 million new registrants nationally, voter applications collected and submitted by these state agencies has fallen sharply. Only 962,000 applications were submitted by these agencies nationwide in 2007-2008, the EAC reported.⁶⁸

Recent litigation shows that NVRA non-compliance affects millions of eligible voters.⁶⁹ Lawsuits brought by the Department of Justice (Tennessee)⁷⁰ and by Project Vote and other advocates (Missouri,⁷¹ Ohio⁷²) have resulted in tens of thousands of voter registration applications being submitted after legal agreements were reached. In Tennessee alone in 2007-2008, public assistance agencies generated 158,000 voter registration applications.⁷³ In Missouri, more than 200,000 applications have been submitted since a settlement was reached in September 2008.⁷⁴ In Ohio, more than 84,000 applications were generated in the first five months of 2010, following a legal agreement in November 2009.⁷⁵

The hurdles surrounding registration services at public assistance agencies are more complex than at motor vehicle offices.

The NVRA prescribes a two-step process at non-driver agencies, in contrast to the combined application at motor vehicle agencies. First, all clients must first fill out a “preference/declination” form, asking if they want to register or decline to do so. If they reply Yes, agency staff are to give clients the federal mail application or state equivalent, help them to complete it if asked, and forward the forms to election offices in a timely manner. (The two-step process was created, in part, because non-driver agencies were not seen as being able to provide the signatures needed by election officials with the same ease as motor vehicle departments—a consideration that is less relevant in 2010 with the advent of digital image files and secure data transfers.)

However, in many states, public assistance agencies have been all but ignoring the law.⁷⁶ Project Vote and other advocates have found many state public assistance agencies were not offering clients an opportunity to register to vote, not providing registration materials, and not assisting with applications. Meanwhile, agency managers were not training staff, lacked training materials, did not monitor or evaluate NVRA compliance, and did not incorporate registration into new web-based services.⁷⁷ Voter registration services have not been included in public assistance agency computer upgrades, even as those agencies offered new web-based services for their programs.⁷⁸

Compliance Hurdles

Chief state election officers are supposed to coordinate NVRA compliance under the law. Those officials—typically secretaries of state—often delegate that responsibility to career civil servants: state election directors. Many election directors say that they repeatedly have tried to engage other agencies to implement NVRA requirements. These election directors have said that non-election officials often see voter registration as complex, costly, and outside their mission—and as a result have shirked compliance.⁷⁹

Until recently, the federal Department of Justice has not pushed states to implement the law’s public aid agency requirements,⁸⁰ contributing to a nationwide drop in applications. In June 2010, however, the Justice Department issued its first NVRA guidelines in more than a decade,⁸¹

describing compliance requirements—particularly at public assistance agencies—although it remains to be seen if enforcement will follow.⁸²

One key factor in NVRA underperformance is that recalcitrant state agencies are not using computerized tools to replace paper-based voter registration services and procedures, which could make implementation more efficient, cost-effective, and accurate.⁸³ State agency non-

State agency non-compliance tends to occur in administrative isolation—where public assistance departments are unaware of new tools that have transformed voter file management elsewhere in their state.

compliance tends to occur in administrative isolation—where public assistance departments are unaware of new tools that have transformed voter file management elsewhere in their state. Indeed, not updating procedures at their agencies generates unnecessary costs and administrative burdens.

The lack of modernized NVRA services also increases burdens for election officials, particularly at the local level. Election officials must process all voter applications before adding new registrants to official lists. Some of their biggest concerns involve paper applications from registration drives—which often target the same populations that Section 7 seeks to serve by requiring voter services at public assistance agencies.⁸⁴ It would be simpler, faster, and more accurate for election of-

fices if other government employees collected registration information, and voter files were sent electronically—not on paper or by mail—for vetting and approval.

New Ways Forward

The challenge with NVRA compliance at public assistance agencies is political and technical. Agency managers need to commit to implementing the law. They should do so, not because of the threat of litigation—from the Department of Justice or advocacy groups—but because advances in information technology can make voter registration services more streamlined, cost-effective, and accurate. Indeed, many

of the Department of Justice’s recommendations for NVRA compliance encourage states to follow the modernization steps discussed in this report.⁸⁵

In many respects, the solutions can be found at other state agencies that are doing more to comply with the NVRA, such as motor vehicle offices. Creating a combined electronic intake process, for example—to gather the information needed for voter registration and agency programs—is the start of efficient administration. This solution has been modeled in a range of states previously cited in this report.

The benefits of other electronic technologies—from on-screen software templates to signature pads to secure data networks—also have been discussed. Most burdens and costs associated with voter registration are derived from systems that not only are paper-based, but reactive—requiring voters to take action, file forms, and update information, before government responds with its own procedures.⁸⁶ Many studies have found voters are unfamiliar with registration rules and procedures, and are unaware that they may lose their voting rights if they do not update their records. Election officials consequently see tremendous last-minute increases in their workloads to process voter applications and registration updates before major elections.

The alternative solution is giving election offices more control of the process by creating pro-active systems that minimize data entry, use automation, and allow election officials to move and manage voter files with greater flexibility. Public assistance and other designated voter registration agencies should be electronically feeding registrant information into their statewide voter database—including signature files—as efficiently as online registrants. These agencies need not lag behind their counterparts in state government offering voter services.

LIST MAINTENANCE (SECTION 8)

Section 8 of the NVRA codifies procedures to ‘clean up’ or maintain voter rolls by removing outdated registrations—from people who died, moved, or lost their right to vote in court—to ensure the accuracy and integrity of official lists. However, other provisions balance these protocols to prevent mistakenly removing registrations, including from people who have not recently voted.⁸⁷

As such, the NVRA requires voters to confirm in writing that they have moved before they can be deleted from voter rolls. This is often done when a registered voter updates his or her address for state motor vehicle purposes. States can also remove registered voters from official rolls if a newer residence is found in the Postal Service National Change of Address (NCOA) database. However, even if there is no response or activity by registered voters, election offices are required to make repeated attempts to reach these individuals by mail over two federal cycles—four years—before delisting them.⁸⁸ Voters who die, or who lose their right to vote in court, are exceptions.

The NVRA created another safeguard for voters who move within a local jurisdiction but did not revise their registration information, allowing these individuals to update their registrations on Election Day and vote with a regular ballot. (This can occur at the voter’s old polling place, their new polling place, or at local election office.⁸⁹)

The law’s voter contact provisions—sending a “disposition” notice to new registrants and to people who have updated their information, as well as a requirement to send pre-paid, return post cards to people who have become inactive voters over two federal election cycles before delisting them—is costly, and has drawn criticism from election offices as inefficient and contributing to bloated voter lists. The Department of Justice’s recent

NVRA compliance guidelines affirm that states must follow these steps, however.⁹⁰

Database Matching

In recent years, some technically sophisticated states have created interstate compacts to share and compare voter lists to identify possible duplicate registrations for removal. (Sixteen states have joined such compacts.⁹¹) These states can continue to do database matching to analyze official lists, but they still must follow the NVRA's two-cycle notice protocols before canceling registrations, according to the Justice Department.⁹²

Registration modernization suggests there are new ways to approach list maintenance that will be responsive to both officials and safeguard eligible voters. The laudable impulse by election officials to use information technology to identify outdated voter files is not pre-empted by the Justice Department's affirmation of the law's notice requirements. Using this same share-and-compare analysis, states can make more targeted and thus cost-effective efforts to find and follow up on possibly problematic registrations.

Moreover, other registration modernization steps make the process more responsive to both officials and voters. As states put more information about registration and voting online, voters can find out about registration status, polling place location, voter ID requirements, and find out how to submit new information if needed.⁹³ These online tools streamline the process and make voter rolls more accurate and current. Electronic pathways can also make notice procedures more efficient. Some states offering online registration are collecting e-mail addresses,⁹⁴ which not only could be used to reach applicants if election offices have questions, but create a faster process to resolve concerns—including list maintenance issues.⁹⁵

Registration Portability

Another benefit of registration modernization is states can institute so-called portability—where registration records can be transferred between jurisdictions after an established voter moves. The creation of HAVA-required statewide voter databases, essentially creating one

statewide jurisdiction for registration purposes, has spurred some states, such as Florida, to embrace portability. Voters who move within Florida simply have to file change of address forms, which triggers the transfer of their voter file.⁹⁶ In effect, advances in statewide voter data management are supplanting the need for voters to submit new applications every time they move—a considerable efficiency gain.

At least eight states—Colorado, Delaware, Florida, Maryland, Ohio, South Dakota, Washington, and West Virginia—and the District of Columbia, all allow statewide registration portability, according to a 2008 academic report.⁹⁷ That report noted that Election Day voter turnout was 2.4 percent higher among people who move in states with portability, and estimated that if Congress instituted this practice nationally—beyond states that now have it—as many as 2 million more voters would turn out in presidential elections, an increase in nationwide turnout of approximately 1 percent.⁹⁸

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A Project Vote review of U.S. Census data suggests that about one-third of the voting age population that moves annually leave their previous county, but stay within their state. Other academic studies have found that people who have moved in the previous six months are far less likely to be registered voters than people who have lived at the same address for 5 years or more.⁹⁹ Thus, moving voter files in the statewide database while keeping a registrant's active status could significantly cut election office workloads and assist sizeable numbers of registered voters.

New Voters Helped

Project Vote’s analysis echoes other studies that have found that young and minority voters tend to relocate within their states at slightly higher rates than other movers—suggesting that portability would be of particular help to these underrepresented populations.¹⁰⁰ Critics of voter registration drives for creating last-minute bottlenecks should note that public assistance agency services, coupled with registration portability, could also streamline these workloads. Indeed, in Florida, beyond reducing administrative costs and reducing the number of provisional ballots issued at polling places, portability is seen as a factor in higher turnout among students,¹⁰¹ another demographic that is a frequent target of voter drives.

CONCLUSION

The NVRA is a historic civil rights law that seeks to extend the franchise to all eligible Americans, a federal mission that was revived in the mid-20th century with passage of the Voting Rights Act of 1965. The NVRA's means for achieving that goal is to standardize the voter registration process in federal elections, and to require various state agencies where diverse sectors of society—rich and poor, drivers and people without cars—interact with government to offer voter registration services.

Since implementation in 1995, the NVRA has helped tens of millions of Americans to register to vote. But some envisioned registration pathways—particularly at state public assistance agencies—have not fully or effectively implemented the law.

The solution today lies not merely in litigating against states for non-compliance, but in implementing paperless information technology tools and systems that can make the process better and easier for state agency employees, election officials, and the public.

The model for these technical solutions can be found in many states—at election offices and other NVRA agencies, mainly motor vehicle offices—where computerized management of voter registration data has reduced administrative burdens and costs, while producing more accurate and current voter registration files, and better serving the public.

Applying these technologies and taking other steps, such as voter registration portability to keep registered voters on official lists, will transform election administration for officials and improve the process for voters. Participation will increase—advancing the goals of the NVRA, fulfilling the promise of the civil rights movement, and advancing American democracy.

NOTES

1. “Bringing Elections into the 21st Century: Voter Registration Modernization,” The Pew Center on the States, Issue brief, August 2009. Available at: http://www.pewcenteronthes-tates.org/uploadedFiles/Voter_Registration_Modernization_Brief_web.pdf Also see: Wendy Weiser, Christopher Ponoroff, Nhu-Y Ngo, “Modernizing Voter Registration: Momentum in the States,” Brennan Center for Justice at New York University School of Law, Issue brief, May 2010. Available at: <http://www.brennancenter.org/page/-/Democracy/VRM%20State%20Trends%20Final.pdf?nocdn=1>
2. See text of law at: http://www.justice.gov/crt/voting/42usc/subch_ih.php The NVRA applies to 44 states and the District of Columbia. Six states (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin and Wyoming) are exempt because they either had no voter registration requirement (North Dakota) or offered Election Day registration at polling places for federal elections on August 1, 1994.
3. Voter Registration Services at Public Assistance Agencies,” Project Vote Policy Paper, 2010 Issues in Election Administration series, April 2010. Available at: <http://projectvote.org/images/publications/2010%20Issues%20in%20Election%20Administration/Public-Agency-Policy-Paper-April2010.pdf>
4. Op. cit. “Bringing Elections into the 21st Century: Voter Registration Modernization” and “Modernizing Voter Registration: Momentum in the States.”
5. Ibid. See pages 5-7.
6. Civil Rights Division of the U.S. Department of Justice, “The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act (NVRA), Questions and Answers.” June 2010, Available at: http://www.justice.gov/crt/voting/nvra/nvra_qa.pdf
7. Op. cit. “Modernizing Voter Registration: Momentum in the States,” Brennan Center, see index of state advances, pages 6-9.
8. Op. cit. “Modernizing Voter Registration: Momentum in the States.” Page 5.
9. Civil Rights Division of the U.S. Department of Justice, “About the National Voter Registration Act.” http://www.justice.gov/crt/voting/nvra/activ_nvra.php
10. In the November 1992 election, 44 percent of eligible voters did not vote.
11. Only Arizona requires documentary proof of citizenship, which has been challenged in federal court.
12. States can provide their own voter registration form if it complies with Section 9 of the law. The Justice Department’s NVRA guidelines, issued in June 2010, say state public assistance agencies can automate, or “pre-populate” compiling voter application forms, which would involve using database technology, an example of the Department backing registration modernization. Page 8, number 20, at 3.
13. The Justice Department guidelines say state NVRA agency employees must “provide the same level of assistance to all applicants in completing voter registration applications as is provided with respect to every other service or application for benefits (unless the applicant specifically refuses such assistance).” Page 7, at 17, iii.
14. States will include language on voter registration applications granting permission to delete their prior registration record.
15. 42 U.S.C. 20 § 1973gg-6(c)
16. U.S. Election Assistance Commission, “The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2007-2008: A Report to the 111th Congress,” June 30, 2009. See Table 2a, “All Application Sources,” page 38.
17. The NVRA took effect on January 1, 1995. See: Douglas R. Hess and Scott Novakowski, Unequal Access: Neglecting the National Voter Registration Act of 1993, Project Vote and Demos, February 2008. Available at: http://projectvote.org/images/publications/Policy%20Reports%20and%20Guides/Unequal_Access_Final.pdf

18. Op. cit. "Voter Registration Services at Public Assistance Agencies." Page 11. Project Vote estimates that nationwide compliance could add two-to-three million more voters to official rolls annually, based on the Food Stamp program alone. In 2005-2006, 21.2 million people sought this benefit nationwide. States that settled NVRA Section 7 litigation—Illinois, Tennessee, Missouri, Ohio—have shown between 10 percent and 20 percent of public assistance office clients will submit voter applications if asked. Since settling Missouri litigation in September 2008, more than 200,000 applications have been submitted as of June 2010. In Ohio in the first five months of 2010, 84,000 applications were received. Other state public assistance programs include Temporary Assistance to Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Medicaid, and Women, Infants and Children (WIC) programs.
19. Ibid. Also see: Steven Rosenfeld, "Paperless Voter Registrations: Innovations in Three States," Project Vote, January 2010. Available at: <http://projectvote.org/images/publications/2010%20Issues%20in%20Election%20Administration/Paperless%20Registration%20Case%20Study%20FINAL.pdf>
20. John Milhofer, "NASS Report: Maintenance of State Voter Registration Lists: A Review of Relevant Policies and Procedures," National Association of Secretaries of State, September 2009. Available at: http://nass.org/index.php?Itemid=159&id=133&option=com_content&task=view
21. Matt A Barreto, Loren Collingwood, Francisco Pedraza and Barry Pump, "Online Voter Registration (OLVR) Systems in Arizona and Washington: Evaluating Usage, Public Confidence and Implementation Processes," Pew Center on the States, January 2010. Each online registration costs \$0.33 to review. Only 5 percent to 10 percent are reviewed, costing \$0.03 on average. Available at: www.pewcenteronthestates.org/report_detail.aspx?id=58215
22. Op. cit. "Paperless Voter Registration: Innovations in Three States."
23. Ibid.
24. Adam Skaggs, Jonathan Blitzer, "Permanent Voter Registration," Brennan Center for Justice at New York University School of Law, June 2009. Page 20. Available at: http://www.brennancenter.org/content/resource/permanent_voter_registration.
25. Ibid. Page 20.
26. Ibid. Page 22.
27. Op. cit. "NASS Report: Maintenance of State Voter Registration Lists: A Review of Relevant Policies and Procedures." Page 6.
28. Op. cit. "Modernizing Voter Registration: Momentum in the States." Page 5. Additionally, Washington reported a groundswell of online registrations in the months immediately after it began the service in 2008, according to Secretary of State Sam Reed. Notably, many young people who were first-time voters registered to vote online.
29. Op. cit. Interviews at NASS, NASED semi-annual conferences.
30. Op. cit. "Paperless Voter Registration: Innovations in Three States."
31. Op. cit. "Bringing Elections into the 21st Century: Voter Registration Modernization."
32. Op. cit. Available at: <http://www.fec.gov/hava/hava.htm>
33. Op. cit. "NASS Report: Maintenance of State Voter Registration Lists: A Review of Relevant Policies and Procedures."
34. National Association of Secretaries of State, "NASS Summary of the Military and Overseas Voter Empowerment Act (MOVE Act)," available at: http://www.google.com/url?sa=t&source=web&cd=1&ved=OCBUQFjAA&url=http%3A%2F%2Fnass.org%2Findex.php%3Foption%3Dcom_docman%26task%3Ddoc_download%26gid%3D816&ei=RzENTImK4u4wMvTf2fEC&usq=AFQjCNGytXdTzr_LKdAdG9lgXj1NUZm7Zg
35. Op. cit. "The Impact of the National Voter Registration Act of 1993 on the Administration of

- Elections for Federal Office 2007-2008: A Report to the 111th Congress.” Table 2a.
36. Op. cit. EAC 2007-2008 NVRA report, table 2a, at page 38. Slightly more registrations were received from motor vehicle offices than from the federal form in 2007-2008.
37. Estelle Rogers, The National Voter Registration Act at Fifteen, Project Vote, July 2009, page 3. Available at: <http://projectvote.org/images/publications/NVRA/THE%20NVRA%20at%20FIFTEEN--A%20Report%20to%20Congress.pdf>
38. Ibid. Pages 7-10
39. Advancement Project, NAACP National Voter Fund, Voter Action, “Was I Denied My Right to Vote? Uncovering Flaws in Election Administration: A Joint Report on the 2008 Election Based on CNN and MyVote1 Hotline Data, July 2009.” Available at: <http://www.advancementproject.org/news/newsletters/democracy-in-action/congress-urged-to-reform-election-laws-in-advance-of-2010>
40. Ibid.
41. Op. cit. “The National Voter Registration Act at Fifteen.” Page 7.
42. Op. cit. “Modernizing Voter Registration: Momentum in the States.” Page 4.
43. Op. cit. “Paperless Voter Registration: Innovations in Three States.” Pages 2-3.
44. Op. cit. Interviews at NASS, NASED semi-annual conferences.
45. The Pew Center on the States, “The Real Cost of Voter Registration: An Oregon Case Study,” March 2010. Available at: http://www.pewcenteronthestates.org/report_detail.aspx?id=56478
46. Op. cit. “Paperless Voter Registration: Innovations in Three States.” Pages 4-5.
47. Ibid.
48. Ibid.
49. Ibid. Pages 6-9.
50. Ibid.
51. Ibid.
52. Elaine Manlove, Delaware Election Commissioner, interviews, May-June 2010.
53. Ibid.
54. Ibid.
55. Op. Cit. “Modernizing VR: Momentum in the States.” Pages 1-3.
56. Op. cit. “The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2007-2008: A Report to the 111th Congress.” Table 2a.
57. Ibid. Page 13.
58. Ibid. Page 11.
59. Ibid. Page 13.
60. Op. cit. “The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2007-2008: A Report to the 111th Congress.” Table 2a.
61. Op. cit. “The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act (NVRA), Questions and Answers.” Numbers 20 and 24 say state agencies “should” make registration forms available online when providing any benefit or program application. The guidelines also say agencies could take client information collected during its intake process and automatically compile, or “pre-populate,” voter applications, which would streamline the process for agency employees and registrants.
62. Op. cit. “Modernizing Voter Registration: Momentum in the States.”
63. Bill Graves, “Oregon Offers Online Voter Registration,” The Oregonian, February 28, 2010.

Available at: http://www.oregonlive.com/politics/index.ssf/2010/02/oregon_offers_online_voter_reg.html

⁶⁴. Ibid.

⁶⁵. See: <http://projectvote.org/newsreleases/475-vr-drives-go-paperless-with-new-software-for-ipad-a-other-mobile-devices.html>

⁶⁶. Ken McLaughlin, "Santa Clara County accepts nation's first electronic voting registrations," MercuryNews.com, May 14, 2010. The article reports the California Secretary of State has notified the county that it does not have authority to reject these signatures, although a spokesperson said there may be unresolved legal issues posed by the county's approach. In contrast, Project Vote's iRegister tool will only allow registrants to access official state portals, which are linked to motor vehicle data, including signatures. See: "http://www.mercurynews.com/ci_15089595?IADID&nclick_check=1

⁶⁷. Op. cit., The National Voter Registration Act at Fifteen. Page 3.

⁶⁸. Ibid.

⁶⁹. Ibid. Page 11. Project Vote estimates that nationwide compliance could add two-to-three million more voters to official rolls annually, based on the Food Stamp program alone. (See footnote 20). Other state public assistance programs include Temporary Assistance to Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Medicaid, and Women, Infants and Children (WIC) programs.

⁷⁰. United States v. Tennessee. Op. cit. "Voter Registration Services at Public Assistance Agencies," page 7.

⁷¹. Ibid. Page 8.

⁷². Ibid. Pages 8-9.

⁷³. Ibid. Page 7.

⁷⁴. Ibid, See page 8. By fall 2010, Missouri's public assistance agencies will have submitted 250,000 voter applications, according to state monitoring reports required under settlement terms.

⁷⁵. Ibid. See page 8-9. The most recent monthly figures are provided by state officials under the settlement terms of Harkness v. Brunner.

⁷⁶. Op. cit. "Voter Registration Services at Public Assistance Agencies," pages 6-7.

⁷⁷. Op. cit. "Voter Registration Services at Public Assistance Agencies," pages 6-7.

⁷⁸. Project Vote interviews with state officials in Texas and Colorado, spring 2010.

⁷⁹. Op. cit. "Paperless Voter Registration: Innovations in Three States."

⁸⁰. See Justice Department website for list of NVRA enforcement actions, at: http://www.justice.gov/crt/voting/litigation/caselist.php#nvra_cases

⁸¹. Op. cit. "The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act (NVRA), Questions and Answers."

⁸². The Justice Department will presenting its NVRA guidelines at the summer meeting of the National Association of State Election Directors (NASSED) in mid-July 2010.

⁸³. Op. cit. "Bringing Elections into the 21st Century: Voter Registration Modernization" (Pew) and "Modernizing Voter Registration: Momentum in the States" (Brennan Center).

⁸⁴. Op. cit. Interviews at NASS, NASSED semi-annual conferences.

⁸⁵. Op. cit. "The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act (NVRA), Questions and Answers." See Question and Answers: At 5, on simplified and consolidated applications; At 17, on providing the same level of assistance to registrants as for other benefits or program applications; At 20, on automating or "pre-populating" application forms from other information gathered or updated during the

agency intake process; At 24, on ensuring the availability of voter registration opportunities through official websites and Internet transactions, and including those services when NVRA agencies upgrade computer systems. Available at http://www.justice.gov/crt/voting/nvra/nvra_qa.pdf

86. Stephen Ansolabehere, Michael Alvarez, Adam Berinsky, Gabriel Lena, Charles Stewart III, Thad Hall. "2008 Survey of the Performance of American Elections" CalTech/MIT Voting Technology Project, March 1, 2009. Pages 54. Nearly one-in-four non-voters in November 2008 who lived at their residency less than a year were unaware of state voter registration requirements, even as they tried to vote in the 2008 election. Available at: <http://vote.caltech.edu/drupal/files/report/Final%20report20090218.pdf>
87. Op. cit. "The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act (NVRA), Questions and Answers." See 30.
88. Op. cit. "The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act (NVRA), Questions and Answers." See 29-36 on NVRA Section 8 list maintenance notices and removals.
89. 42 U.S.C. 20 § 1973gg-6(c) This provision in the NVRA predated the creation of statewide voter databases. It was written in an era where voter rolls were maintained at county levels, and not every county in a state used the same record-keeping protocols. Today, however, it is antiquated because most states can transfer voter files statewide, which was one result of HAVA requirement for states to create statewide voter files.
90. Op. cit. "The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act (NVRA), Questions and Answers." See 29-36.
91. There are now 16 states in these consortiums. The Midwest Election Officials Conference (MEOC) was created in 1989 and consists of Iowa, Kansas, Nebraska and Missouri. In 2005, MEOC member states agreed to share voter registration information. Minnesota and South Dakota joined this effort, via a memorandum of understanding, but are not conference members. A second interstate consortium, known as the 'South-central group,' also was created to share registration information and did its first comparisons in 2009. It consists of Arizona, Arkansas, Colorado, Louisiana, Kansas, Kentucky, Mississippi, Oklahoma, and Tennessee. (Kansas is a member of both groups.) Washington and Oregon also share and compare voter lists for border counties.
92. The Justice Department NVRA guidelines state registered voters cannot be removed from official lists for failure to vote. The guidelines discuss notice requirements under Section 8, the law's list maintenance rules, but do not mention match-based removals. As such, states can use database matching and analysis as a tool, but they must follow NVRA notice procedures and timelines before delisting voters.
93. The Pew Center on the States, "Voting Information Project: Partnering with Election Officials to Inform American Voters," March 2010 http://www.pewcenteronthestates.org/report_detail.aspx?id=58258
94. Erika Haas, Oregon Secretary of State Office, online registration project manager, interview May 2010.
95. Section 8 specifies voter notices must be sent, not whether they are paper or electronic.
96. Ion Sancho, Supervisor of Elections, Leon County, Florida, interview June 2010.
97. Michael P. McDonald, "Portable Voter Registration," Political Behavior, February 5, 2008. Pages 491-501. <http://www.springerlink.com/content/f2276m7786p2i2t0/>
98. Ibid. Page 499.
99. Op. cit. "2008 Survey of the Performance of American Elections." Page 46. Only 68 percent of people who live at a current address for 6 months or less were registered voters, compared to 85 percent for people who lived at an address for five years or more.
100. Op. cit. "Portable Voter Registration." Page 498.
101. Op. cit. Ion Sancho interview.

About the Author

Steven Rosenfeld is a consultant who has written about elections and voting rights for many years. He is author of *Count My Vote: A Citizens Guide to Voting* (AlterNet Books, 2008), and has contributed to many publications, national news outlets, and websites.

About Project Vote

Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure that our constituencies can register, vote, and cast ballots that count.

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