

VOTING TECHNOLOGY AND STATE POLICY 2016

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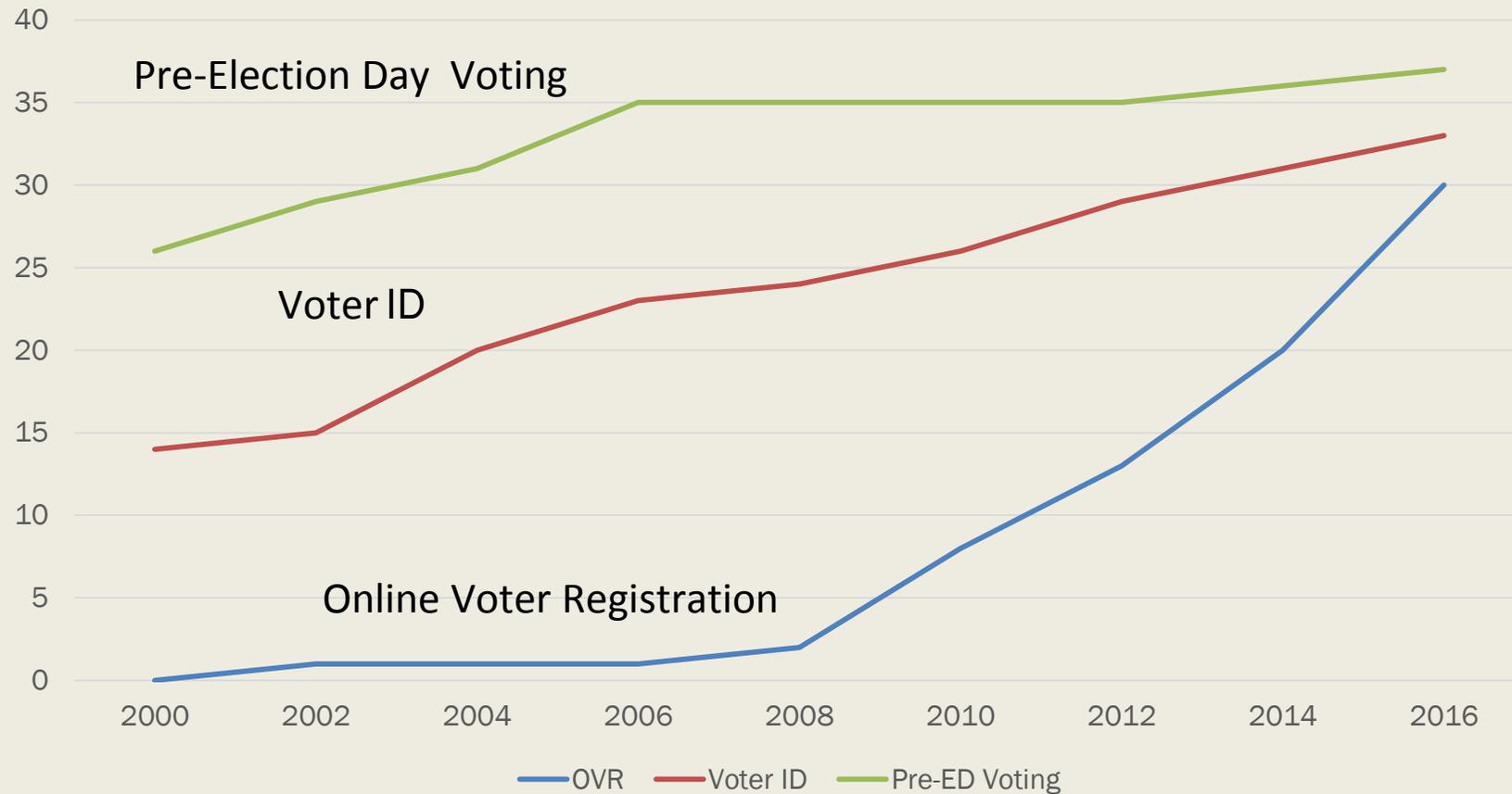
What Does NCSL Do?

- Serves 7,383 legislators and 25,000 legislative staff
- Provides non-partisan research & analysis
- Links legislators with each other and with experts
- Speaks on behalf of state legislatures in D.C.

What I'll Discuss

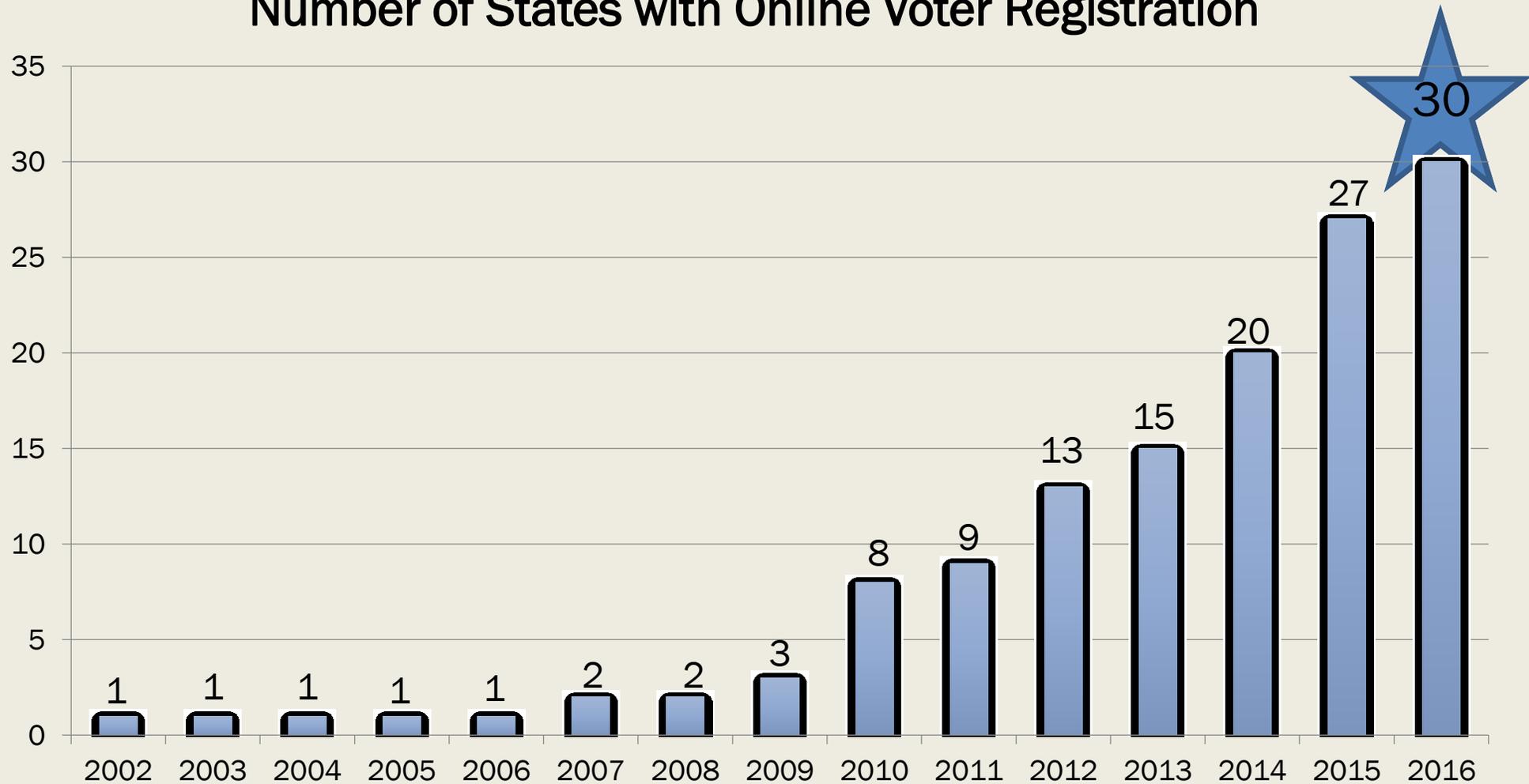
- Recent legislative trends in voting technology
- Purchasing and funding options being considered by states

Recent Legislative Trends



Online Voter Registration (the biggest issue in 2015)

Number of States with Online Voter Registration



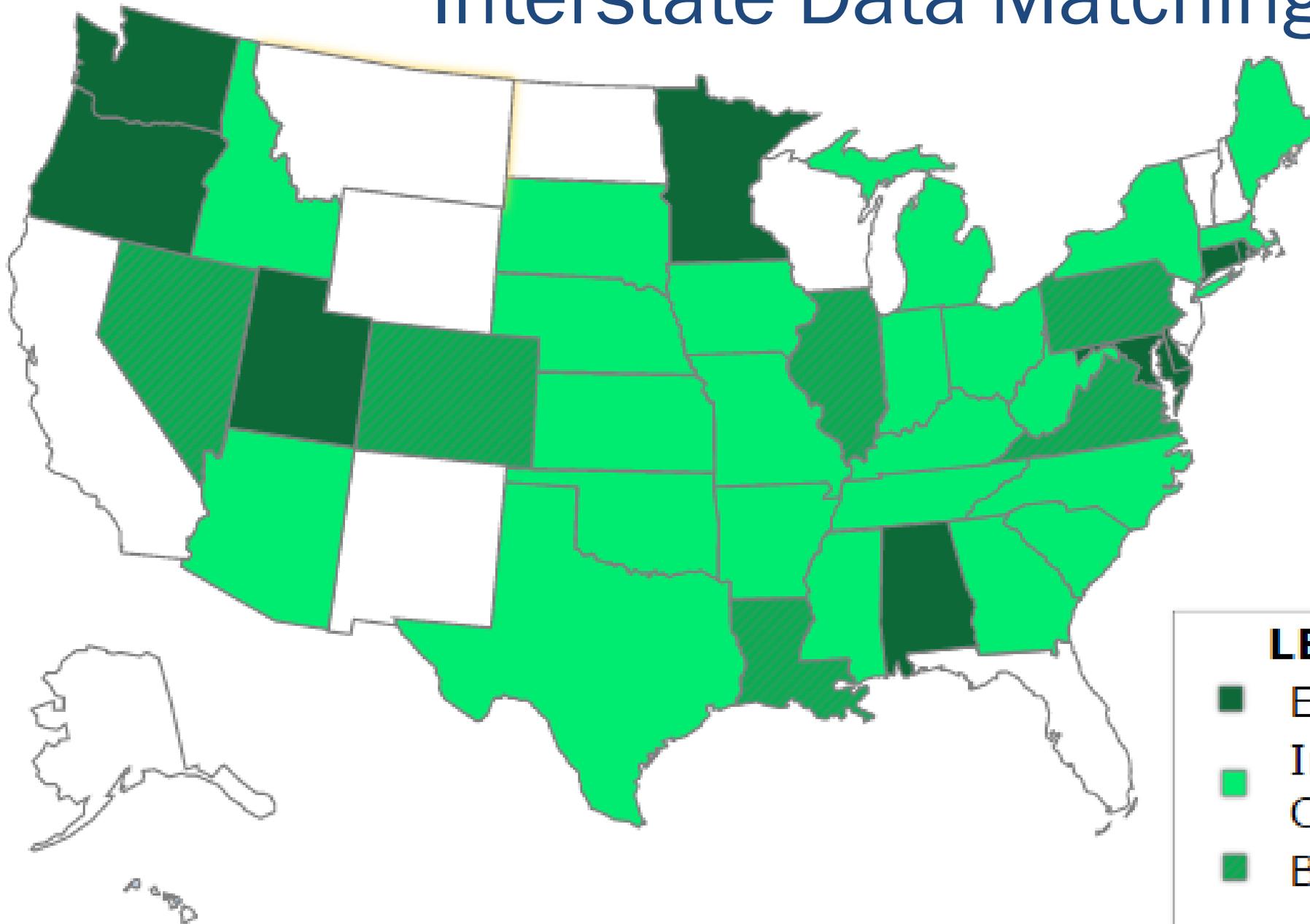
- Other states considering online registration this year
 - New Hampshire
 - New York
 - Ohio
 - Rhode Island
 - Tennessee
 - Wisconsin
- Automatic registration

List Maintenance: Within a State

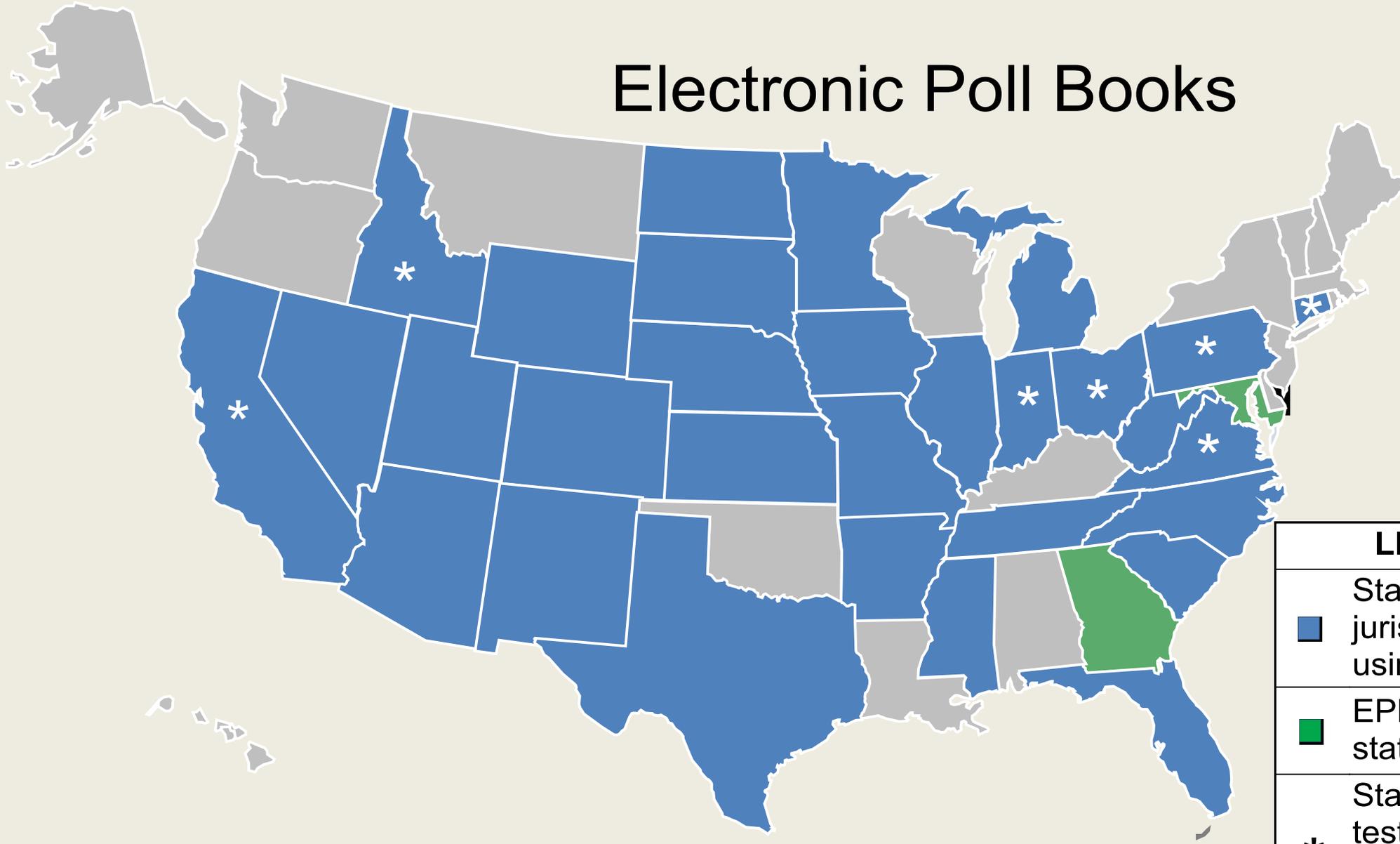
■ Virginia

- *Dept. of Health (death records)*
- *State Police (felon records)*
- *U.S. Attorney's Office (felon records)*
- *Central Criminal Records Exchange (felon records)*
- *State Circuit Courts (mental incompetency)*
- *Dept. of Motor Vehicles (SSN; non-citizen records)*
- *Bureau of Vital Statistics (death records)*
- *USPS (street address records)*
- *SAVE Program (citizenship verification)*
- *Interstate crosschecks*

Interstate Data Matching



Electronic Poll Books



| LEGEND | |
|---|---|
|  | States with some jurisdictions using EPBs |
|  | EPBs used statewide |
|  | State level testing and certification of EPBs |

Ballot-on-Demand

- California: must be certified by state
- Tennessee: must have approval from state to use
- Ohio: setting some requirements
- Colorado: requires use of ballot-on-demand ballots during pre-election testing

Ballot Marking Devices

- California: must be certified by the state
- States that set requirements in statute:
 - Colorado, New York, West Virginia
- Arkansas: incorporates ballot marking device into its definition of a voting machine

Electronic Ballot Transmission

| | | | |
|--|---|---|---|
| <u>Web Portal:</u> (5) | Alabama Missouri | Alaska North Dakota | Arizona |
| <u>Email or Fax:</u> (21+DC) | Colorado Idaho Kansas Mississippi Nevada North Carolina South Carolina West Virginia | Delaware Indiana Maine Montana New Jersey Oklahoma Utah | District of Columbia Iowa Massachusetts Nebraska New Mexico Oregon Washington |
| <u>Fax:</u> (6) | California Louisiana | Florida Rhode Island | Hawaii Texas |
| <u>None (Mail):</u> (18) | Arkansas Illinois Michigan New York South Dakota Virginia | Connecticut Kentucky Minnesota Ohio Tennessee Wisconsin | Georgia Maryland New Hampshire Pennsylvania Vermont Wyoming |

Electronic Ballot Transmission Legislation

- Calling for studies or pilots
 - Introduced in several states, enacted in Texas
- Expanding it to voters other than military/overseas
 - Voters with disabilities: Utah (enacted), Montana (failed)
 - Out-of-state college students: Kansas (pending), Mississippi (failed)
 - Emergency first responders: New Mexico, Missouri (failed)
 - Any registered voter: Hawaii (pending)

Post-Election Audits

- More than half of states have statutorily required post-election audits
 - Introduced this year in Kansas
- Automated audits
 - Authorized by Connecticut and New York in 2015
- Risk-limiting audits
 - Colorado moving that way by 2017
 - California pilots
 - Bill failed in Rhode Island in 2015

Other Recent Bills of Interest

- Election Technology Commissions
- Biometric ID
 - *2015: NM (failed)*
 - *2016: OK “computerized finger image” for voter registration (introduced)*

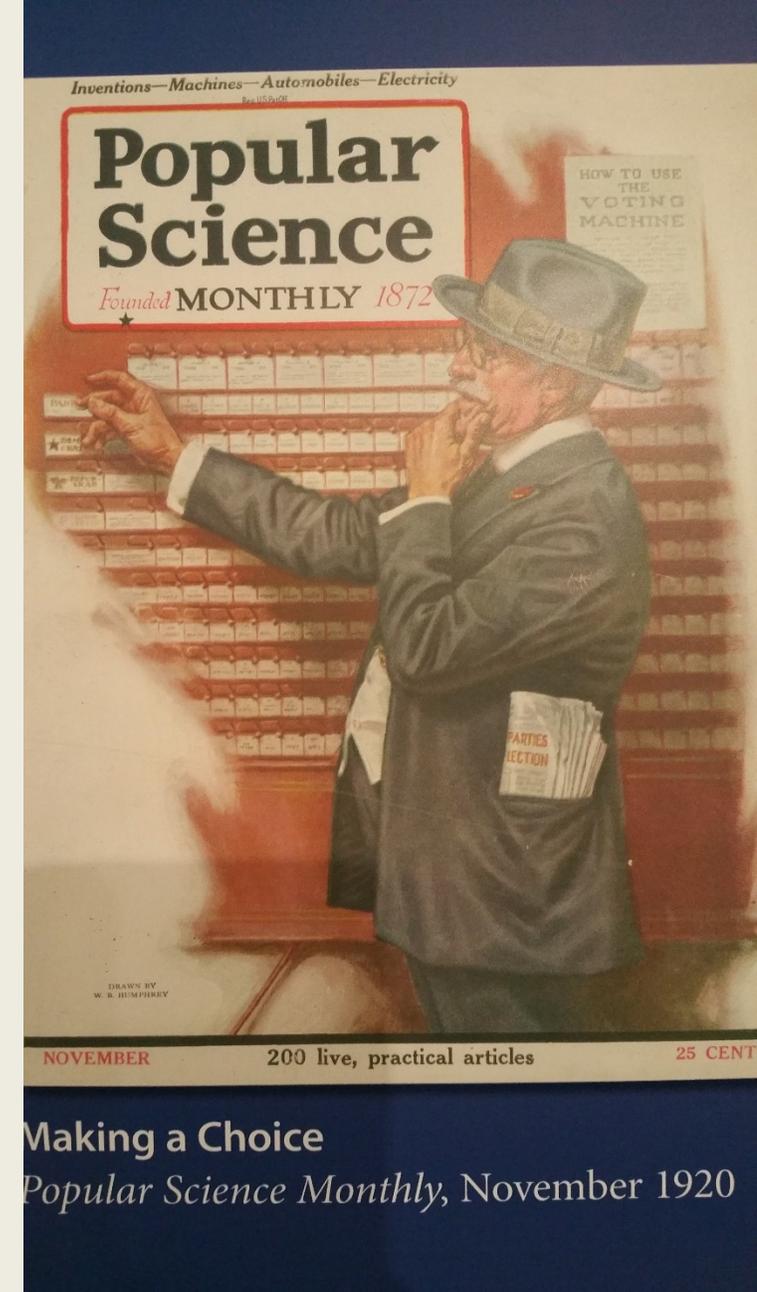


Voting Systems

- Most states use some aspect of the EAC's testing and certification program:
 - 12 states require full federal certification
 - 9 and D.C. require testing to federal standards
 - 16 states require testing by a federally accredited laboratory
 - 4 states refer to federal agencies or standards, but do not fall into the categories above
 - 9 states have no statutes or regulations that mention a federal agency, certification program, laboratory, or standard, but most of these still rely on the federal program for guidance

Aging Voting Equipment

- The majority of jurisdictions across the country bought equipment between 2002 and 2008.
- Now many of these systems are aging – whose responsibility is it to purchase new ones?
- HAVA state plans concentrated much of the power/responsibility of purchasing on the states.



Potential Funding Streams: Ways States are Helping

- Direct appropriation for statewide bulk purchase
- Funding split 50/50 between state and counties
- State negotiating contract
- Dedicated revenue through fees
- Grant programs to counties

Potential Funding Streams: Local Jurisdictions

- Capital requests
- Budgeting over time
- Using county funds to buy in bulk

Other Things Being Considered to Manage Costs

- Leasing
- COTS
- Open source software

Questions?

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