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Briefing



Jim Mone, *The Associated Press*

Case Study: Election Observation Dispatches from the Polls

Despite the intense focus on election reform since 2000, much of election day still remains a mystery.

Post-election studies have focused on turnout, voting system performance and exit polls. Others have examined laws and administrative codes that govern voting.

What happens inside the four walls of a polling place has only recently been the subject of scientific, journalistic or other outside scrutiny.

Observation by the federal government, usually by monitors from the U.S. Department of Justice, focuses on whether the process is fair.

The media's role is extensive during election season, with vast resources devoted to covering campaigns, polling, conventions, debates and vote counting. But most have stayed out of the actual process of elections themselves.

Interest groups have tended to look at data after the fact, relying on third-person accounts or self-reporting by voters.

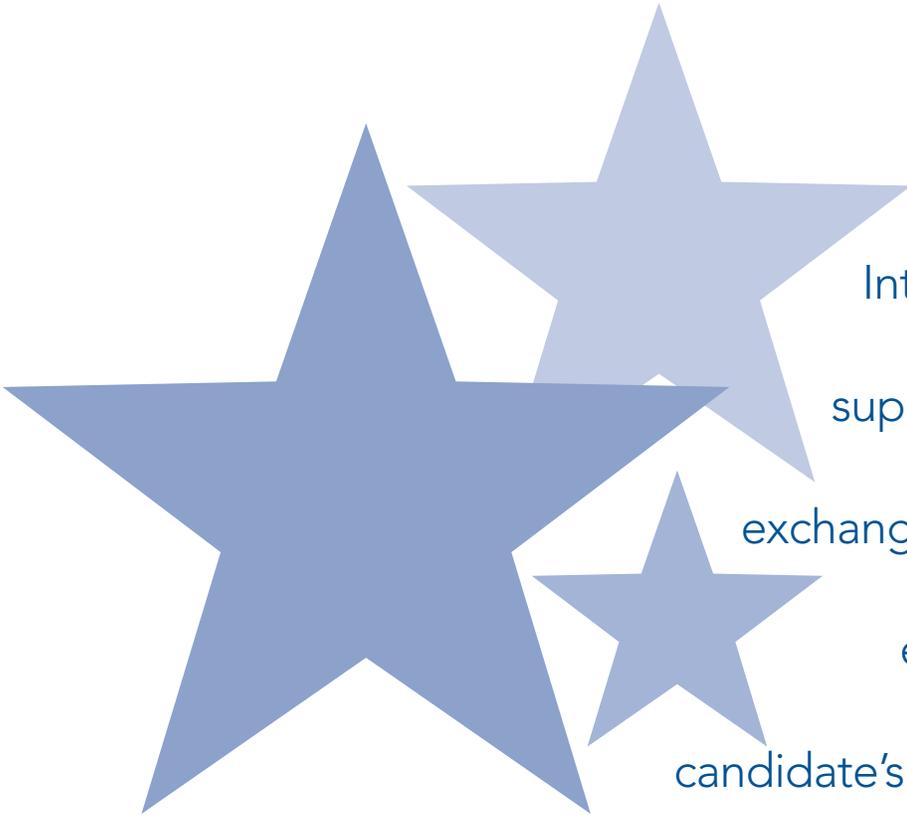
Elections have undergone profound changes in the past few years, spurred by federal law, dollars and partisan concerns over both inclusiveness and fraud. At the same time, there has been a growing interest in conducting field research and observation to figure out where weaknesses in the election process are, where changes should be made and how the process can work better for voters, election officials and candidates.

Getting news from the field on election day has often been like a children's game of telephone. One campaign volunteer hears something from a voter and passes it on to another. The circle grows until someone finds the reporter nearby, who then calls the election office to see if the rumors are true. They are confirmed or denied and the process begins anew until the polls close.

Inside

Executive Summary	3
Berkeley Wait-Time Project	4
Q&A with Berkeley Researchers	6
Journalists/Bloggers at the Polls	8
Observing by Doing	9
State Laws and Regulations	11
Advocates at the Polls	13
Partisan Poll Watching	15
Methodology/Endnotes	18

Above: European politicians observe a 2004 election in Minnesota



Intra-party squabbles have sprung up in 2008, with supporters of Hillary Clinton and Barack Obama exchanging accusations in Ohio, New Hampshire and elsewhere over efforts to include or remove their candidate's polling place observers.

The process is changing, however. Last year, a group of students from the University of California-Berkeley undertook a scientific observation effort employing uniform checklists, standards and more than 100 volunteers.

Journalists and bloggers have been ramping up their involvement as well, with some attending poll worker training programs or even working at the polls on election day to offer first-person and in one case live reporting from the field.

Advocacy groups, representing a number of interests including civil rights protection and paper-based voting, have developed sophisticated Web sites to track and compare complaints made to election-day hotlines offering insight into problem frequency and location.

And of course, political parties, focused on making sure the process is fair to their candidates, have been active as well. Armies of Democratic lawyers have in recent years descended on polling places by the thousands. Republicans, though slightly less organized nationally, have their own observation efforts led by state and county party leaders.

Controversy has occasionally ensued. Democrats have accused Republicans of intimidating voters by writing down names and even taking photographs. Republicans in turn have accused the Democratic

lawyers of transforming polling places into partisan campaign headquarters "just a few feet from where voters would cast their ballots."¹

Intra-party squabbles have sprung up in 2008, with supporters of Hillary Clinton and Barack Obama exchanging accusations in Ohio, New Hampshire and elsewhere over efforts to include or remove their candidate's polling place observers.

Despite the chaos they sometimes cause, partisan policing of the system can have benefits as well. Party observers have intervened when poll workers violated state election law or policy and have offered advice on voting machine allocation.

In this, the 22nd *Electionline Briefing*, different forms of election-day observation are explored, from the academic to the partisan to the journalistic.

The early returns suggest that even small-scale projects can shed light on the process. A single reporter serving as a poll worker on election day can cut through rumors and provide perspective and balance on events during the voting process. Partisan efforts to watch the polls can help diffuse conflicts and make sure poll workers follow the rules.

Just as elections have been changed by new machines, rules and scrutiny, so too has the process of observing.

Executive Summary

Intense focus on the administration of elections has led to an increase in the number of poll watchers on hand during voting.

Members of the media, interest groups, political parties and even foreign delegations have ramped up their polling place observation efforts since 2000.

With new machines and procedures, the conduct of elections has become nearly as important as the outcome. First-person observation, media reports and field research can yield new insights into the election process, show where weaknesses might occur in the system and point to possible solutions to make voting more efficient, accurate and convenient.

Access rules

The level of accessibility to the polls varies tremendously across the country. Many state laws and administrative codes—on their face—restrict access to the polls by media and unaffiliated (not connected to any political party) observers. In many cases, though, exceptions swallow these rules as state and local officials can (and do) grant access to the polls on a case-by-case basis according to their individual jurisdictions' custom and practice.

Election-day research

Graduate students at the University of California-Berkeley undertook a research project to attempt to measure one aspect of the voting process familiar to many Americans during high turnout elections—the wait.

The project involved observations in 30 polling places in three counties, each using different voting systems. During the 2008 state presidential preference primary in February, 120 volunteers descended on polling places with clipboards and survey sheets, recording the amount of time voters spent in the precinct.

Journalists/Bloggers

Members of the media account for thousands of election observers. *The Associated Press* deploys 1,500 exit pollsters and 4,500 stringers to collect information on election day. Their findings are used after polls close to project winners. But over the course of the day, trouble at polling places can be investigated and broadcast.

Some reporters have started taking poll worker training courses to gain a better understanding of the process and have been assigned specifically to focus on the administration of the vote rather than the horse race. A handful of reporters and bloggers have also served as poll workers and have offered unique perspectives on election administration from the inside, even in states and localities where observers are generally prohibited from entering.

Advocates

Seeking to police the system at the source, advocacy groups have been a fixture at polling places since the 1960s. But in recent years, with concerns about voter access, electronic voting machines and language barriers growing, organizations with a broad array of interests and hordes of volunteers have become regulars at polling places.

The Election Protection Coalition is the most visible of the organizations at polling places around the country during federal elections. Other groups have included computer scientists monitoring electronic voting equipment through *VerifiedVoting.org* and Asian-American and Latino lawyers monitoring compliance with language requirements.

Their presence has been somewhat controversial, with some leaders questioning whether the monitors represented more of a hindrance than a help on election day. One local election official said he trained poll workers to deal with any poll watchers who don't "stand there and keep their mouths shut."

Partisans

Political parties have stationed observers and poll watchers inside polling places for decades. In recent years, however, monitoring efforts have undergone a pronounced expansion, particularly among Democrats. The party organizes teams of attorneys, the Democratic Lawyers Council, to stand outside polling places around the country, particularly in battleground states.

Republicans take a more decentralized approach, with observation efforts left to local party organizations. The Palm Beach County, Fla. Republican Party organized more than 100 poll watchers for the 2006 election.

Republican poll watchers have been active in parts of Ohio, Missouri and other states as well.

Students Look to Measure Polling Place Experience

Early in 2007, graduate students from the Goldman School of Public Policy at the University of California-Berkeley posed a question that cuts to the core of a voter's election-day experience—why do lines form at polling places?

Doug Spencer, Zach Markovits, Morgan Hanger and Jonny Morris quickly discovered that there was little available data on what actually happens inside polling places.²

To those familiar with election administration issues, the lack of data comes as no surprise. The students decided to fill the void themselves by conducting their own field study via direct election observation.

In February 2008, the team dispatched 120 volunteers to three Northern California counties to observe and record firsthand how polling places function.

This was not solely an academic exercise either. They hoped to provide election officials with hard data they could use.

"Elections officials across America are typically confronted with trade-offs across various voting criteria—security, accuracy, efficiency, immediacy and cost-effectiveness—often with little data to inform their decisions," the draft report stated. "We set out to employ common social science methods to illuminate the various determinants of waiting times for voting, the ways in which counties can reduce lines and what these changes might cost. To help improve efficiency in these ways, it was imperative that we captured data from an actual election."³

From research to field study

In late 2006, *electionline.org* was contacted by the Goldman School to sponsor a policy paper for a first-year graduate student workshop class. The class requires students to analyze a problem for a real-world client while the client serves as a resource and sounding board as the students conduct their research. *Electionline.org* chose to sponsor an examination of lines at polling places.

The project selected by the four students in early 2007 was initially seen as a data-mining task. They conducted a literature review, discussed the project with *electionline* staff, reached out to state election officials and university professors, and contacted news reporters who had covered the issues.

They soon found that much of the available body of reference was limited to news stories and personal anecdotes.

In April 2007, they presented their final project—a pilot proposal on how to gather the data—to the class and to a member of *electionline's* research team.

Over the summer, they began to search for funding necessary to collect data from 24 California counties and 150 polling places.

By the fall, two of the original four members of the group—Doug Spencer and Zach Markovits—were still pursuing their project. And in October 2007, they secured money and administrative support from the Survey Research Center at U.C.-Berkeley, headed by Henry Brady, a

political science professor, for a scaled-down version of their project.

Preparing for the pilot

Creating the pilot program involved several steps:

- Determining what should be observed, how to record observations and how to present findings.
- Establishing criteria for selecting jurisdictions and securing cooperation of local officials.
- Recruiting sufficient numbers of volunteer observers.
- Training observers and keeping them motivated.
- Preparing for a variety of contingencies on election day.

In looking at lines at the polls, the group identified two distinct activities: voter check-in and ballot casting. The study design called for recording wait times for each step.

Two data gatherers were stationed at each polling place. The first recorded arrival rates and, every 10 minutes, would tally both the number of people waiting in line and the number of poll workers engaged in assisting voters. The second kept track of every fifth voter as they proceeded through the two services—noting the amount of time they spent at the check-in table and the amount of time they took to cast a ballot.

"With this information, we are able to calculate the mean service time for checking in and the mean service time for casting a ballot, and then by comparing that to the rate of arrivals and number of voters waiting in line, we will be able to compute

While state law allows for observers at polling places, they contacted each county registrar ahead of time to inform them of the project. The registrars were receptive and expressed interest in learning the results of the study.

the average time that voters waited to vote and model how changes in the process (DRE failure, adding extra privacy booths or additional poll workers) affect the waiting time of voters,” the report stated.⁴

For additional analysis, they also gave questionnaires to poll workers asking for basic information—age, education and sex. Poll worker activity was also tracked as they served voters with the hope of helping explain some differences in service rates.

Selecting counties to observe

Where they conducted the study was limited to some extent by both funding and their geographic location in Northern California.

After paring down their initial plan to observe polling place operations in 24 counties to four counties for budget purposes, they had to quickly adjust again when California Secretary of State Debra Bowen (D) decertified touch-screen voting systems. This left the Hart InterCivic eSlate system as the only DRE in use anywhere in the state.⁵

The result was a study that focused on 30 polling stations in three Northern California counties—Alameda, Napa, and San Mateo, each using different voting technology.

Researchers said selecting which polling stations to monitor was “one of our most important and difficult tasks.”

“We faced a very typical trade-off in collecting data across a large geographic region: having a sample

that was representative of each county and at the same time having a study design that was both economically and logistically feasible. Ideally, we would randomly sample polling stations within each county, but the logistical and economic demands required of driving observers to 10 randomly selected locations across a county as large as 750 square miles were too arduous to be practical,” the report stated.

To simplify the process, the students organized precincts into geographic clusters and then stratified them by income. Then they selected precincts that fit into the geographic and income criteria randomly.

“While this method is admittedly not perfect, it does provide useful data, generates power, is representative and made it logistically feasible for us to carry out the study,” the report stated.⁶

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Recruiting and training observers

Besides figuring out where to conduct their study, the other significant challenge was finding a sufficient number of volunteer observers, training them and making sure they showed up and performed their jobs as expected.

The study required 120 data gatherers—one pair at each of the 30 polling places, 60 volunteers observing the first half of the day and another 60 for the second half of the day.

“This was the most time-consuming and nerve-racking part of the study. Almost 500 people were

Q&A with Doug Spencer and Zach Markovits, Berkeley Researchers¹⁰

How did the project begin? What led you to conduct your own field study?

What we hoped to find was information on how long it took people to cast a ballot on different kinds of voting machines, how different check-in procedures affected line length or whether voters arrived at different rates throughout the day. These variables had not been systematically examined before. We were surprised, given the attention paid to election administration, voting technology and long lines. Additionally, this data seemed very easy to get.

During one brainstorming session when we realized that we were not going to find the data that we wanted, somebody mentioned developing a model of what data we would need and how we would capture it. We thought that the data would be easy to get and that a data collection project would be—at least conceptually—very basic.

How did your concept evolve as you were preparing for it?

The one major concept that changed was how to measure waiting time. Throughout the course of designing this project, we had lots of trouble determining how one individual would be able to record the time a voter got in line while simultaneously tracking other people who were engaged with other stages of the voting process. Often polling places are designed in a way where, during a busy time, the end of the waiting line extends out of the door of the room where the vote takes place. Our study design, simply put, had one poll worker inside the polling place tracking voting times and one outside counting arrivals. We had several conversations about how to coordinate the data gathered by both observers. It took a third party (our funder and principal investigator Henry Brady), to look at the design and point out a simple solution: have the person outside count the people waiting in line at regular intervals and then generate the waiting time after the fact. The ability to have fresh eyes look into the seemingly intractable problems of this study ultimately proved invaluable.

What were the biggest challenges during preparation? What about on election day?

Overall, we were petrified that we could not recruit, train and convince enough people to show up on election day. The recruitment process required diligent e-mailing, lecturing and calling individuals.

In addition to recruitment, the biggest challenge was ensuring that the observer training prepared for every possible contingency. Fortunately or unfortunately, each polling place is different and each poll worker enforces the election rules in different ways. It was critical that we imparted to each volunteer not only the purpose of this study and how to collect the data, but the rules that govern the election process in California.

What was the reaction at polling places of poll workers and voters?

In general, poll workers were indifferent to our observers. We instructed our volunteers to keep their interactions to a minimum. To ensure that we did not violate any human subject or voting protocol, we provided the volunteers with predetermined answers to several questions and encouraged them to be polite, yet concise, in all of their interactions.

How did you get the local election officials in the three counties on board?

California law permits anybody to observe polling stations on election day. However, we contacted the registrar of voters in all three counties to let them know that observers would be at 10 polling stations in their jurisdiction. Each of the registrars was very appreciative that we contacted them and they told us that if any of our observers were confronted by skeptical poll workers that they could call the registrar's office for help. Fortunately this was not necessary although it was quite reassuring to know that we were a known entity in the registrars' offices and that they were excited about our study. Overall, every office was extremely helpful—very friendly and easy to work with.

How did you manage costs?

We worked for free. While not an ideal situation, we were excited to collect this data and decided the experience itself was well worth paying for our own tuition and fees. And despite several ideas of interesting data we wanted to capture, we maintained a design that could be executed by just two observers. Some of our initial plans involved as many as four observers in each polling station at a time.

Lack of funds did not jeopardize the data collection; we collected all of the data that we originally wanted.

How could the study have been improved?

Provide more specific instructions about non-traditional voters. We grossly underestimated the number of voters that went to polling stations to drop off their absentee ballot. Our observers noted that in some polling stations as many as 30-40 percent of all arrivals dropped off absentee ballots. We neither provided a check-box for this action, nor properly explained whether or how to track these voters. Many of our observers noted that an absentee ballot had been submitted, but the collection was not standardized.

And because California allows no-excuse absentee voting, permanent mail-in voting, and also because the Democratic primary was restricted to Democrats and Decline to State voters, many who arrived at polling stations were instructed to fill out provisional ballots. Again, we neither provided a check-box for this contingency, nor adequately trained our observers to deal with this. Most of the observers noted whether a voter had filled out a provisional ballot, but their method was ad hoc.

recruited in order to get 120 to show up on election day. It was quite difficult to get a seven-hour commitment from 120 different people,” the report noted.⁷

While no one got paid for the project, a \$60 gift card was provided as incentive and recruitment was undertaken in the communities in and around U.C.-Berkeley. General recruitment included posting flyers around campus. Additionally, the students made pitches to interested audiences including politically engaged students in classes and clubs.

Three-hour training sessions were conducted the weekend before the February 5 primary and included presentations and role playing. They also supplied observers with a list of potential questions they might hear from poll workers or voters and instructed them to be polite but concise in their interactions. In practice they found that most of the observers were ignored.

Election Day

Election day arrived and the team was ready with four vans to take the observers to their assigned polling places, and snacks and lunches were prepared for everyone involved. Drivers were instructed to visit multiple polling places throughout the day to address any problems that cropped up. To the researchers’ surprise, only one person (who overslept) did not show up.

While much of the data analysis had not been completed at press time, the observers noted 11,500 voters arriving at all polling places and they recorded data on 2,100 voters as they went through the voting process.

“With such a rich data set, we expect to spend the next few months running tests to isolate variables that significantly contributed to waiting times and to see if there are any other interesting correlations that might inform our study,” the report stated.⁸

Lessons learned

Overall, the authors said they were satisfied with the quality of the data collected. However, in hindsight, they said, there were at least two contingencies they would have prepared for differently.

They said they would provide more detailed instructions to observers about how to deal with non-traditional voters—specifically absentee and provisional voters. Many voters dropped off absentee ballots at polling places on election

day and there was no area on the observation sheets to mark. The same was true of provisional votes cast.

They also would have investigated each polling place more thoroughly ahead of time to learn more about details such as how many precincts were at each station (county information was wrong about four), expected turnout and whether the observers have opportunities to sit.

All told, however, the researchers said the observation, though limited in scope, still provided quite a bit of insight.

“It is quite possible that the voting process can be made more efficient and more pleasant for the voter without increased public expenditure, but to do so will require better data about how polling places serve voters on Election Day. Gathering this data does not require vast sums of money, armies of volunteers or complicated research designs,” they said.⁹

Results from the study were still being disseminated at press time.

“Gathering this data does not require vast sums of money, armies of volunteers or complicated research designs.”

— U.C.-Berkeley researchers

Journalists/Citizen Journalists, Bloggers expand activities at polling places

An estimated two million poll workers deployed throughout the United States to administer a federal election make up the nation's largest one-day workforce.¹¹

The second largest group—other than the partisan watchers—just might be *The Associated Press*.

The AP's dispatches feed an estimated 1,700 newspapers and 5,000 radio and TV stations. An AP story that hits the wires at mid-morning could be world news by lunch.

For this year's presidential election, the AP will deploy approximately 1,500 exit pollsters and 4,500 stringers to collect vote totals as the polls close, said Mike Silverman, the AP's senior managing editor. And that does not include the reporters assigned to polling places during election day as well as affiliates who work for other news organizations and provide information to the news service.¹²

Polling places always draw a crowd. From the campaigners waving signs outside to the dozen or more poll workers and lines of voters, the central focus of election day is on the precincts. Some of the most significant information to come out of polling places on election day comes from the media, who have significantly upped their presence at the polls since 2000.

The horse race and the process

Reporters and bloggers alike have provided the most extensive first-hand accounts of activities on election day for the past eight

years. While access to polling sites varies by state, journalists, even those standing outside the polls, are able to give a more complete picture of successes and failures. That means going beyond the horse race and into the voting experience itself.

"We routinely send staffers and stringers out to some of the more problem-prone counties asking officials if they're having problems," Silverman said. "We talk to people, to voters, asking if they had enough ballots at the polling place or whether machines didn't work. We also have other ways of getting information that isn't directly related to news reporting. The exit poll operations are certainly in a position to report if there's anything unusual going on at a polling place. Also the vote count collectors—they can report if polling place hours have been extended."¹³

The media army on the ground can also report on voting-machine and electronic poll book problems, ID complaints, late-arriving poll workers, long lines and a host of other problems that have plagued recent elections.

There has also been a shift in the emphasis of election-day journalism as well. The goals of journalists on election day have changed as well.

"Instead of asking people how they've voted, what I've done and what other reporters at National Public Radio have done is ask people, 'how did it go?, How were the machines, was your name on the [voter registration] list,'" said

Pam Fessler, a reporter for National Public Radio who has been covering election administration issues since 2000. "It's important that reporters watch the process."¹⁴

Where to look?

This year, press attention in the process could be particularly high. The primary season saw ballot shortages, lines and other problems in Texas, the District of Columbia, Ohio and elsewhere.¹⁵

Deployment is a complicated issue, however. As Fessler noted, problems could crop up almost anywhere.

"You didn't know the Sarasota County, Fla. Congressional election would have something happen that would resonate for a couple of years," she said, referring to the 18,000 under votes in the race for Florida's 13th Congressional district. "Who knew Montgomery County [Maryland] in 2006 would experience major problems?"¹⁶

For most news outlets, the allocation of resources on election day means going to places where troubles have arisen in the past. Cleveland, Miami, Ft. Lauderdale, Fla., West Palm Beach, Fla., Pittsburgh, San Francisco and Indianapolis have been destinations for reporters looking to see if past troubles would be repeated.

The AP has the advantage of having many more people on the ground who can report trouble if they see it during the day, tipping off local bureaus that more investigation could be necessary.

Reporters are not the only ones

who monitor polling places for a national audience. Bloggers have become fixtures at polling places as well.

Bloggers bring networks, experience

Avi Rubin, a Johns Hopkins University computer security expert who has raised concerns about Maryland's electronic voting systems

in the past, has served as a poll worker in Baltimore County. His experiences were documented extensively on his blog, *avi-rubin.blogspot.com*, including his experiences with the electronic poll books "that failed so miserably in [the 2006 primary]."¹⁷

As with some other bloggers, advocates and experts, Rubin faced the challenge of being known for

having a position on the voting system even as he was expected to perform his duty as a poll worker and administer a successful vote on a machine in which he had many doubts.

"By the time our election came around today, my position on e-voting was pretty well known to my fellow judges and many of the voters who came in to the precinct

Some Reporters, Bloggers Observe By Doing

While states have a variety of rules governing access to polling places, there is one guaranteed method to get inside—serve as a poll worker.

As interest in election administration has grown in the past few years, so too have the number of journalists, bloggers and citizens concerned about the conduct of elections who have elected to work at the polls to see for themselves how elections function.

Avi Rubin, a computer security specialist and professor at Johns Hopkins University, has served as a poll worker for a number of elections in his home district in Maryland. In his professional capacity, he has conducted research examining the source code of one type of Diebold touch-screen voting system, finding that "voters, without any insider privileges, can cast unlimited votes without being detected by any mechanisms within the voting terminal software."²⁷

As a citizen, he elected to become a poll worker and administer an election on the very same machine that he criticized—a potentially awkward situation.

"I've been asked targeted questions about the machines by people who knew who I was and also by people who had no idea," Rubin said. "I just wear a different hat. I tell people 'I'd be happy to talk to you [about voting machine security] after the election.' I basically say that these are the machines that we have and I have personal opinions about them that I don't want to share during the election."²⁸

California-based journalist and radio correspondent Kitty Felde served as a poll worker in Los Angeles County, at the suggestion of then-L.A. County Clerk Conny McCormack.

"She said at a presentation, if you want to see how it works you should do it yourself. I asked her, 'are you saying I can report and be a poll worker on the same day?' And she said, 'of course,'" Felde said.²⁹

She attended a training that lasted several hours in preparation for California's Super Tuesday primary. Like most other poll workers around the country, she experienced a long day and a number of unforeseen problems that required some judgment calls on the part of the one-day employees serving as poll workers.

Some Republicans unclear on the state's closed primary wanted to cast ballots for candidates in the other party's race—a no-no under California rules.

"They were frustrated. I called downtown to see whether their write-in votes [for the other party's candidates] would end up counting, and they said of course not," Felde recalled. "So we started telling people it wasn't going to count. Then they demanded Democratic ballots. Some were so mad, they just walked out without voting."³⁰

An *electionline* staffer who worked as an electronic voting machine clerk at his home precinct in the District of Columbia reported on his experiences for the organization's newsletter the next week, noting paper ballot shortages, long lines and misprogrammed machines that did not display adequate information in Spanish for the many Spanish-speaking voters who lived in the neighborhood.

“If there’s a claim being made about something going on inside a polling place and in some conditions we can get inside and see for ourselves, we certainly would be cautious about believing outrageous tales and put anything on the wire about anecdotal reports.”

— Mike Silverman, *The Associated Press*

today,” Rubin wrote.¹⁸

He also noted a problem with a voting machine in which a voter who pressed the “cast ballot” button had his card spit out, indicating the process was finished, but a vote summary screen remained. When he pressed the cast ballot button again, an error message appeared.¹⁹

Rubin and others could not be certain that the vote counted, and instead gave the voter a provisional ballot.

Blogs can often give the earliest chronological accounts of problems on election day.

Kevin Drum, who publishes a blog on *Washington Monthly’s* Web site, wrote about vote-center meltdowns in Denver, Colo. during the 2006 vote. He gave an hour-by-hour account of problems, concluding that heads would roll after electronic poll books stymied poll workers.

“John Gaydeski: remember the name,” Drum wrote. “By tomorrow, the chairman of the Denver Election Commission may be almost as infamous as Katherine Harris.”²⁰

In fact, it took a few more days.

But by Friday, Gaydeski told local media in Denver that he was responsible for the city’s botched election.²¹ One month later, he announced his resignation, though agreed to stay on for a few more months.²²

Blogger Christy Hardin Smith, who writes “Fire Dog Lake,” reported voting machine problems in Ohio at 6:48 a.m. in November 2006, just 18 minutes after polls opened in the state, the first of many reports that would be published online from all over the state.²³

With networks of regular readers, blogs can serve an important role as first responders.

Professional journalists, many of whom produce blogs for their employer’s Web sites on election day, tend to be more cautious than the unaffiliated bloggers sometimes waiting much longer than blogs to publish reports of problems.

“I guess to the best of our ability we would do our own reporting and not take stuff based on hearsay or anecdotal accusations by individuals,” Silverman said. “If

there’s a claim being made about something going on inside a polling place and in some conditions we can get inside and see for ourselves, we certainly would be cautious about believing outrageous tales and put anything on the wire about anecdotal reports.”²⁴

First person observation isn’t always simple. A reporter or blogger getting inside the polling place can be a sensitive issue for poll workers, voters and local election officials.

Access rules vary by state. In some states, such as Pennsylvania, reporters must receive permission from the jurisdiction in which they seek to cover. At least two jurisdictions—Allegheny and Westmoreland—allow political parties to be the gatekeepers at polling places and issue credentials.²⁵ New York City grants permission from a central office and requires reporters to carry a permission letter with them into precincts.

Sometimes, however, observation does not require a journalist or blogger to stand inside the polling place itself.

Fessler said she generally stands outside per state or local policies, which she said make sense, up to a point.

“I think people should not talk to voters who are in the polling place voting,” she said. “You can do that just as easily outside. I think it’s important that reporters be allowed in to watch the process. You can see how long lines are, first hand, and what the cause might be.”²⁶

State Media and Public Access to Polling Places

Note: This chart lists state laws regulating media and public access to polling places. In practice, access may vary significantly from jurisdiction to jurisdiction.

State	Laws and Regulations
Alabama	Only voters, persons assisting voters, election officials, the sheriff and deputies are allowed in polling places. ³¹
Alaska	Only voters, election workers and official poll watchers are allowed in polling places according to Alaska Statutes. ³²
Arizona	Only voters, election officials and poll watchers may be within 75 feet of a polling place. Definition of poll watchers does not include media. ³³
Arkansas	Access rules are determined by each local election commission. Generally, members of the Arkansas law requires election officials to prevent crowds from gathering near polling places and forbids any person to “interfere in any manner” with voters or officials during the election. ³⁴
California	Only poll workers and voters actively engaged in voting may be within the voting booth area, but members of the public may be in the polling place to observe provided they do not interfere with the voting process. Observers may ask poll workers questions regarding election procedures so long as they do not distract them from their duties. Voters may not be photographed, videotaped or filmed entering or exiting a polling place or within a polling place without their explicit permission. Some counties and jurisdictions have different regulations but the state policy regarding media and pollsters requires them to be at least 25 feet from the polling place before speaking to voters. ³⁵
Colorado	Only voters and election officials are allowed within six feet of the voting booth area. The law does not specifically proscribe or provide for observer access to polling places, leaving the decision to local officials. ³⁶
Connecticut	Representatives of the news media shall be allowed to enter, remain within and leave any polling place or restricted area surrounding any polling place to observe the election, provided any such representative who in any way interferes with the orderly process of voting shall be evicted by the moderator. ³⁷
Delaware	Only voters, persons assisting voters, voters’ minor children and poll workers are allowed in the polling place. ³⁸
District of Columbia	Besides voters, police officers and duly qualified election watchers only persons authorized by the Board of Elections and Ethics may enter a polling place. ³⁹
Florida	Members of the media are not allowed in the polling room while polls are open; afterwards anyone may enter to watch post-election procedures. ⁴⁰
Georgia	Georgia law limits access within the enclosed area of the polling place to poll workers, voters, those assisting voters and other officials. Exit and opinion polling may not occur in any room in which ballots are being cast or within any area that can be seen or heard by voters. ⁴¹
Hawaii	Media may be allowed inside polling places with prior permission from the state Office of Elections or the local county clerk. State law designates an area of 200 feet around polling places, within which exit polling is forbidden and other restrictions as determined by election officials may apply. (Attorney General Opinion 84-4 interprets this statute to preclude exit polling within a 1000-foot radius rather than 200 feet). ⁴²
Idaho	Members of the media are not allowed inside the polling place. ⁴³
Illinois	Only voters, poll workers and challengers authorized by law are allowed in a polling place. ⁴⁴
Indiana	Members of the media are not among those permitted within polling places. ⁴⁵
Iowa	Poll workers should allow reporters and photographers inside the polling place and to take photographs or film as long as they do not interfere with voting. Interviews with voters should take place outside the polling place and only after voters have cast a ballot. ⁴⁶
Kansas	Media may be allowed in polling places subject to approval of the supervising judge of the polling place and/or the county election officer. ⁴⁷
Kentucky	Only voters and election officials may enter the polling place; media must remain outside for interviews and polling. ⁴⁸
Louisiana	Press is allowed as long as they are not interfering and not revealing a person’s vote. Exit interviews must be conducted outside of the polling place. ⁴⁹
Maine	If the polling place has sufficient space, then additional poll watchers and others are allowed to be in the polling place outside the guardrail to observe the process as long as they don’t interfere with the free passage of voters. ⁵⁰
Maryland	Access is subject to authorization by the state or local board of elections. ⁵¹
Massachusetts	Media are allowed to observe outside the guardrail. ⁵²
Michigan	Anyone, including members of the press, may observe voting from within the designated public area of the voting place as a “poll watcher.” Poll watchers may view the poll book and observe the work of the absent voter counting board with permission of the precinct board chair. Exit polling and interviews must take place at least 20 feet from the entrance to the building. ⁵³
Minnesota	A news media representative may enter a polling place during voting hours only to observe the voting process. A media representative must present photo identification to the head election judge upon arrival at the polling place, along with either a recognized media credential or written statement from a local election official attesting to the media representative’s credentials. A media representative must not: approach within six feet of a voter; converse with a voter while in the polling place; make a list of persons voting or not voting or interfere with the voting process. Otherwise, no person is allowed to linger within 100 feet of the polling place entrance except those waiting to vote. ⁵⁴

State Media and Public Access to Polling Places

Note: This chart lists state laws regulating media and public access to polling places. In practice, access may vary significantly from jurisdiction to jurisdiction.

State	Laws and Regulations
Mississippi	Members of the media are not among those permitted within polling places. ⁵⁵
Missouri	Members of the news media must present identification satisfactory to the election judges to enter, and may remain as long as they do not interfere with the voting process or reveal how any person voted or intends to vote. Exit polling and surveying are not allowed within 25 feet of the entrance to the polling place. ⁵⁶
Montana	No provision exists in state law addressing observation at polls. Exit polling and interviews should take place 100 feet away from the election site. Local election administrators may allow a reporter into the polling place as official nonpartisan poll watchers or as observers provided the reporter does not seek interviews with voters or otherwise interfere with the voting process. ⁵⁷
Nebraska	Only voters and authorized officials are permitted within eight feet of ballot boxes or counting tables. Interviews are not allowed within 20 feet of the building entrance. Some precincts may permit journalists inside the polling place if space allows. ⁵⁸
Nevada	Members of the media are prohibited from observing voting. ⁵⁹
New Hampshire	Media and others are permitted inside the polling place but outside the railed area. ⁶⁰
New Jersey	Members of the media are not among those permitted. ⁶¹
New Mexico	No one may approach within 50 feet of a polling place except officials and those going to vote. ⁶²
New York	Media are allowed at the polls and vote canvass. It is recommended that members of the press call the state or local election board ahead of time to obtain a letter of authorization. ⁶³
North Carolina	Only voters and authorized individuals may enter the room in which voting occurs but the statute does not limit access to the building used. ⁶⁴
North Dakota	Media are allowed inside polling places for short periods if not disrupting or hindering voters. ⁶⁵
Ohio	Poll workers must grant representatives of the media access to polling locations as long as voters are not disturbed or delayed. ⁶⁶
Oklahoma	Media are prohibited inside polling places. ⁶⁷
Oregon	Oregon utilizes a vote-by-mail system. On the day ballots are due to be deposited, the county clerk may authorize observers who want to watch the receiving and counting of votes: "The authorization shall be in writing, shall be signed by an officer or its county affiliate of a political party, a candidate or the county clerk and shall be filed with the county clerk. The county clerk shall permit only so many persons as watchers under this section as will not interfere with an orderly procedure at the office of the county clerk." ⁶⁸
Pennsylvania	Media are prohibited inside polling places. ⁶⁹
Rhode Island	Media must not be within 50 feet of an entrance to a polling place and only voters, officials and those waiting to vote are allowed inside. ⁷⁰
South Carolina	Media may be allowed in polling place. However, no person other than a voter or person assisting a voter is allowed within the guardrail. ⁷¹
South Dakota	Media and other individuals may be allowed in polling places as observers. They may look at the poll book and converse with the election board only if this does not interfere with the voting process. ⁷²
Tennessee	Members of the press are allowed in polling places; otherwise, only voters and officials are permitted. ⁷³
Texas	Bystanders are excluded from the polling place and loitering within 100 feet of the entrance is prohibited. ⁷⁴
Utah	No restrictions on media access to polling places. State election law requires that doors and passageways to the polling place and voting area remain unobstructed but does not specifically delimit who may enter to observe. ⁷⁵
Vermont	Media are allowed to observe. They must stand in designated areas and should not speak to voters inside the polling place. Exit polls and surveys are permitted outside. ⁷⁶
Virginia	Media may visit and film or photograph inside polling places for reasonable and limited periods of time while the polls are open. Media must not interfere with the voting process, shall not film or photograph any person who specifically asks not to be filmed or photographed, shall not film or photograph the voter or the ballot in such a way that divulges how any individual is voting, and shall not film or photograph the voter list or any other voter record or material at the precinct in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates or other persons, live broadcasts or taping of reporters' remarks shall be conducted outside of the polling place at least 40 feet from the entrance. It is prohibited for any person to congregate within 40 feet of the entrance. ⁷⁷
Washington	Media may be allowed in the polling place provided they do not interfere with the voting process or otherwise break state electioneering laws. No one may solicit any voter to show his or her ballot within the polling place. ⁷⁸
West Virginia	No person other than officials and those going to vote is allowed within 300 feet of the entrance to a polling place. ⁷⁹
Wisconsin	Any member of the public except a candidate whose name appears on the ballot may be inside the polling place. ⁸⁰
Wyoming	Only voters and authorized personnel may approach within 20 feet of the voting area. Interviews may take place outside of polling places. ⁸¹

Advocates Increase Observation Efforts

A broad assortment of groups, interests bring further scrutiny to polls

In the 1960s, thousands of college students fanned out across the country, particularly in the South, to make sure that every eligible American was assured the right to vote on election day.

Today, advocates still work to make sure that the civil rights of voters are ensured, but a new group of advocates have joined the ranks of the League of Women Voters and the NAACP.

Leading the efforts is the Election Protection program. Spearheaded by the National Campaign for Fair Elections, Election Protection is the nation's largest non-partisan voter protection coalition. The coalition includes the Lawyers' Committee, the National Bar Association, the NAACP and People for the American Way Foundation.

Organizations such as Common Cause, the National Campaign for Fair Elections, Project Vote and Fair Vote have dispatched volunteers to precincts across the country to ensure voting rights. Some of these organizations have poll monitors on the ground—or have volunteers sign up to be poll workers—and others have hotlines set up to accept calls from voters.

After the 2000 presidential election, more and more advocacy groups got active in poll watching, particularly those who were concerned about the rise of electronic voting.

In 2004, over 1,300 computer scientists and other technology professionals signed up to monitor hardware and software on touch-

screen voting machines through VerifiedVoting.org.⁸²

Add that to the tens of thousands of other poll monitors, challengers, lawyers and activists keeping an eye on things and polling places in 2004 and 2006 were at times more crowded with observers than with voters.

"Poll monitoring is one of these institutions at the tension point between security and access," said Alex Keyssar, professor at Harvard University's Kennedy School of Government. "There's nothing wrong with watchers making sure everything is on the up and up. On the other hand ... they could intimidate voters and slow down the lines. There's definitely potential for some chaos here."⁸³

There are few federal laws that dictate poll observers and the U.S. Election Assistance Commission (EAC) has not issued guidelines as was suggested prior to the 2004 election.⁸⁴

Helping or hindering?

"I believe in the integrity of the people who do this type of work, but there's no coordination, there are a whole bunch of different kinds of groups and you can run the risk of people masquerading as helpers, but whose goal is to be a hindrance," said DeForest Soaries, then-chair of the EAC.⁸⁵

The laws at the state level vary and even some counties within a state have different rules about where an observer may stand or whether they may speak to voters near the polling site.

"We just want to ensure that voters can vote without being interfered with," said Larry Lomax, Clark County, Nevada Recorder. Lomax said that his staff has been trained deal with poll watchers who don't "stand there and keep their mouths shut."⁸⁶

VerifiedVoting.org put out a guide for poll monitors in 2004. Besides giving details about things observers should be looking for with regard to the actual process, the guide also lays out general rules for observation.⁸⁷

In addition to groups concerned about electronic voting machines, language advocates, along with the U.S. Department of Justice in some instances, have begun monitoring polling locations on election day.

In 2006, Chinese for Affirmative Action (CAA) had 24 trained volunteers monitor 96 polling locations during the November mayoral election in San Francisco. The monitors, in addition to simply recording their observations, also posed a series of questions to inspectors and poll workers.⁸⁸

The CAA presented its findings—a lack of bilingual poll workers and insufficient written materials—to the Department of Elections.⁸⁹

While some would consider the 2000 presidential election and its aftermath a disaster, it was a true disaster that created a new coalition of observers in Louisiana.

In April 2006, just nine months after Hurricanes Katrina and Rita ravaged the Gulf Coast, New Orleans held a mayoral election.



Statewide, 208 volunteers observed audits in 70 of Minnesota's 87 counties. The volunteer reports generated from the observation project gave Citizens for Election Integrity Minnesota an up-close look at Minnesota's voting system.

Election officials from across the state mobilized to pull off the election and advocates mobilized to make sure everyone who wanted to vote was given the opportunity.

A network of non-partisan organizations called the Louisiana Voting Rights Network, along with Unity '06 fanned out across Orleans Parish on election day ready to help in any way and hand out information about voting rights.

"Things seem to be going really very well," said Joshua McCann, one such volunteer, while handing out information outside of the New Orleans Baptist Theology Center, one of the larger polling places that held more than a dozen precincts. "People seem to be in a generally good mood."⁹⁰

McCann was a college student who, by his own admission, had never really gotten involved locally but felt compelled to do so for the New Orleans election.

One election commissioner was overheard remarking that in her

more than 20 years of being a poll worker, not once had she ever seen an outside observer at a polling place until 2006.⁹¹

Observing the audits

And it's not just election-day observations that interest advocates. Some groups seek to witness the counting and the auditing processes.

Citizens for Election Integrity Minnesota (CEIMN), a non-partisan, nonprofit organization that describes itself as "dedicated to ensuring accurate and verifiable elections," worked with legislators, election officials and the secretary of state's office to help revise the Post-Election Review law in the 2005-2006 legislative session.⁹²

In the spring of 2006, CEIMN partnered with the Minnesota League of Women Voters to conduct the nation's first citizen observation of an election audit. Statewide, 208 volunteers observed audits in 70 of Minnesota's 87

counties. The volunteer reports generated from the observation project gave CEIMN an up-close look at Minnesota's voting system.⁹³

"The volunteer feedback was just over the moon," said Mark Halvorson, director of CEIMN. "People said this was the best experience and they really felt they were part of something because this was the first statewide audit in the country. This was a really positive experience from top to bottom."⁹⁴

Halvorson's organization has encouraged other states like Connecticut to get their own audit observation groups started and, in November 2007, the Connecticut Citizen Election Audit Coalition observed its first election.⁹⁵

"Our goal is to have every state get robust audits passed and then have organizations nationwide participate in citizen observations," Halvorson said. "Citizen observations are really the best way to ensure the vote."

Role of Political Parties at the Polls Evolves

Observers from both sides of the aisle focused on the process

The Democrats' army of lawyers

The formation of the Democratic Lawyers Council began soon after the 2000 election when a group of Democratic lawyers started discussing how they could prevent the post-electoral chaos in Florida from recurring. In 2004, thousands of Democratic Party-affiliated lawyers went to states to assist election protection efforts.⁹⁶

"We've tried to change the mentality that it's just the battleground states ... We wanted New Mexican lawyers to be working in New Mexico and that's something we've really been working on," said Anna Martinez, deputy political director for voter protection at the DNC.⁹⁷

Martinez said DNC lawyers formed relationships with local election administrators to bridge the gap between election officials and state parties. Local election officials have direct influence on certain areas of election administration that aren't spelled out specifically in election code, such as voting machine allocation formulas, she said. By helping election officials prepare, the lawyers hope to prevent or decrease typical election-day issues.⁹⁸

"We really wanted to get to the root of potential problems in election administration," Martinez said.⁹⁹

DNC field organizers started surveying local election officials in August 2007 to identify potential problems and have so far completed more than 1,000 surveys. State

election protection manuals, which are being updated by members of the Democratic Lawyers Council, will include survey results, new changes to election law mandated by the state legislature, deadlines and precinct problem-solving grids.¹⁰⁰

"The lawyers also look at potential issues that they consider litigating ... but always trying to solve things in an administrative way first," Martinez said. The lawyers will train poll watchers and field organizers using the manuals. "We really want voter protection to be integrated into the campaign operation and the entire field operation," she said.¹⁰¹

The DNC hasn't been active in election day poll monitoring during the primary season for neutrality reasons though they received calls from voters who experienced machine malfunctions or got to the polls and found their names weren't in the poll book. Election officials from both parties have expressed concerns that they were overwhelmed by turnout in the primaries and are worried that they may not have enough equipment or staff on hand in November, Martinez said.¹⁰²

In the last presidential election, 17,000 poll watchers and lawyers worked at polling places for the DNC, distinguished by their blue DNC baseball caps. More than 8,000 poll watchers and lawyers participated in November 2006. Martinez said she expects more volunteers for 2008 and said that they already received calls from lawyers who want to get involved.¹⁰³

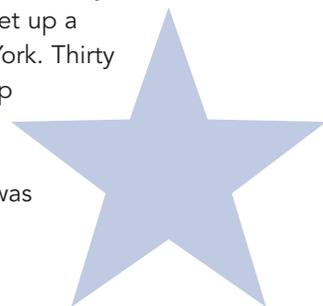
"We will be in states that aren't necessarily presidential targets ... there are going to be important races in almost every state," she said.¹⁰⁴

Steven Newmark organized about 1,200 lawyers to volunteer around the country for the Kerry campaign in 2004 but an experience he had while helping the campaign in Florida stuck with him. Newmark had checked on early voting sites around the state and felt confident, seeing that it was pretty easy for voters to get in and out.¹⁰⁵

Then he visited a polling place near Ft. Lauderdale.¹⁰⁶

"You couldn't even park in the parking lot and the line to vote was three hours long," Newmark said. He started talking to voters waiting at the end of the line and he was surprised to learn that this wasn't out of the ordinary. Voters told him, "this is what it's always like for us."¹⁰⁷ "My heart kind of sunk because at that point I had been working for several months," Newmark said, "and I thought I was pretty successful ... I could have recruited 12 million lawyers" and it wouldn't have solved the problem. "You can't solve problems on election day. You have to solve problems before election day."¹⁰⁸

After the election, Newmark emailed the lawyers he organized to set up a meeting in New York. Thirty people showed up and the New York Democratic Lawyers Council was born.¹⁰⁹



The group agreed that they wanted to work with the party rather than become a nonpartisan 527 group. “We felt like some of these laws and some of these applications around the country were hurting our voters disproportionately,” Newmark said. “As a partisan, it cost my party votes.”¹¹⁰

Newmark said that poll workers appreciate the help of poll watchers. For example, poll watchers may have information on where a voter should go if they arrive at the wrong precinct.¹¹¹

Recently, Newmark helped organize poll watchers for a candidate in the Feb. 5, 2008 New York primary. “You can’t get an election that’s run 100 percent smoothly but we were happy with the way the day went when all is said and done,” he said.¹¹²

“In a primary, the biggest concern is not with any form of intimidation or malfeasance, it’s proper election day administration and coping with the problems that arise when you have the incredible turnout that we had,” Robert Donovan from the New York

Democratic Lawyers Council said. Most recently, Donovan organized poll watchers for a candidate in the Rhode Island primary on Mar. 4, 2008.¹¹³

Coming from an international election observation background, Donovan pointed out that domestic election observers “have the right to intervene on behalf of voters,” unlike international election observers. “At the very least, our poll workers will stand next to the voter and say, just because this person is telling you that you don’t have the right to vote” doesn’t mean that the voter cannot cast a provisional ballot, he said.¹¹⁴

Donovan worked in international election observation from 1998 to 2004 and was in Bosnia during the 2000 presidential election. “We were abroad preaching democracy and international standards of fairness and transparency” while the recount in Florida was confusing and unclear. At that point, Donovan said to himself, “Come 2004 I was going to be in Florida.”¹¹⁵

The New York Democratic Lawyers Council is particularly active

because they can easily travel to other parts of the country and don’t have to worry as much about observation in their own state since New York has significantly more registered Democrats than Republicans.¹¹⁶

Both Newmark and Donovan are committed to helping the Democratic Party in November wherever they are needed. “Being part of a process that makes democracy work for people is hugely exciting,” Donovan said.¹¹⁷

Republican Efforts Decentralized

Unlike their Democratic counterparts, Republican election observation efforts are far more decentralized, while state and county organizations and candidates are largely left to recruit and train volunteers on their own with some help from the Republican National Lawyers Association.

Mark Hoch, political director of the Palm Beach County (Florida) Republican Party, was one such local official who opted to set up his own poll observation effort, organizing more than 100 poll watchers for the 2006 election. Hoch said that most of the problems he has seen are incidents of poll workers not following directions, though he didn’t see any problems during the 2006 midterm election.¹¹⁸

That was not the case two years earlier in the presidential election when late-arriving absentee ballots in Florida prompted a number of voters to go to the polls instead. Thousands of absentee ballots were

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mailed to voters in Miami-Dade, Broward and Palm Beach County the Saturday before the election preventing voters from returning their ballots by election day. The late mailing prompted an ACLU lawsuit that would have allowed absentee ballots returned by November 12 instead of election day to be counted.¹¹⁹ The suit was eventually rejected.¹²⁰

At the polls, voters who requested absentee ballots were listed accordingly in the poll book so when they showed up to vote, poll workers called the elections board to see if the voter had returned their absentee ballot and soon enough, the phone lines were all busy.¹²¹

"If you can't verify whether the voter is eligible to vote at that particular time, the normal procedure is to vote a provisional ballot," Hoch said.¹²²

Poll workers, trying to appease voters who had been waiting in line started handing out regular ballots.¹²³

"My biggest concern was to make sure that they're voting a provisional ballot because their vote

still would have counted" if the voter hadn't returned their absentee ballot, Hoch said.¹²⁴

Party observers have seen other problems as well.

In 2002, the first time Palm Beach County voters used touch-screen voting systems, voters waited in line while those in front of them tried to use the new machines. When voters started getting annoyed about the wait, a poll worker told the voters that they could return after signing in to vote.¹²⁵

"The poll watcher notified that clerk" that such an action wasn't allowed "and the clerk told the poll watcher that she didn't really care," Hoch said.

The elections board told the clerk that she wasn't allowed to do that but about an hour later, the poll watcher reported that the clerk was again telling voters that they could return to vote after signing in. The election board removed the poll worker from service.¹²⁶

The Florida Republican Party developed a training program for counties but Hoch put together his own plan with the party's blessing.

Hoch uses the poll worker manual and a poll worker training DVD from the county to instruct his poll watchers. Lawyers go through the same training that poll watchers do.¹²⁷

If a poll watcher runs into a problem, the poll watcher calls the operations center, which is staffed by lawyers, Hoch said. "Those are the people who are best versed in the statute,"

The lawyers then help the poll watcher determine what to do next. Hoch works with candidates to spread the poll watchers that the party and the candidate recruit over as many polls as possible.¹²⁸

Kit Crancer, who served as a campaign manager for Missouri State Rep. Jane Cunningham, R-St. Louis County, organized a team of poll watchers in St. Louis for the Feb. 5, 2008 primary to collect the names of the active Republican voters to contact before the general election. However, voters using electronic voting machines didn't have to declare their party so the information they received was "vastly unusable."¹²⁹

Crancer said the elections board did not inform them about the rule regarding electronic voting. "I feel that we were let down by the elections board... and I can't say that we'll truly do it again," he said. Poll watchers were frustrated because they thought they could gather valuable information for the campaign and couldn't. "I don't think that anybody felt that they had a good experience at all."¹³⁰

Methodology/Endnotes

Research was compiled through the use of primary and secondary sources including data derived from state law, state election Web sites, news accounts and reports from government and non-governmental organizations.

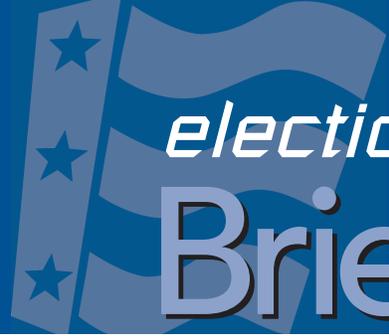
All sources are cited below in the endnotes.

The opinions expressed by election officials, lawmakers and other interested parties in this document do not reflect the views of nonpartisan, non-advocacy *electionline.org* or The Pew Charitable Trusts.

All questions concerning research should be directed to Sean Greene, project manager, research at sgreene@electionline.org.

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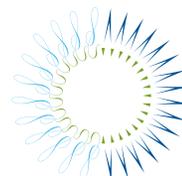
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