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

- Pre-Election Day Voting
- Voter ID
- Online Voter Registration

Graph showing trends from 2000 to 2016 for pre-election day voting, voter ID, and online voter registration.
Online Voter Registration
(the biggest issue in 2015)

Number of States with Online Voter Registration

1 1 1 1 2 2 3 8 9 13 15 20 27 30

0 5 10 15 20 25 30 35
• 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
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

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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)
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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