

## **League of Women Voters of Alabama Off-Site Voting Study Overview Information for Members**

The League of Women Voters of Alabama voted at the 2007 LWVAL Convention to review and study off-site voting procedures used by other states, with a focus on any recommendations in our position regarding Alabama's existing system. In particular, the study was to examine the process for "today's situations" to facilitate citizen participation in the voting process without compromising the integrity of the system. This document is a summary of information collected.

Members are encouraged to read this document in order to prepare for the discussion at the Local League meeting. Detail on some topics will be presented with the PowerPoint presentation and notes at the local league meeting. The PowerPoint and notes are available on our web site if you want to review them. Rereading our current LWVAL Election Law Reform position statement plus the LWVUS Position on Citizen's Right to Vote and the LWVUS Position on Representative Government are recommended. Additionally the LWV web site has a publication entitled *Helping America Vote: Safeguarding the Vote*.

The consensus questions that relate to this document will focus on whether we need to open elections in any of these areas:

- allowing access to absentee ballots without a stipulated excuse or by expanding acceptable excuses,
- establishing early voting either via mail or at a designated location and
- offering so called convenience voting

What is off-site voting? For this study it refers to any voting **not** performed in person by the voter at the voter's assigned polling place on Election Day. Citizens leading hectic lives or with no readily available transportation may wish to vote early, absentee, at another location close to work or via the Internet. None of this is available in Alabama. Should it be?

### **Alabama Absentee Voting**

Currently the only off-site voting Alabama has is absentee voting by mail or in person with an excuse. A registered voter may request and cast an absentee ballot only if he or she

- WILL BE ABSENT FROM THE COUNTY on Election Day
- IS ILL OR HAS A PHYSICAL DISABILITY that prevents a trip to the polling place
- IS A REGISTERED ALABAMA VOTER LIVING OUTSIDE THE COUNTY, such as a member of the armed forces, a voter employed outside the United States, a college student, or a spouse or child of such a person
- IS AN APPOINTED ELECTION OFFICER OR POLL WATCHER at a polling place other than his or her regular polling place
- WORKS A REQUIRED SHIFT, 10-HOURS OR MORE, that coincides with polling hours

In addition to the traditional absentee voting, Alabama has Business/Medical Emergency Voting applications which can be made after the absentee deadline but no later than 5 PM on the day before the election, if the voter:

- is required by an employer under unforeseen circumstances to be out of the county on Election Day for an emergency business trip, or
- has a medical emergency requiring treatment from a licensed physician.<sup>1</sup>

There are an estimated 56,000 citizens overseas who claim Alabama as their residence. For these citizens, obtaining ballots and voting can be difficult in the time-frame allowed. Should new solutions be considered?

### **Military Voting**

The Military absentee ballot process and material is similar to non-military. The exception is a lack of an outer envelope since the military voter does not have to provide ID with the ballot. Military family members overseas follow the same procedures as military personnel.

Problems existing for military personnel voting include the 6-week window for absentee voting might not be sufficient for mailing the ballots to overseas bases, allowing the voter to complete (vote) the ballot, and mail it back to the Absentee Election Manager.

Because the law states that the military absentee request is good for 2 federal voting cycles unless stated otherwise, there could be times when the military voter has returned home, and only has a choice to vote a provisional ballot at the polls since the database reveals an absentee ballot had been mailed. The Absentee Election Manager would have to verify that original ballot had not been voted or received.

This year Alabama Governor Riley established the Voting Task Force, chaired by Secretary of State Beth Chapman to “develop a plan of action for the implementation of a secure system for Internet voting for deployed military personnel and citizens of the state who are living overseas at election time.” Legislation was introduced in 2007 and 2008, but no bills passed.

## What Other States Do

Doug Chapin of the PEW Center on States indicates that states are re-tooling and changing their operations due to problems. He states “We see the same litany of problems again and again every election cycle. Basically, what it comes down to is that our voting system is very fragmented and underfunded, and there’s no strong national will to subject the election process to the scrutiny it needs. While we’ve taken action on several fronts, in many ways elections in American [sic] operate much as they did at the turn of the 20th century”.<sup>2</sup>

States have a variety of approaches to off-site voting offerings. The processes are called by a variety of names although some are similar to each other. They include

- absentee voting,
- vote by mail,
- early voting,
- advance voting,
- airport voting, and
- convenience voting.

**Absentee voting** by mail is available in all states, but 23 states including Alabama require a specific excuse. The others require no excuse. Requiring excuses reduces the number of absentee voters. When no excuse is required more people may opt to vote absentee which may increase the number of ballots that must be counted separately.

**Mail voting** occurs in one state, Oregon. All citizens vote by mail. The ballot is mailed to each of the registered citizens. Validation of the ballot is made based on computer verification of signature on the outside of the envelope matching with the signature on record when the individual registered. The advantages touted include

- 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,
- Increased election process integrity through signature verification,
- Lower election administration costs,
- Increased voter turnout<sup>3</sup>

While some predicted increased voter turn-out, studies of the consequence of voting by mail reveal that there is no significant increase in the number of citizens who are registering to vote. It does appear that there may be about a 10% increase in voting by registered voters but not an increase in people registering to vote. However, those registered to vote seem to vote more frequently than previously observed<sup>4</sup>. Oregon has traditionally enjoyed fairly high voter participation compared to many states. In the past some voters may have voted in a “hot” election but skipped others. Now with the convenience of a ballot received by mail, the same occasional voter is casting a ballot more regularly. Advantages cited include the decreased need for poll workers, fewer poll site arrangements and reduced costs. On the other hand, there is a need to hire individuals to open envelopes and conduct the counting.<sup>5</sup>

Some view possible fraud as a concern but the Oregon state election officials feel the safeguards are adequate with the careful verification of signatures and addresses.<sup>6</sup> There are some who question the value of vote by mail<sup>7</sup> but this may be more of a philosophical disagreement since the data was not found to support it.<sup>8</sup>

One potential negative of mail voting is that a late breaking incident will not be considered by the voters (who already voted). Another is the fact that the electronically read signature may be rejected when in fact the voter is validly registered and the person voting. If the voter casts the ballot late in the election cycle, it may be too late to rectify the problem. Signature can change with time due to such factors as ill health and aging.

**Early voting** is offered by at least half the states. This differs from absentee voting in that the citizen may go to a designated location and vote without any excuse at a period that is often 10-14 days prior to the election. In some states one or more sites are selected in the county for the early voting. In some, the site is the county clerk's office and in others it may be in a centrally located building.

One of the consequences of early voting expressed is that a late breaking incident will not be considered by the voters (who already voted). This was charged as a possible cause of Congressman Harold Ford, Jr. losing the Senate contest when candidate Bob Corker, his opponent, ran an advertisement with a blond woman saying "Harold call me"<sup>9</sup> and it was perceived as racist and affecting the early voters. In Texas there is concern that when an early mail ballot is requested, the citizen may have people showing up at their doorstep to "help" the citizen vote.<sup>10</sup>

Alabama tried a form of Early Voting, known as On-Site Absentee Voting, in a few locations more than a decade ago and it was rescinded in 2001. One reason given was that it had imposed too much time and personnel during the busy season for relatively low use by the voters.

**Advance voting** and convenience voting are similar. Advance voting offered by Georgia is voting in person at the county office and no excuse is required although the identification normally required is checked.

**Airport voting** has been used in Alaska where much transportation is by air. Voting is available at the airports. It is a form similar to convenience voting.

**Convenience voting** being tried in Knoxville, Tennessee in 2009 will allow voters to cast ballots in several locations (which may be convenient to home or to work) in the weeks ahead of the election as well as on Election Day. The computerized database of registered voters will allow rapid check on voting status.

Alabamians who cross county and legislative district boundaries in order to go from home to work would probably have alternative sites that correspond to their appropriate ballot. This has the potential to increase costs.

## **What Alabama Does**

In Alabama the only form of off-site voting allowed is absentee voting with an approved excuse required. There are some issues of concern that may impact any decision regarding off-site voting. These issues include

1. the cost of elections,
2. the staffing of polling places on Election Day,
3. the training of election workers,
4. signature verification and
5. voter fraud.

1. Elections with high participation cost less per vote than elections with low participation. Lee County spent \$65,000 for the Republican primary runoff. That amounted to \$60/vote. With higher turnout for the June Primary the cost was \$20/vote and the February Presidential Primary was \$3 per vote. It is estimated that the General Election in November may cost about \$1.50 per vote. Most of this difference is related to the number of people who vote. Some is related to the number of polling sites and equipment made available.

2. Staffing polls continues to be an issue in many counties. The poll workers, who work approximately 14-15 hours, are frequently retired individuals. Those long hours make it difficult to recruit more people to work. Secretary of State Beth Chapman has launched an initiative to recruit veterans to register voters, work the polls and serve as poll watchers. It is too soon to know the effectiveness of this plan.

3. Poll workers are expected to attend training sessions to understand the State's requirements for voter identification, HAVA requirements and general rules about elections and polls. In addition, they must learn how to set up the Automark voting equipment for individuals who need assistance and the general rules about elections and the polls. This training requirement increases the difficulty of recruiting poll workers. Sometimes the training requirement slips by the wayside so that those who do not attend the classes do serve as poll workers. If they were not allowed to work, the polls may be understaffed.

4. Voters sign the roster when they vote. Voter signatures may be used as a form of identification but to perform this task easily requires computer scanners and identification software. It also assumes that signatures do not change with time or circumstance.

5. Voter fraud is often mentioned when voting opportunities are expanded. There is mixed information on the level of fraud. In Alabama the Secretary of State's Office indicated that in the last primary run-off election, around 1/4 of the voters in Perry County voted via absentee ballots. This is high compared with other counties. Perry County is often high compared to most other counties. Previous elections in Perry County showed a 10.5% (2002), 12% (2004) and 14.2% (2006) absentee rate. The average State absentee voting rate over the last 8 years is near 3%.

**Strength and Weaknesses:**

This following chart may be used to create an overview and jump off point for discussion of the issues. We recommend that after reading the issues above, you add notes to the box or a check mark for a 'strength' and a dash for a 'weakness' to any of the boxes based on your thoughts. That way this chart will work for you as you look at the consensus questions. You may even want to add another category or two. You may find that some of it may be oversimplification or apply in some situations and not others. (For example, it is superficial to say that some forms of voting have issues with arrangements for childcare. Obviously, if the location is convenient, the issue may not be a problem. As in poll voting, children are welcome to come with parents for early and convenience voting. Access issues for physically impaired individuals or just because the parking is an issue can be true for any type of voting and the point may be to encourage use of locations with sufficient parking. Early voting at a specific site will result in different strength and weaknesses than early voting by mail or Internet.) But once you work through this chart it will help you focus your thoughts.

	Poll voting	Absentee voting by mail	Early voting on site	Electronic voting on site	Convenience voting on site	Mail only voting
Fraud potential						
Access issues						
Long Poll lines						
Potential Intimidation by poll worker						
Potential Intimidation by family/friend						
Confusion about where to go to vote						
May need Arrangements for childcare or time off from work						
Malfunctioning voting equipment,						
Need to hire and train poll workers,						
Integrity through signature verification,						
Lower election administration costs						
Increased voter turnout						

- 1 [www.sos.state.al.us/elections](http://www.sos.state.al.us/elections), Secretary of State of Alabama
- 2 Doug Chapin, Make Voting Work and electionline.org Pew Center on the States,  
[http://www.pewcenteronthestates.org/report\\_detail.aspx?id=36880](http://www.pewcenteronthestates.org/report_detail.aspx?id=36880)
- 3 <http://www.votebymailproject.org/whyvotebymail.html> Vote By Mail Project (501c3) and the Vote  
By Mail Advocacy Project
- 4 Gronke, Paul, Ballot Integrity and Voting by Mail: The Oregon Experience, Early Voting  
Information Center at Reed College, A Report for the Commission on Federal Election Reform
- 5 [www.sos.state.or.us/elections](http://www.sos.state.or.us/elections), Secretary of State of Oregon
- 6 LWVOR, Election Laws Study, League of Women Voters of Oregon Education Fund Publication  
August 1996.
- 7 <http://www.ejfi.org/Voting/Voting-80.htm> Melody Rose Oregon's Vote-By-Mail Fails To Fulfill Its  
Promise by © 2002 *The Oregonian*
- 8 Gronke, Paul, Ballot Integrity and Voting by Mail: The Oregon Experience, Early Voting  
Information Center at Reed College, A Report for the Commission on Federal Election Reform
- 9 [http://en.wikipedia.org/wiki/Harold\\_Ford,\\_Jr.#2006\\_Senate\\_campaign](http://en.wikipedia.org/wiki/Harold_Ford,_Jr.#2006_Senate_campaign)
- 10 <http://www.sos.state.tx.us/elections/pamphlets/earlyvote.shtml>

#### Other References

- Alexander Keyssar, *The Right to Vote - The Contested History of Democracy in the United States*, 2000
- <http://www.sos.state.al.us/> Alabama Secretary of State
- <http://www.legislature.state.al.us/Codeofalabama/1975/coatoc.htm> . The Code of Alabama 1975
- <http://www.earlyvoting.net/states/abslaws.php> *The Early Voting Information Center at Reed College, Portland OR*
- <http://www.ncsl.org/programs/legismgt/elect/absentearly.htm> . **National Conference of State Legislatures**
- [http://sos.georgia.gov/ELECTIONS/elections/voter\\_information/advance\\_voting.htm](http://sos.georgia.gov/ELECTIONS/elections/voter_information/advance_voting.htm) , Advance Voting in Georgia
- [http://www.knoxcounty.org/election/convenience\\_voting.php](http://www.knoxcounty.org/election/convenience_voting.php) , Convenience voting in Tennessee.
- [http://en.wikipedia.org/wiki/Electronic\\_voting](http://en.wikipedia.org/wiki/Electronic_voting) Wikipedia electronic voting
- Election costs. Opelika-Auburn News, July 16, 2008
- **THE TRUTH ABOUT “VOTER FRAUD”**: Brennan Center for Justice, NYU School of Law. September 2006, Voting Rights and Election Series
- Russell County Commission Election. Columbus Enquirer Ledger, BY JERRY F. RUTLEDGE, June 5, 2008
- <http://www.vote411.org/>
- On-Site Absentee Voting – A Thing of the Past. The County Line, 2001.
- WRBL Channel 3, Columbus, GA
- <http://www.ledgerenquirer.com> Columbus Ledger Enquirer
- [http://www.lwv.org/AM/Template.cfm?Section=Election\\_2008&section=Voter\\_Information\\_1&template=/CM/ContentDisplay.cfm&ContentFileID=2369](http://www.lwv.org/AM/Template.cfm?Section=Election_2008&section=Voter_Information_1&template=/CM/ContentDisplay.cfm&ContentFileID=2369)