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VOTING AND ELECTION ADMINISTRATION

The controversy surrounding the results of the November 2000 presidential election in Florida focused attention on how governments conduct elections throughout the country. A voting technology study sponsored by the California Institute of Technology and the Massachusetts Institute of Technology estimated that out of 100 million votes cast in the 2000 presidential election, between four million and six million votes were lost because of uncounted votes, registration system errors, and problems with polling place operations. Some research shows that public confidence in government officials and institutions is undermined when citizens do not have full access to the electoral system and are not confident about the accuracy, openness, and integrity of the process.

Although the U.S. Constitution and federal laws impose certain requirements affecting the electoral system, the U.S. electoral system is highly decentralized, with each state adopting its own laws about voter eligibility and registration requirements, balloting procedures, vote counting, and other aspects of the electoral process. Additional variation in the system – even under the same state laws – results from elections being administered by thousands of local governments. This Brief summarizes recent legislation considered by the Wisconsin Legislature during the 2001-2002 and 1999-2000 sessions, and describes and compares various aspects of state election laws and procedures across the United States.

RECENT WISCONSIN LEGISLATION

Much of the attention relating to the presidential recount in Florida was on problems with punchcard ballots. Following the 2000 presidential election, the Wisconsin Elections Board passed a resolution, effective December 31, 2001, directing its staff to decertify punchcard voting systems. Punchcard systems in Wisconsin were already relatively rare by 2001 in that most municipalities by that time used regular paper ballots or marksense ballots (a system that optically senses a voter's mark on the ballot).

2001-2002 Legislative Session Activity

2001 Wisconsin Act 16, the biennial budget act, made some minor changes in election law, the bulk of which were technical changes to reconcile statutory language with the decertification of punchcard voting systems. In addition to those technical changes, Act 16 provided for transitional assistance and training in new voting systems to municipalities that previously used punchcard systems. Act 16 also provided for training and certification of chief elections inspectors. Other changes in Act 16 addressed the determination of residence

of persons detained, committed, or institutionalized for mental health treatment or as sexually violent offenders; allowed local governments to permit their employees to serve as election officials without loss of benefits or seniority; and changed fees for recounts when the vote margin exceeds 0.5%.

Although the 2001-2002 Wisconsin Legislature did not enact any major changes in election law, at least 24 different bills on election procedures were introduced in the assembly or senate. Topics included changing voter registration and voting procedures; requiring voters to present identification at the polls; creating a statewide voter registry; modifying polling hours and staffing; and reinstating restrictions on absentee voting. Many of the bills passed either the assembly or the senate, but only one – 2001 Assembly Bill 589, which was signed by the governor and became 2001 Wisconsin Act 51, allowing hospitalized persons to register by agent – passed both houses by the end of the March 2002 floorperiod.

Bills Passed by the Assembly in 2001-2002. Except as noted, the Wisconsin Senate did not concur in the following bills passed by the Wisconsin Assembly:

AB-38 would have required that presidential election results be withheld from public inspection until 10 p.m. on election night.

AB-39 directed the Elections Board to submit, as part of its 2003-2005 budget request, a proposal to create a statewide, centralized real-time voter registry and require voter registration in every municipality in time for the 2004 spring election.

AB-41 sought to establish uniform poll hours of 7am-8pm statewide and in all elections. (Current law requires that fourth class cities, villages, and towns open the polls by 9am, although municipalities and, in some cases school boards, are free to open polls as early as 7am.)

AB-49 proposed changes relating to a number of matters, including polling hours; leave for service as an election official; a voter identification cards; punchcard voting systems; recruitment and training of election officials; statewide voter registry; Department of Corrections responsibility of informing felons about voting rights; and prohibiting the use of social security numbers for voter registration or identification.

AB-158 would have permitted write-in candidates to file a declaration of candidacy and allowed election officials to decide not to report the votes cast for write-in candidates who did not declare their candidacy.

AB-259 sought to eliminate the ability of an elector to register by corroboration by another qualified elector and to require electors to present a valid Wisconsin driver's license or Department of Transportation (DOT) identification card both to register and to vote. It would have required DOT to issue the card free of charge if the applicant specifically requested not to be charged.

AB-826 proposed a number of changes in election administration laws, including laws on poll workers and election officials (including new provisions relating to student poll workers), ending free distribution of certain Elections Board publications, and changing recall election procedures and a number of other matters. It was passed by the assembly and concurred in by the senate as a Senate Substitute Amendment. The senate version addressed conflicts with state and federal child labor laws with respect to student poll workers and also provided that a student worker could not challenge the qualifications of an elector. The assembly, however, did not vote on the bill as amended by the Senate.

AJR-54 called for a conference committee on election law changes, including exceptions to the joint rules, to reconcile differences between AB-49 and SB-110.

Bills passed by the Wisconsin Senate in 2001-2002:

SB-110 proposed expansion of absentee voting by creating satellite stations where voters could register to vote and obtain and cast absentee ballots in person and proposed changes relating to a number of other matters, including polling hours, leave for service as an election official, information requirements with respect to persons convicted of felonies, election board studies of costs and other factors relating to a possible statewide voter registration system and polling place staffing needs, and creation of a special legislative committee to study needs of multilingual and physically disabled voters. The assembly passed the bill with a number of assembly amendments making substantial deletions and other changes in the senate bill. The senate did not concur in the assembly amendments.

Election Laws Enacted in the 1999-2000 Session

The 1999-2000 Wisconsin Legislature passed and the governor signed three acts changing election laws. 1999 Wisconsin Act 6 allowed independent candidates for governor and lieutenant governor to run without a running mate. Act 49 created procedures to allow persons who are victims of domestic abuse to vote confidentially. Act 182 made a number of changes relating to facilitating absentee voting, witnessing voter registrations, eliminating a separate ballot for president and vice president, and amending several procedural items. Act 182 also provided for a November 2000 referendum on the question of allowing adult children of U.S. citizens living abroad who have never lived in the U.S. to use their parents' Wisconsin voting residency to vote in federal elections. The question was approved by the voters.

VOTER ELIGIBILITY, REGISTRATION, AND BALLOT PROCEDURES

Voter eligibility and registration requirements are determined by the states. Although the U.S. Constitution, by the 15th, 19th, 24th, and 26th amendments, and legislation passed by Congress guarantees the right to vote to all adult citizens who are at least 18 years old regardless of race, sex, and other conditions, it does so largely by specifying certain things that states cannot do and allows states considerable flexibility within those limits.

Voter Registration. Nearly all states have a voter registration system (whether maintained as a central statewide registry or separately by the local governments) that creates a roll of citizens eligible to vote under the state's laws. Such a roll permits the government to guard against fraud by monitoring who is eligible to vote in a given location and assuring that people do not vote more than once in the same election. Voter registration is not universal or automatic; a citizen must take the initiative to register and to vote in an election. Voter registration processes that are easier and more convenient for citizens are widely believed to increase voter participation. Some people are concerned, however, that voter registration procedures must balance the needs for citizen convenience with additional measures designed to deter and prevent fraud.

In Wisconsin, voter registration is required in municipalities over 5,000 population and may be required in other municipalities. Wisconsin voters may register by mail or in person by the second Wednesday prior to the election, by late registration in person up until the day before the election, or on the day of the election at the polling place. The same day registration law requires an applicant to execute a certification and to present proof of residence within the applicable election district. In the absence of an acceptable proof of address, a person seeking to register may do so if a qualified elector of the municipality corroborates the information

provided by the applicant. Falsifying a statement relating to voter registration is election fraud, punishable by a fine of up to \$1,000, up to six months' imprisonment, or both.

In addition to Wisconsin, five other states (Idaho, Maine, Minnesota, New Hampshire, and Wyoming) allow eligible citizens to register to vote directly at the polling place on election day. North Dakota does not have voter registration. Although North Dakota was one of the first states to adopt voter registration, it abolished it in 1951 and subsequent attempts to reinstate it have failed. A North Dakota voter must simply be a resident of the precinct and be qualified to vote, although an election official may ask a voter to sign an affidavit that he or she is a qualified elector in the precinct. North Dakota has found such a system appropriate for a rural state and has not experienced any problems of widespread voter fraud, according to the Secretary of State. At the other end of the spectrum, some states require that voters be registered as many as 30 days in advance of an election or they are not allowed to vote.

“Motor Voter.” In 1993, in an attempt to reduce administrative obstacles to voting, Congress passed the National Voter Registration Act (NVRA). It is often referred to as the “motor voter” act because it required states to provide voter registration materials at different government offices, including motor vehicle licensing and registration offices. NVRA also provides for a uniform mail-in voter registration form that lists the registration requirements – including deadlines – for each state and where the form is to be sent in the person’s state. NVRA also limits the reasons for which voters can be purged from the rolls. North Dakota and the states that allow election day registration are exempt from NVRA requirements because voters are not prohibited from voting on the basis of not being registered in advance. Those states may, however, accept the NVRA form as an additional way for someone to register to vote.

Felony Prohibitions. Denial of the vote because of past felony convictions became a major issue in the contested 2000 presidential election in Florida because of the disproportionate racial effect of the law and numerous errors in a purge of voter registration lists.

In Wisconsin (as in most states), persons convicted of felonies are denied their right to vote while serving a sentence and the person’s civil rights are not restored until the person has satisfied the sentence and has received from the Department of Corrections a certificate to that effect upon release.

The only states that currently allow felony prisoners to vote are Maine and Vermont. Massachusetts voters, by referendum, approved a law in 2000 to prohibit persons incarcerated for felony crimes from voting, as did Utah voters in 1998.

Of the states that impose a prohibition, many automatically restore rights upon lawful release from incarceration, while others continue the prohibition through a period of probation, parole, or a waiting period. Some states, including Maryland and Missouri, impose a lifetime ban on voting if the felony was an electoral crime such as buying and selling votes, but not for other crimes. In 10 states, however, former felons are denied the vote for life (Alabama, Delaware, Florida, Iowa, Kentucky, Mississippi, Nevada, New Mexico, Virginia, and Wyoming), and other states impose prohibitions for certain types of crimes or multiple convictions. Only through a pardon or other action by the governor can an individual with a former felony conviction regain legal recognition of his or her civil rights in those states after fulfilling the obligations of a felony sentence.

Advocates of denying the vote say that voting is a privilege that a person can lose if he or she commits a crime against society’s laws and, therefore, should not have any say in how society is governed. Opponents contend that voting is a basic right and responsibility of

citizenship and should not be abridged in any way; the punishment for committing a crime is the sentence itself, and absentee voting from prison should be encouraged as part of a prisoner's rehabilitation because it gives the person a stake in civil society, with the possibility of lower rates of recidivism.

Identification Requirements. Although Wisconsin law requires either proof of residence or corroboration by another elector in the municipality for registration, it does not require all voters to present identification for voting. In municipalities without registration, an election official may, however, require an elector to provide identification or corroboration. A number of bills considered by the Wisconsin Assembly during the 2001-2002 session would have required voter identification as a measure to guard against fraudulent voting. Opponents argued that such a requirement would adversely affect the voting rights of lower income urban voters who use public transportation because they do not have motor vehicles and driver licenses. Fourteen states require voters to present identification at least in some situations, and 30 do not. It may be required of some voters in seven states, including Wisconsin.

ABSENTEE BALLOTS, MAIL BALLOTS, AND "EARLY VOTING"

For voters who cannot vote at their local polling place on election day, whether because of work, school, travel, illness or disability, religious reasons, incarceration (in most states limited to nonfelony convictions), or other reasons, absentee balloting allows citizens to participate in the electoral process. A number of states have expanded the concept of absentee balloting beyond those traditional reasons as a way to make voting more convenient and increase turnout. According to a National Council of State Legislatures survey in 2001, 20 states allow registered voters to apply for absentee ballots for any reason, sometimes referred to as a "no-excuse" absentee ballot. 1999 Wisconsin Act 182 amended Wisconsin's absentee ballot law to allow any voter who is "unable or unwilling to appear at the polling place in his or her ward" to vote by absentee ballot and deleted the language specifying the possible reasons needed to qualify for an absentee ballot. 2001 Assembly Bill 11 proposed to reverse that expansion of the absentee ballot, but the bill was not put to a vote on the assembly floor.

More voters are taking advantage of opportunities to cast their ballots outside of the polling place, with about 14% of the votes in 2000 cast nationwide by some form of pre-election day ballot. In some states the rate exceeded 25%. In 1998, Oregon voters approved a referendum to extend mail-only voting to all state elections, after having local elections by mail since 1981. Washington offers the option of mail voting, an option selected by about half of the state's voters in 2000. Advocates of Oregon's system note that a mail ballot in states with initiative and referendum allows more time and fewer distractions for consideration of numerous ballot issues than would be feasible at a polling place. Opponents of mail elections and expanded absentee balloting are concerned that voting outside a polling place lacks the supervision of the polling place setting and could result in coercion and diminished secrecy of the ballot. Others feel that absentee voting removes the civic experience of everyone going to a polling place on the same day. Another alternative to voting on election day is the "early voting" option offered in 27 states in which voters cast ballots at the applicable government offices or other locations during a specified period before election day. Although Wisconsin does not specifically provide for "early voting" by that name, Wisconsin voters can choose to complete absentee ballots at the election official's office rather than by mail. The early absentee ballots are not, however, counted until after the close of polls on election day.

VOTING SYSTEMS IN WISCONSIN AND ELSEWHERE

Five major types of voting systems are in use throughout the U.S., three of which create a ballot that can be recounted (paper ballots, punchcards, and marksense ballots) and two of which do not (mechanical lever machines and direct recording electronic (DRE)). In addition to the methods currently in use, some states and private organizations have studied the possibility of voting from homes, workplaces, libraries, and other locations via the Internet. Although there have been some pilot projects, including a Democratic primary election in Arizona and a pilot under the Uniformed and Overseas Citizens Absentee Voting Act, Internet voting has not been implemented as a standard voting system largely because of unresolved security and system design concerns. See LRB's Wisconsin Brief 00-6, "Voting on the Web", for a more detailed discussion of the issues relating to Internet voting.

Wisconsin reportedly became the first state to ban punchcard voting systems when the State Elections Board adopted a resolution revoking approval of punchcards, effective December 31, 2001. Even before the ban, use of the systems was not widespread and was declining. Twenty-two Walworth County municipalities used punchcards for the last time in the November 2000 general election. By the time of the February 2001 primary elections, only 53 municipalities across the state used punchcard systems; Green County (in 22 municipalities) and St. Croix County (in 31 municipalities) were the last ones to use punchcards before the ban went into effect. As of March 2002, 945 municipalities used paper ballots and 898 municipalities used marksense systems. Fifteen municipalities, including six in Outagamie County, use mechanical lever machines, and one municipality in Marinette County has a DRE system.

Voting Systems Described

Paper Ballots. The simplest system, the paper ballot was originally adopted in Victoria, Australia, in 1856. New York became the first state in the U.S. (in 1889) to use the Australian ballot in statewide elections. Voters mark boxes corresponding with their choices of candidates and ballot propositions and deposit the ballot in a sealed ballot box. Election officials review each ballot manually and tabulate the results. The Federal Elections Commission reported that in the 1996 federal elections, paper ballots were used by only 1.7% of registered voters in the U.S., primarily in smaller communities and rural areas, as well as for absentee ballots.

Punchcard. Punchcard computer voting systems, which were first used in 1964, require voters to punch holes in paper cards to indicate their choices, and the cards are tabulated with computer counting machines either at the voting site or a central tabulating facility.

The two major types of punchcard systems are Votomatic and Datavote. Votomatic cards are printed only with numbered boxes corresponding to the places where valid holes may be punched. Candidate names and ballot questions appear not on the card, but on a booklet or template that is attached to a frame in which voters insert their ballot cards. Each page of the booklet displays the choices for different positions on the card beneath it and the voter uses a stylus to punch the holes corresponding to the voter's choices.

In contrast to the Votomatic system, Datavote cards are printed with the candidates and ballot questions, which avoids the possibility of error from misalignment of a Votomatic card in its frame and also makes the Datavote card easier to understand and double-check than the Votomatic card. In an election with many offices and ballot questions, however, all of the printed choices may not fit on a single card and multiple cards may be necessary.

Older punch card systems of both types use prescored cards that are easier for voters to punch, but may cause the kinds of problems seen in Florida and elsewhere in the 2000 Presidential election. It is common for the paper chips, or chad, removed when a card is punched not to be completely detached from a prescored ballot. If “hanging chad” block the holes punched by the voter, the tabulating machine may fail to record the vote. Furthermore, chad that become fully detached in the handling of the ballots could also obstruct holes punched in other ballots, causing errors in counting those ballots as well. Some newer punchcard systems use a spring-loaded stylus that allows for the use of unscored cards.

Mechanical Lever Machines. First used in 1892, mechanical lever voting booths display the candidates and ballot questions next to a row of voting levers each of which is assigned to an individual candidate or ballot question position. The handle that closes the privacy curtain when the voter enters sets the machine’s internal counters for that voter. The levers are equipped with interlocks to prevent voting for more choices than allowed for an office or ballot question, thereby preventing the inadvertent “overvoting” problem that can spoil a punchcard ballot. When the voter is satisfied that all his or her votes are cast correctly, he or she leaves the booth by reopening the privacy curtain, which advances the internal counters for each vote and resets the levers to the unvoted position in preparation for the next voter. Unlike the various forms of paper-based voting systems, there is no ballot in mechanical lever machines; votes for each office are recorded and counted directly on the internal dials.

The machines were once very popular and reliable, accounting for well over half of all votes cast in the U.S. by the 1960s. Use of mechanical voting machines has since declined to about 20%, in part because they are no longer being manufactured and because of the space required to store the machines.

Marksense Machines. The marksense ballot lists candidates and issue choices next to a series of rectangles, circles, ovals, or incomplete arrows. People vote by filling in the rectangle, circle, or oval, or by completing the arrow corresponding with the desired choices. Compared to other methods, marksense is a relatively new technology for voting, but has long been in use for standardized testing and by some lotteries. Voters place their ballots in either a sealed box or directly into a computer tabulating device at the precinct. The computer selects the darkest mark within a given set as the voter’s choice.

Error rates for marksense ballots can be very low. If a voter submits a ballot, for example, with an incomplete marking or by more marks than permitted for an office or issue, the machine identifies the spoiled ballot. If the ballots are fed into the scanner at the polling place (rather than being collected for a central tabulating facility), the voter finds out immediately and, as permitted by law in the particular jurisdiction, can get a new ballot to vote in place of the spoiled ballot – an opportunity not available if ballots are collected for tabulation elsewhere.

Direct Recording Electronic (DRE). DRE voting systems may be considered an electronic version of the mechanical lever systems. As with the lever machines, there is no ballot for each voter. The candidates and ballot questions appear on the screen and the voter makes his or her choices by touch screen, push buttons, keyboard, or other input device. The voters choices are added to the total count and stored on a memory cartridge or disk. In 1996, 7.7% of the registered voters in the U.S. used some type of direct recording electronic voting system. Among the concerns about DRE voting are the integrity and secrecy of the ballot. Although electronic systems can be designed to reduce vote error significantly, in the absence of a physical ballot that can be recounted, DRE systems could be vulnerable to tampering in the

program code that could be difficult to detect. Security measures designed to guard against tampering, however, might require creating an audit trail that would compromise the voter's right to cast a secret ballot.

Comparative Reliability of Voting Systems. The Caltech/MIT study cited earlier included an analysis of rates of uncounted, unmarked, and spoiled ballots for each of the different kinds of systems in the last four presidential elections. DRE and punchcard systems, each with average error rates for presidential voters of 2.3% and 2.5%, respectively, were the least reliable, and marksense or optical scans (1.5%), lever machines (1.5%), and paper ballots (1.8%) were the most reliable. The divergence in error rates in Florida was even greater. The Governor's Select Task Force on Elections Procedures, Standards, and Technology reported a 3.93% error rate for punchcards, compared to 0.83% for optically scanned ballots tabulated in the precinct. The error rate for centrally tabulated optically scanned ballots, however, was 5.68%.

Although the different types of systems appear to differ in their reliability, it has been argued that error rates for any type of system can be reduced if election officials and poll workers are better trained. Indeed, improved training was one of the recommendations of a National Association of Secretaries of State resolution in February 2001, and in a number of other recent studies on election reform.

FOR MORE INFORMATION

The following table compares state voting systems and election laws. For more information about Wisconsin's election laws see Chapters 5-12 of the Wisconsin Statutes, or contact the Legislative Reference Bureau at (608) 266-0341 or <http://www.legis.state.wi.us>, or the State Elections Board at (608) 266-8005 or <http://elections.state.wi.us>.

SELECTED ELECTION LAWS, BY STATE, 2001

State	ELECTION DAY			
	Is election day a holiday?	Are schools closed?	Time off from work to vote?	
			State employees	Private employees
Alabama	NO	NO	NO	NO
Alaska	NO	NO	YES	AS NEEDED
Arizona	NO	NO	NO	NO
Arkansas	NO	NO	YES	3 HRS
California	NO	NO	MAX 2 HRS	MAX 2 HRS
Colorado	NO	NO	MAX 2 HRS	MAX 2 HRS
Connecticut	NO	OPTION	NO	NO
Delaware	YES	YES	HOLIDAY	NO
District of Columbia	NO	NO	NO	NO
Florida	NO	NO	YES	NO
Georgia	NO	NO	NO	MAX 2 HRS
Hawaii	YES	YES	HOLIDAY	MAX 2 HRS
Idaho	NO	NO	NO	NO
Illinois	NO	YES	HOLIDAY	MAX 2 HRS
Indiana	YES	NO	HOLIDAY	NO
Iowa	NO	NO	MAX 3 HRS	MAX 3 HRS
Kansas	NO	NO	YES	MAX 2 HRS
Kentucky	NO	NO	4 HRS	4 HRS
Louisiana	YES	NO	HOLIDAY	NO
Maine	NO	NO	NO	NO
Maryland	YES	OPTION ¹	YES	MAX 2 HRS
Massachusetts	NO	NO	NO	NO
Michigan	NO	NO	NO	NO
Minnesota	NO	NO	YES	FORENOON
Mississippi	NO	NO	NO	NO
Missouri	NO	NO	NO	MAX 3 HRS
Montana	YES	NO	HOLIDAY	NO
Nebraska	NO	NO	NO	MAX 2 HRS
Nevada	NO	NO	MAX 3 HRS	MAX 3 HRS
New Hampshire	NO	NO	NO	NO
New Jersey	NO	NO	YES	NO
New Mexico	NO	NO	YES	MAX 2 HRS
New York	YES	NO	HOLIDAY	MAX 2 HRS
North Carolina	NO	NO	NO	NO
North Dakota	NO	NO	YES	NO ²
Ohio	YES	NO	NO	NO
Oklahoma	NO	NO	YES	MAX 2 HRS
Oregon	NO	NO	YES ³	YES ³
Pennsylvania	NO	NO	NO	NO
Rhode Island	YES	YES	HOLIDAY	NO
South Carolina	YES	YES	HOLIDAY	NO
South Dakota	NO	NO	MAX 2 HRS	MAX 2 HRS
Tennessee	NO	NO	MAX 3 HRS	MAX 3 HRS
Texas	YES	NO	MAX 2 HRS	MAX 2 HRS
Utah	NO	NO	YES	MAX 2 HRS
Vermont	NO	NO	NO	NO
Virginia	NO	OPTION ⁴	NO	NO
Washington	NO	NO	NO	NO
West Virginia	YES	YES	HOLIDAY	MAX 3 HRS
Wisconsin	NO	NO	MAX 3 HRS	MAX 3 HRS
Wyoming	NO	NO	MAX 1 HR	MAX 1 HR

SELECTED ELECTION LAWS, BY STATE, 2001 (continued)

State	VOTER PROCEDURES			POST ELECTION
	Is voter required to present identification	Is voter's signature required to vote?	Is election official required to verify the signature?	Does the law provide for automatic recount and for what margin?
Alabama	NO	YES	NO	NO
Alaska	YES	YES	NO	NO
Arizona	NO	YES	NO	YES under .1%
Arkansas	YES	YES	YES	NO
California	NO	YES	NO	NO
Colorado	NO	YES	VARIABLES	YES up to 5%
Connecticut	YES	NO	-	YES under .5%
Delaware	YES	YES	YES	NO
District of Columbia	NO	YES	NO	-
Florida	YES	YES	YES	YES up to .5%
Georgia	YES	YES	NO	NO
Hawaii	YES	YES	NO	NO
Idaho	NO	YES	NO	NO
Illinois	NO	YES	YES	NO
Indiana	NO	YES	YES	NO
Iowa	MAY	YES	NO	NO
Kansas	NO	YES	NO	-
Kentucky	YES	YES	NO	NO
Louisiana	YES	YES	YES	NO
Maine	NO	NO	-	YES under 1%
Maryland	NO	YES	NO	NO
Massachusetts	MAY	NO	-	NO
Michigan	NO	YES	VARIABLES	YES up to 2,000 votes
Minnesota	MAY	YES	ABSENTEES	YES up to 100 votes
Mississippi	NO	YES	NO	NO
Missouri	YES	YES	YES	NO
Montana	NO	YES	NO	NO
Nebraska	NO	YES	NO	YES up to 1%
Nevada	NO	YES	YES	NO
New Hampshire	NO	NO	-	NO
New Jersey	NO	YES	YES	NO
New Mexico	NO	YES	NO	NO
New York	NO	YES	YES	-
North Carolina	NO	NO	-	YES up to 1%
North Dakota	NO	NO	-	YES up to .5%
Ohio	NO	YES	YES	YES under .5%
Oklahoma	MAY	YES	NO	NO
Oregon	NO	YES	YES	YES
Pennsylvania	NO	YES	YES	NO
Rhode Island	NO	YES	NO	NO
South Carolina	YES	YES	YES	YES under 1%
South Dakota	NO	NO	-	YES tie
Tennessee	YES	YES	YES	NO
Texas	MAY ⁵	YES	MAY	NO
Utah	MAY	YES	NO	NO
Vermont	NO	NO	-	NO
Virginia	YES	NO	-	NO
Washington	NO	YES	NO	YES under .5%
West Virginia	YES ⁶	YES	YES	NO
Wisconsin	MAY	NO	-	NO
Wyoming	NO	NO	-	YES under 1%

¹Five counties may close schools.

²Employers are encouraged to do so.

³A reasonable amount of time; may no longer be relevant because Oregon now conducts its elections by mail.

⁴About 60% of counties.

⁵When voter does not present a valid registration certificate.

⁶If first election after registering by mail.

Sources: U.S. Federal Elections Commission, National Conference of State Legislatures, and Council of State Governments, 2001.

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