

## **Expanding Access to the Polls**

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In its report entitled “An Agenda for Election Reform,” the Brennan Center for Justice at the NYU School of Law encouraged electoral innovation. These innovations are needed because “many citizens have work, family or other obligations that make it difficult for them to participate in elections.” Several possible innovations are discussed in the following sections.

### **Expanded Voting Hours**

Wisconsin state statutes stipulate that the polls open at 7 AM and close at 8 PM. Most states have similar hours, although the polls in approximately one-third of the states open earlier at 6 or 6:30 AM and less than 10 percent of the states keep their polls open as late as 10 PM.

These hours may no longer meet the needs of busy Wisconsin residents. Many people have obligations that start before 7 AM and last until well past 8 PM. If the polls were to open earlier and/or close later, voter turnout might increase. Many Wisconsin businesses, in response to their customer’s needs, have expanded hours of operation and some even stay open 24 hours a day.

Election Day is already a long working day for election officials. Residents have 13 hours to cast their ballots, and anyone on line at 8 PM must be allowed to vote. Poll workers must arrive before 7 AM to set up the polls and cannot leave until all votes are cast and counted. Any expansion in voting hours would likely make it even more difficult to recruit election officials and particularly chief election officials who commonly work the entire day.

Furthermore, it is unclear whether expanded voting hours would result in increased voter participation. Employers are already required by state statute to grant their employees time off to vote. In addition, Wisconsin voters have the options of pre-Election Day in-person voting or no-excuse absentee voting by mail.

### **Weekend or Holiday Voting**

Turning Election Day into an Election Weekend has been proposed to increase voter turnout. Senator Herb Kohl has repeatedly offered legislation to hold Congressional and Presidential elections on the first weekend in November. Under his proposal, polls would be open nationwide for a uniform period from 10 am eastern time Saturday to 6 pm eastern time Sunday. (Polls could be closed during the overnight hours). Proponents argue that weekend voting will enable more people to vote as well as help to end gridlock at polling places. Many other democracies hold elections on weekends or holidays, and they generally have higher turnout rates. It would also expand the pool of buildings available for polling stations and enable more people to serve as poll workers. Weekend voting would not conflict with religious observances since the polls would be open both Saturday and Sunday. Opponents of weekend voting argue that it will be difficult to find

enough qualified poll workers to staff the expanded voting hours. In addition, there is little evidence that voter turnout in the US would increase with weekend voting.

Several proposals have been proposed relating to holiday voting. They include making Election Day a school holiday or even a National Holiday. Kentucky, for example, closes all schools on Election Day. A school holiday would allow greater use of educational buildings as polling sites and would enable more teachers and older high school students to service as poll workers. However, it would not necessarily make voting easier for large numbers of working people.

An Election Day holiday in addition to the advantages of a school holiday (making more locations available to serve as election sites and increasing the pool of potential election officials) should make voting easier for more working people. However, critics suspect that people would instead use the new holiday for purposes other than voting and thus voter turnout could possibly be reduced. In addition, a national holiday is expensive for employers. The National Commission on Federal Election Reform suggested that in the “even-numbered years the Veterans Day national holiday be held on the Tuesday next after the first Monday in November and serve also as our Election Day.” This joint Veterans Day/Election Day proposal has not been warmly received.

### **Internet Voting**

The ability to vote via the Internet could increase access to the voting process. Americans have become increasingly accustomed to using the Internet for educational, commercial, financial and other purposes. Furthermore, research indicates that the American public views Internet voting favorably assuming ballot security could be guaranteed. Internet voting has already seen limited use in government elections and referendums in the United Kingdom, Estonia and Switzerland, municipal elections in Canada, and party primary elections in the United States and France.

Ballot security is a major concern with Internet voting just as it is with the use of electronic voting machines at polling places. Another concern is possible fraud if someone other than the legal voter casts the Internet ballot. In addition, questions have been raised about the level of privacy when voting takes place in a home or office. A 2001 report by the National Science Foundation recommended further research and experimentation with Internet voting.

### **Early Voting**

Many states (e.g., Texas, Nevada, Kansas) and counties permit residents to vote at a few polling places during an “early voting” period (generally two weeks prior to an election). For example, Clark County Nevada (which includes Las Vegas) has set up polls in shopping centers and other high-traffic locations. Polling places at malls are open during mall hours, generally 10 AM – 9 PM. In some locations, early voters may comprise 50% or more of all those casting a ballot.

In Wisconsin, the absentee ballot is the vehicle for early voting. Wisconsin is one of 31 states that allow no-excuse pre-Election Day in-person voting and one of 29 states that

permit no-excuse absentee voting by mail. In Wisconsin, absentee ballots are available 21 days prior to spring primary and elections and 30 days prior to fall primary and general elections. The completed and returned ballots must be received by election officials either on or before Election Day.

Non-precinct voting exceeded 30% in 13 states in 2004, although it was considerably lower in Wisconsin. In recent years, the availability of early voting in Wisconsin has received greater publicity. There was an active campaign to encourage early voting for the April 2007 Dane County elections which were held during the public schools', the university's and the technical college's spring break. Early voting was also touted by partisans during the 2004 presidential campaign as a means to avoid the large crowds expected at the polls. Wisconsin Act 451 passed in 2006 provided a way for municipalities to set up a location apart from the clerk's office for absentee voting which might ease the way for increased use of the absentee voting option.

Proponents of early voting emphasize the convenience for voters. In addition, it provides "advance warning about how motivated voters are and whether state and county officials are adequately prepared for voters on Election Day." (LWV Ed Fund, 10/2006) It also may reduce Election Day lines.

Critics of early voting are concerned that voters must cast their ballots before they have all of the information that the rest of the electorate will have, thereby requiring some changes in campaigning. In addition, when early voting is extensive, there is a loss of the sense of community that exists at the polling place. Also, election officials may not have the capacity to handle a large early voting program while also preparing for Election Day. Finally, the use of early voting centers means extra concerns about the security of ballots and voting machines. At a minimum, early voting will "create new administrative challenges, including the need to find suitable locations that can accommodate voting equipment, poll workers, and voters, as well as candidates trolling for support." (LWV Ed Fund, 10/2006) Some other advantages and disadvantages are included in the lengthier discussion of voting by mail that follows.

### **Voting by Mail**

The Vote by Mail Project describes voting by mail as a continuum consisting of (a) permanent no-excuse absentee registration, (b) county-option vote by mail (VBM), and (c) statewide vote by mail (VBM). With VBM, registered voters typically receive their ballots in the mail two-three weeks prior to the Election Day. Completed ballots are then returned by mail or dropped off at a secure site.

Four states, California, Colorado, Oregon and Washington have permanent no-excuse absentee voters. In California, for example, a voter completes an application and then automatically receives a VBM ballot for each election. From 2002-06, the number of registered permanent absentee voters in California increased from approximately 600,000 to 4,000,000. More than 40% of voters cast mail-in ballots for the 2006 election. California even recently changed its statutory language to refer to mail ballots and mail

voters rather than absentee ballots and absentee voters. In Colorado, about 30 percent of votes cast in recent elections were mail votes.

Washington State has county-option VBM. At the time that Washington approved county-option VBM, more than 70 percent of ballots cast were absentee ballots. Thirty-seven of 39 counties use VBM and one additional county will switch to VBM for the 2008 elections.

Oregon is the sole state to use VBM exclusively. Oregon experimented with VBM starting in 1981 and a voter initiative in 1998 led to the state holding all elections using VBM. All eligible Oregon voters are sent a packet consisting of a ballot, a secrecy envelope, and a return ballot envelope 14-18 days prior to the elections. Ballots are not forwarded where a voter has moved without providing a change of address to election officials. After completing the optical scan ballot, the voter places the ballot in the security envelope and then in the mailing envelope and signs the back of the outer envelope. Ballots are then mailed to the county or dropped off at a secure site such as a library, post office or court house. Upon arriving at the county election office, voter signatures are verified by comparing the signature on the outer envelope with the signature on file from the registration card. Ballots are held for counting on Election Day with the first results released after 8 PM. Oregon has provisions in place to provide for replacement ballots if an eligible voter has not received a ballot or mismarks his/her ballot. The public may observe all steps in the election process.

Colorado is considered holding the 2008 general election using VBM exclusively after its secretary of state found problems with most of the voting machines it was using. The exclusive VBM option was being suggested either as a one year "fix" for 2008 or as a permanent option – with both requiring legislative action.

In some states, cities have been given the option of using VBM (in addition to having traditional polling places). More than 35 Arizona cities utilize VBM. Sometimes VBM has been mandated as in the case of sparsely populated areas and for election of minor officials.

The Vote by Mail project website lists the following advantages to VBM:

- No waiting for hours in line
- No polling place intimidation
- No confusion about where to go to vote
- No need to make arrangements for childcare or time off from work
- No malfunctioning voting equipment
- No need to hire and train poll workers (In one Oregon county, it took 1,300 employees to run a polling place election and only 300 employees to run the 2000 VBM election.
- Increased election process integrity through signature verification (a process used in Oregon)
- Lower election administration costs

- Increased voter turnout (in a 2003 study of the Oregon system, turnout was greater for women, the disabled, homemakers and those aged 26-38)
- A more informed voter (where there is a complex ballot, one can study it carefully prior to marking one's choice)
- In addition, citizens who have used VBM greatly prefer it to voting at the polls.

Critics of VBM voice the following concerns:

- Loss of the sense of community that exists at the polling place
- Ballots sent via mail might be obtained and filled out by someone other than the legal voter
- Loss of exit poll data as verification of election results
- Potential for abusive or influential individuals to persuade a vote to alter his/her ballot
- Inconsistent evidence about its effect on voter turnout
- Its effect on the conduct of elections is unclear.
- It could require the elimination of election day registration or make it harder by limiting the sites.
- Voters often cast their ballot before they have all the information that will become available to the rest of the electorate.
- Centralized tabulation of ballots could result in large-scale error if just one vote-counting machine malfunctions or is corrupted
- A hybrid system that uses both VBM and traditional polling places increases election administration costs

### **Colorado Combo**

Colorado provides an interesting example of multiple voting options. In the past few years, Colorado has combined early voting, voting by mail, and Election Day voting at the polls. No later than 25 days before the election, county clerks mail voter information cards to all active eligible voters in the county. The card outlines the voter's options. Voters may obtain and mail in a ballot; they may vote in person at an early vote center starting 15 days before a general election (10 days before a primary), or they may vote in person on Election Day. The early voting at early voting centers must be completed by the Friday before Election Day. All mail-in ballots and emergency mail-in ballots must be in the hands of the county clerk by 7 PM on Election Day. (The voter registration deadline is 29 days before the election. There is no Election Day registration. Provisional ballot voters have 14 days to verify the provisional ballot information. Voters have eight days to cure missing or unclear signatures on mail-in ballots.)

### **Brennan Center Recommendations**

In its "An Agenda for Election Reform," the Brennan Center recommended further "study of new methods of voting including vote by mail, universal absentee voting, permanent absentee voting, early voting, vote centers, and Internet voting. The research should explore whether and how these methods can be used to increase the turnout of eligible voters; how they affect voters from different demographic and geographic communities; whether and how they can be misused or create the potential for misconduct and how such problems can be solved; and what it would cost for states to implement new programs."

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