

LWVSD - DISCUSSION GUIDE – UNITS ON HOW WE VOTE, 11/05

(To be used in conjunction with the LWVSD *Voter* article, 11/05)

(10 min.) WHAT SUGGESTIONS DOES THE GROUP HAVE FOR IMPROVING THE VOTING PROCESS?**(10 min.) HELP AMERICA VOTE ACT (HAVA)**

The Help America Vote Act was passed in 2002. HAVA applies only to Federal elections. \$3.9 billion was funded for it, but only \$3.0 billion was granted in 2003 & 2004. No more funding has been appropriated from the Feds for the States to implement it. The LWVUS has joined other organizations in pressing Congress for complete funding.

- 1) It provides for the establishment of an independent Election Assistance Commission to serve as a national clearinghouse and resource for compiling and reviewing information with respect to the administration of Federal elections. Much of the work of the Commission would be research into various aspects of voting and registering to vote including voting from overseas. It would aim to make voting more uniform throughout the country.
- 2) It requires access to independent voting for all people, including the blind. One accessible voting system which can be used by all voters without assistance must be in each polling place by January, 2006. Mikel Haas, the Registrar of Voters, is concerned that they will not make that deadline; the Secretary of State must certify new voting machines. Once they are certified, they must be ordered. The County of San Diego has a contract with Diebold, who will have to retrofit the touch screen computers that the County used a year ago.
- 3) It requires each state to have a state-wide computerized voter registration list that includes voters registered through motor voter with the Department of Motor Vehicles. People's drivers license or last four numbers of their Social Security number would be used to identify them. This is considered discriminatory because there is usually a charge for such an i.d. number. Mr. Haas says California is not making the deadline either but as long as the state is making progress, they will not be fined. Accurately merging lists using different systems is very difficult.

Voters who register by mail must produce a picture i.d. or a copy of a utility bill, bank statement, government check, paycheck, or other government document the first time they vote in the precinct, according to HAVA, but that has not been implemented in San Diego yet. This requirement is also being questioned as it could be handled subjectively by the poll worker. In the middle of October, 2005, a U.S. judge blocked the state of Georgia from requiring voters to show a picture i.d. at the polls.

Also included in the section on identification is the issuance of voter cards with the name and address on it. Federal funding will be provided to the states for the costs in implementing the registration of voters.

Purging the lists shall be the responsibility of the state. States must notify a voter before he is removed from the list after two federal elections have occurred when the he did not vote. It is recommended that each poll worker have a laptop computer with the list of registered voters on it. This would help voters find their polling place.

- 4) It eliminates punch card and lever voting. The Commission would test and certify voting system hardware. Replacement hardware must be uniform and nondiscriminatory. By January 1, 2006, all voting systems must provide for second chance voting. The voter must be able to verify privately and independently their vote and correct it, if needed. Mr. Haas hopes to have certification by the state by March, 2006.
- 5) It requires that provisional voting be in place by January, 2006. That includes notifying every provisional voter to tell them whether their vote was counted or not.

Subsequently the State of California required Verified Voter Paper Trail by the June, 2006 Primary Election.

(5 min.) **CARTER-BAKER COMMISSION ON FEDERAL ELECTION REFORM**

This federal report was released September 19, 2005. The commission was chaired by former president Jimmy Carter and former secretary of state James A. Baker III, and included Republicans, Democrats and independents.

If all their recommendations are adopted by federal legislation, San Diego County would have to make some changes in voting procedures. The commission addressed voter fraud, inaccurate registration lists, provisional ballots and the security of some electronic voting machines among other problems.

Their most controversial recommendation would require all voters to produce a standard (REAL ID) identification card before being allowed to vote. This card includes a person's full legal name, date of birth, a signature, a photograph and the person's social security number and an indication on the front or back whether the individual is a U.S. citizen. Non-drivers should be provided with these cards free of charge. States would have to establish legal protections to prohibit any commercial use of voter data.

The commission also recommends that social security numbers be used as a uniform identifier and that states would exchange information on voter registrations. This would avoid having voters register in more than one state. In the area of voting machines, the

commission recommends that they all be equipped with a voter-verifiable paper audit trail and be fully accessible to voters with disabilities. There should be more oversight of voter registration drives. A unique number should be printed on the registration form and the detachable receipt so that the voter and state election office can track the status of the form. Voting centers need a higher-quality, computer-based registration list to assure that citizens can vote at any center without being able to vote more than once.

States and local jurisdictions should allocate sufficient funds to pay poll workers at a level that would attract more technologically sophisticated and competent workers. Part-time workers should also be recruited for the beginning and the end of Election Day.

Some of the problems which the Commission addressed do not appear to be a problem in San Diego. These include long lines at polling places, timely administration of absentee ballots and inaccurate voter registration lists.

(2 min.) **QUALIFICATIONS FOR RUNNING FOR OFFICE:**

For the office of Mayor of San Diego City, you must be a resident of the city for 30 days and gather 200 qualified signatures on the petition plus pay \$500. For the office of City Council member, you must be a resident of the city for 30 days and gather 100 qualified signatures as well as pay \$200 in filing fees.

(8 min.) **POLL WORKERS: hiring, training, hours and pay**

As reported to us by the Registrar of Voters (ROV) of the County of San Diego:

FACT: For this election, there are 1,638 polling places. State law says that for each 1000 registered voters there will be a polling site. The ROV is making efforts to move polling sites out of garages.

FACT: There are 6500 workers, half of whom are clerks. About 1000 of the election workers are Spanish speakers, 300 are Filipino speakers and 200 are Vietnamese speakers.

FACT: The ROV says training for poll workers has been improved. More help is available to poll workers in the form of more trouble shooters and more responders to telephone hotlines. It is a 14 hour day and the ROV prefers no job sharing.

Definition: **Poll workers** are the members of a “precinct board.” A “**precinct board**” is the board appointed by the elections official (the Registrar of Voters in the County of San Diego) to serve at a single precinct or at a consolidated precinct. The appointees are also referred to as “election officers”.

Who may be appointed to a precinct board: Precinct boards appointed for each precinct are made up of either voters from the precinct in which they will work or of voters from a nearby precinct. They must be registered to vote by the date of the election,

be a U.S. citizen and be 18 years of age or older. County employees may also be used as poll workers and may reside outside the precinct or County. Senior class high school students who meet satisfactory standards may also serve. The number of members on a precinct board may vary. At minimum, a precinct board shall consist of one inspector and two clerks.

Appointments: By law, precinct boards will be appointed by the elections official in charge of the election no less than 29 days prior to the election. Appointed officers to a precinct board will receive, either by mail or by personal delivery, notice of their appointment and assigned position. The designated inspector will also receive a list of the other officers appointed to his or her precinct. Assignments include *Inspector, Assistant Inspector, and Clerk.*

Precinct Board training: The Registrar of Voters is required by the California State Election Law to hold a training class for all Inspectors for each election. The Registrar also requires all Assistant Inspectors to attend this training class. Clerks are encouraged to attend a training session, as well. The training takes about two to two and one half hours. They are given plenty to read plus a video to review procedures before election day.

Work hours: All election officers (Inspectors, Assistant Inspectors and Clerks) must arrive at the polling place by 6:30 a.m. except for Inspectors who must arrive by 6:00 a.m. Polls are open from 7:00 a.m. to 8:00 p.m. After the poll is closed, all election officers remain to complete tally and submit all ballots and election materials to the ROV designees.

Stipends: In a statewide or county election, stipends for the duties of the election officer shall be set by the county board of supervisors and will be paid out of the county treasury. Because of the extra responsibilities placed on the inspector, he or she may receive higher compensation. In municipal elections, the sum shall be fixed by the city council and paid out of the municipal treasury. Poll owners are also paid a stipend.

Poll Worker Pay Schedule

Inspector.....	\$100.00
Assistant Inspector.....	\$ 80.00
Clerk.....	\$ 60.00
Poll Owner.....	\$ 50.00
If providing tables and chairs, Poll Owner receives an extra..	\$ 20.00
Poll workers who are bilingual In Spanish, Filipino or Vietnamese receive an extra...	\$ 5.00

(15 min.) **VOTING TECHNOLOGIES**

Much attention has been focused on voting procedures recently because of the concerns about the 2000 election in Florida and the various types of voting systems themselves. Although there is no perfect system, improvements are being made. Here is some current information about voting methodology and related issues.

LWVUS'S Position on How Citizen's Right to Vote: Voting systems and procedures must be secure, accurate, recountable, and accessible. The League neither supports nor opposes any type of technology per se. Local Leagues can ask LWVUS permission to support or oppose a selected local voting system based on the above criteria. The LWV of California has not supported any voting system so far.

EAC – (Federal) Election Assistance Commission. Established under the HAVA. Four commissioners. Sets standards for voting machines, including machine security, and guidelines for the state certification process.

Punchcard Voting Machines. Problems with “hanging chads.”

Internet Voting. Too subject to penetration and manipulation at the present time.

Precinct-Count Optical Scan voting systems.

Advantages: Lower initial cost compared to DRE's.

Concerns: Long-term costs (special paper, ballots in multiple languages), difficult for disabled, “second chance” voting is not private.

DRE – Direct Recording Electronic voting systems (“touch screen,” electronic machines).

Advantages

- Voter may review and change choices before hitting final “vote” button
- Voters may be reminded electronically of under-voting or over-voting
- If ballot is spoiled, “second chance” voting is done in private
- May allow write-ins
- May have Braille keyboards, audio interfaces with earphones, head movement switches, “sip and puff” ;lug-ins, voice recognition capability
- Programmable in multiple languages
- May print out individual ballot choices

Concerns: (taken from a Government Accountability Office report of September, 2005)

- DRE's require adequate standards, testing, and management throughout their life cycle, which includes product development, acquisition, and operations
- Studies found that (1) some electronic voting systems did not encrypt cast ballots or system audit logs, and it was possible to alter both without being detected; (2) it was possible to alter some files that define how a ballot looks and works so that the votes for one candidate could be recorded for a different candidate; and (3) vendors installed uncertified versions of voting software at the local level.

- One study found that it was possible to gain full control of a regional vote tabulation computer – including the ability to modify the voting software – via a modem connection

VVPT – Voter Verified Paper Trail. An add-on system that prints out the voters’ individual ballot choices after they have been cast on the DRE.

Advantages: Voter may confirm vote, officials may conduct recount (theoretically).

Concerns: Machine may be programmed to print out a misleading confirmation, paper printouts can be mutilated or hard to read, printers can malfunction, undermines access for disabled and English-impaired.

Safeguards for Voting Systems: Adequate design standards for machines; good certification process; testing and monitoring of machines throughout the voting process; machines not linked together nor linked on the internet; technical, physical, and procedural security measures; adequate training of poll workers; user friendly systems.

(7 min.) **VOTING TECHNIQUES AND STUDY OF CHANGES**

A. Changing Voting Day: Mike Haas reviewed possibilities of voting on the weekend or making Voting Day a holiday. He suggested that fewer people would show up on these “days off work”; Leaguers meeting with him agreed. Many people leave town or celebrate life...forgetting to vote. He said that there has been very little support for this change.

B. Multi Languages: Ballots are currently in English, Spanish, Vietnamese and Tagalog (Filipino) H.A.V.A. Supports this.

C. Regional Voting Centers: Would establishing fewer polling places save money, and decrease the need for as many trained Poll workers?... versus continuing having so many local Polls? Concerns were transportation challenges and location distances.

D. Mail Only Ballots: Mail-in ballots for everyone. Mike Haas stated that 30-35% of ballots are mailed in at this time. Thru a campaign, this percentage could be raised to even 50% or more. Many people enjoy going to their polling places; they enjoy seeing their neighbors and participating in this democratic procedure. Problems are higher cost (\$8 per vote), counting takes longer, corruption is more likely. Mike Haas said the number of voters has not increased significantly in Oregon, where voting is done exclusively by mail.

(8 min.) **INSTANT RUNOFF VOTING**

In 2003, the LWVC formed a position supporting Instant Runoff Voting in executive elections. IRV has also been proposed to the San Diego City Council and discussed with Mikel Haas when the League committee met with him last month.

What is it? Voters rank the candidates rather than vote for just one candidate. By counting choices, there does not need to be a second (general) election for an elected position.

How do they count the vote? If no candidate wins the majority (50% + 1) of the vote, the candidate who received the least number of votes is eliminated. The ballots of people who voted for the eliminated candidate are then entered for their second choice candidate. This process continues until a candidate wins the majority of the vote. See the Nov. 2005 *Voter* article.

Advantages There is one election, so it is less costly to both the candidates and the taxpayers. The winning candidate is selected by a majority of the voters. Independent and minority candidates have a better chance of winning. Campaigning is more positive because all the candidates have a chance.

Disadvantages Mikel Haas says it would need to be a separate election because of the voting confusion and counting. The County computers need to be retrofitted to handle the counting, but they are capable of doing it. If there were a lot of candidates, voters probably wouldn't be able to know the candidates well enough to rank them all.

Bibliography

http://www.american.edu/ia/cfer/cfer_press_release.pdf

California Secretary of State and the State Attorney General, "Election Officers Digest", 2004

Email from Jacqueline Jacobberger, President, LWV of California, 10/31/05.

Interview with Mikel Haas, Registrar of Voters, County of San Diego, 10/6/05. Back-up research by Donna Russell, ROV's office.

League of Women Voters of the United States, memo titled "Make Election Reform a Reality: Fully Fund the 'Help America Vote Act'", 10/20/05.

<http://www.yubanet.com/artman/publish/> "GAO report: Continued Federal Efforts Needed to Improve Electronic Voting"

League of Women Voters of the United States, "Questions and Answers on Direct Recording Electronic (DRE) Voting Systems", 11/24/03.

League of Women Voters of the United States, "Recommendations on Implementation of the 'Help America Vote Act'",

www.lwv.org/AM/PrinterTemplate.cfm?Section=Election_Basics&CONTENTID=2178&TEMPL....

United States Government Accountability Office (GAO) Report 05-956, September 2005, "Elections – Federal Efforts to Improve Security and Reliability of Electronic Voting Systems are Under Way, but Key Activities Need to be Completed"

www.blackboxvoting.com

www.blackboxvoting.org

www.verifiedvoting.org

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