

## PART 1 INTRODUCTION

Under the Help America Vote Act of 2002 (HAVA), the U.S. Election Assistance Commission (EAC) developed and distributed three surveys to state election directors to obtain baseline election administration data for identifying and prioritizing issues that affect voter enfranchisement and participation in the electoral process. The three surveys are the National Voter Registration Act (NVRA), Election Day, and Military and Overseas Absentee Ballot surveys.

This is a report of the Election Day Survey, which is the largest and most comprehensive survey of voting and election administration practices ever conducted by a U.S. governmental organization. The survey was an attempt to create a complete enumeration of voting statistics and election practices in all 50 states, the District of Columbia, and four territories—Guam, Puerto Rico, American Samoa, and the U.S. Virgin Islands.

State respondents to the survey have reported that 121,862,329 of 177,265,030 registered voters participated in the 2004 general election. This is the highest number of persons to have voted in an election in the United States and an increase of over 14 million voters from the 2000 general election. As a percentage of the citizen voting age population (CVAP) the turnout rate in the 2004 election was 60.4 percent, which increased from 55 percent for the 2000 election and was the highest percentage of turnout since the 1968 election.

## Survey Design and Development

### Development Timeline

In July 2004, the EAC asked Election Data Services Inc. to compile a comprehensive list of data elements for a proposed election administration database. The list of recommended data items included voter registration and voter turnout statistics, election returns for federal offices, information on voting systems and system manufacturers, and organizational information for state and local election jurisdictions. In August 2004, Election Data Services was contracted by the EAC to conduct a telephone survey to determine which data elements state election directors were planning to collect from the November 2004 general election. Results of the telephone survey were presented to the EAC in September.

EAC staff then proceeded with the design of the Election Day Survey, which was distributed to state election directors and secretaries of state on October 25, 2004. The survey was distributed in an electronic format with a request for a response by January 1, 2005. On January 10, 2005, the EAC published a request for proposal for assistance with the analysis and interpretation of the three HAVA surveys, including the Election Day Survey. A contract for survey analysis support was issued on February 15 to Election Data Services Inc., the successful bidder. Work covered by the contract included the tabulation of survey responses, cleanup and clarification of the survey data, analysis and interpretation of survey results, development of recommendations on future data collection, and compilation of the survey results and recommendations in a report to the EAC.

The project team providing survey analysis support to the EAC was composed of a principal investigator, a statistical consultant, and support personnel. The principal investigator was Kimball W. Brace, president of Election Data Services, Inc. The statistical consultant was Dr. Michael P. McDonald, an assistant professor of government and politics in the Department of Public and International Affairs at George Mason University. Support personnel included research analysts, database programmers, and administrative assistants, all employees of Election Data Services.

### Survey Questions

The Election Day Survey consisted of 24 questions on five major topics: voter registration, election results, voting equipment, poll workers, and voting jurisdictions. The survey questions were as follows:

## Election Day Survey Questions

### Voter Registration

1. Number of *active* registered voters (1a), and *inactive* registered voters (1b).

### Election Results

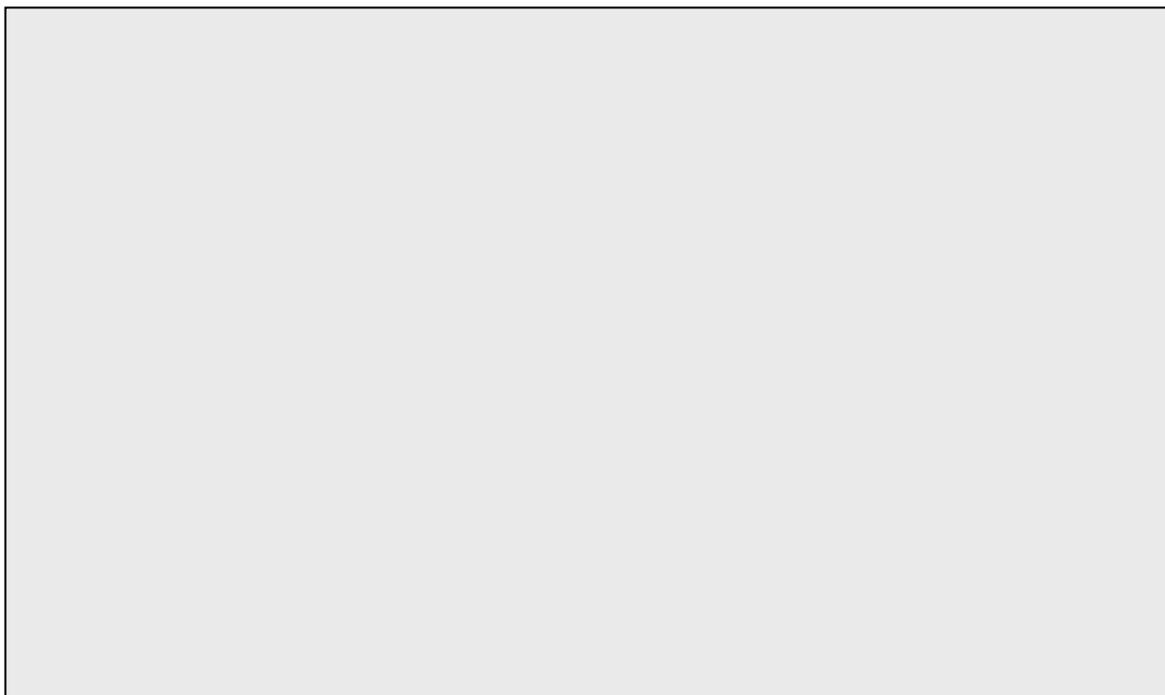
2. Number of ballots counted statewide (2a), and by local jurisdiction (2b).
3. Number of ballots cast at polling places on Election Day statewide (3a), and by local jurisdiction (3b).
4. Number of absentee ballots requested statewide (4a), and by local jurisdiction (4b).
5. Number of absentee ballots returned statewide (5a), and by local jurisdiction (5b).
6. Number of absentee ballots counted statewide (6a), and by local jurisdiction (6b); number of absentee ballots not counted (6c); and five most common reasons for rejecting absentee ballots (6d).
7. Whether the state conducts early voting (7a); and number of early ballots counted statewide (7b), and by local jurisdiction (7c).
8. Number of provisional ballots cast statewide (8a), and by local jurisdiction (8b).
9. Number of provisional ballots counted statewide (9a), and by local jurisdiction (9b); and five most common reasons for rejecting provisional ballots (9c).
10. Number of undervotes in each federal contest, by local jurisdiction.
11. Number of overvotes in each federal contest, by local jurisdiction.
12. Number of votes cast for all candidates in each federal contest, by local jurisdiction.

### Voting Equipment

13. Type and manufacturer of voting systems in use; number of units for each system; software versions, if applicable; and whether used previously in a federal election, by local jurisdiction.
14. Where any of the following voting machine malfunctions occurred, by local jurisdictions and precinct, and whether the affected machines were returned to service: (14a) power failure, (14b) broken counter, (14c) computer failure, (14d) printer failure, (14e) screen failure, (14f) fatal damage to machine, (14g) modem failure, (14h) scanner failure, (14i) ballot encoder or activator failure, (14j) audio ballot failure, and (14k) other malfunctions.

### Poll Workers

15. Number of poll workers statewide (15a), and by local jurisdiction (15b).
16. Required number of poll workers per precinct or polling place, by law or regulation.
- 17a. Number of precincts or polling places in each local jurisdiction that did not have the required number of poll workers.
- 17b. Number of additional poll workers that would have been needed to meet the requirement in question 16 for each precinct that had a deficit of poll workers.



### **Applicability**

The survey covered 6,568 local election jurisdictions in the 50 states, the District of Columbia, and the four territories. The 24 survey questions were not applicable to all respondents. For example, North Dakota does not have voter registration. Six states with Election Day registration are exempt from provisional balloting. Questions on voting equipment would not be applicable to jurisdictions that use hand-counted paper ballots.

## **Survey Response**

### **Election Jurisdictions**

Although the Election Day Survey was distributed to 55 state election directors (including four territories and the District of Columbia), the state directors were charged with gathering information from large numbers of local election jurisdictions to complete the survey. Texas has 254 counties, and Wisconsin has some 1,910 municipalities that conduct elections. The 6,568 election jurisdictions represented in the EAC survey database include 3,090 counties and county equivalents, and 3,460 cities and towns in Wisconsin and the six New England states. Some 1,500 municipalities in Michigan and 2,600 municipalities in Minnesota also conduct elections; however, only county-level information was obtained from Michigan and Minnesota for the survey.

**Number of Local Election Jurisdictions**

|                      |     |                |       |
|----------------------|-----|----------------|-------|
| Alabama              | 67  | Nevada         | 17    |
| Alaska               | 1   | New Hampshire  | 242   |
| Arizona              | 15  | New Jersey     | 21    |
| Arkansas             | 75  | New Mexico     | 33    |
| California           | 58  | New York       | 58    |
| Colorado             | 64  | North Carolina | 100   |
| Connecticut          | 169 | North Dakota   | 53    |
| Delaware             | 3   | Ohio           | 88    |
| District of Columbia | 1   | Oklahoma       | 77    |
| Florida              | 67  | Oregon         | 36    |
| Georgia              | 159 | Pennsylvania   | 67    |
| Hawaii               | 5   | Rhode Island   | 39    |
| Idaho                | 44  | South Carolina | 46    |
| Illinois             | 110 | South Dakota   | 66    |
| Indiana              | 92  | Tennessee      | 95    |
| Iowa                 | 99  | Texas          | 254   |
| Kansas               | 105 | Utah           | 29    |
| Kentucky             | 120 | Vermont        | 246   |
| Louisiana            | 64  | Virginia       | 134   |
| Maine                | 517 | Washington     | 39    |
| Maryland             | 24  | West Virginia  | 55    |
| Massachusetts        | 351 | Wisconsin      | 1,910 |
| Michigan             | 83  | Wyoming        | 23    |
| Minnesota            | 87  | American Samoa | 1     |
| Mississippi          | 82  | Guam           | 1     |
| Missouri             | 116 | Puerto Rico    | 110   |
| Montana              | 56  | Virgin Islands | 1     |
| Nebraska             | 93  | Total          | 6,568 |

**Coverage**

At the time the contract for survey analysis support was issued in mid-February, the EAC had received responses to the Election Day Survey from 48 states and territories. By March 17, most state responses had been received. The last state responses were added to the database on March 31 (Rhode Island) and April 13 (Michigan). As of April 15, there were two nonrespondents to the Election Day Survey: Guam and American Samoa.

Supplemental data was added to the database up to July 15, 2005. This included corrected data from a follow-up review of survey data that was conducted during the second week of July. On July 8, 2005, a spreadsheet containing data tabulated for local election jurisdictions was sent to each state election director. The state directors were asked to review the spreadsheets, provide missing data, correct data entries, if necessary, and return the spreadsheets by July 15, 2005. Responses to the

survey follow-up review were received from 26 states. As of September 1, Guam and American Samoa were still nonrespondents to the Election Day Survey.

Even with the follow-up review, many responses to the Election Day Survey are incomplete. In some cases, responses are missing one or more local election jurisdictions. In other cases, a response is missing for certain questions—for example, question 14 on voting equipment malfunctions. On March 15, the original cutoff date for data tabulation, overall completeness rates for original state responses varied from 91.5 percent complete to less than 20 percent, as shown below:

| <b>Survey Completeness Rates</b> | <b>No. States<br/>by Mar. 15</b> |
|----------------------------------|----------------------------------|
| Over 80 percent complete         | 5                                |
| 60 to 80 percent complete        | 23                               |
| 40 to 60 percent complete        | 16                               |
| 20 to 40 percent complete        | 6                                |
| Less than 20 percent complete    | 2                                |
| No response*                     | 3                                |

*\*As of March 15, only statewide data had been received for the state of Rhode Island. Data for local election jurisdictions in Rhode Island was added to the survey database on March 31.*

Many states provided supplemental data in response to requests for missing data or clarifications of problem data. Some data had not been reported consistently. For example, two-thirds of the nation's jurisdictions provided responses to questions on active registrations, but for inactive registration, less than half reported data. By comparing survey responses with reported registration data, Election Data Services determined that 20 states combined active and inactive registrations in their counts of overall registrations in the state. Twenty-six states reported only active registration. In four states, the determination of whether to report active and inactive voters in voter registration totals is at the discretion of individual local jurisdictions. Responses to other election data on the number of ballots cast by mode of voting, absentee ballots, provisional voting, and the number of undervotes by federal office were often incomplete.

The following table summarizes the coverage of state responses to selected questions on the survey as of July 15, 2005. This summary includes supplemental data provided by state election directors as a result of the state follow-up review.

| <b>Individual Survey Questions</b> | <b>Number of Responses<br/>(Jurisdictions)</b> | <b>Coverage Rate<br/>(Percent)</b> |
|------------------------------------|--|------------------------------------|
| 1a. Active registration            | 4,878  | 74.3                               |
| 1b. Inactive registration          | 3,049  | 46.4                               |
| 2a. Ballots counted                | 6,487  | 98.8                               |
| 3a. Ballots cast on Election Day   | 3,849  | 58.6                               |
| 4a. Absentee ballots requested     | 4,735  | 72.1                               |
| 5a. Absentee ballots returned      | 4,828  | 73.5                               |
| 6a. Absentee ballots counted       | 4,902  | 74.6                               |
| 6c. Absentee ballots not counted   | 1,741  | 26.5                               |
| 7b. Early ballots counted          | 1,306  | 71.8                               |

| <b>Individual Survey Questions</b>                               | <b>Coverage Rate<br/>(Percent)</b> |      |
|--|------------------------------------|------|
| 8a. Provisional ballots cast                                     | 3,010                              | 45.8 |
| 9a. Provisional ballots counted                                  | 2,483                              | 37.8 |
| 12a. Votes cast for President                                    | 6,289                              | 95.8 |
| 10a. Presidential undervotes                                     | 4,427                              | 67.4 |
| 11a. Presidential overvotes                                      | 1,243                              | 18.9 |
| 12b. Votes cast for U.S. Senator                                 | 4,377                              | 96.7 |
| 10b. Senate undervotes   | 3,537                              | 78.1 |
| 11b. Senate overvotes  | 784                                | 17.3 |
| 12c. Votes cast for U.S. Representative                          | 6,031                              | 93.4 |
| 10c. Congressional undervotes                                    | 4,493                              | 69.6 |
| 11c. Congressional overvotes                                     | 988                                | 15.0 |
| 13. Type of voting equipment                                     | n/a*                               | n/a* |
| 14. Voting equipment malfunctions                                | n/a*                               | n/a* |
| 15a. Number of poll workers                                      | 4,639                              | 70.6 |
| 16. Required number of poll workers per precinct                 | 1,983                              | 30.2 |
| 17a. Precincts with fewer poll workers than required             | 2,289                              | 34.9 |
| 19. Number of precincts  | 5,395                              | 82.1 |
| 20. Number of polling places                                     | 5,180                              | 78.9 |
| 21a. Wheelchair-accessible polling places                        | 3,569                              | 54.3 |
| 21b. Polling places where visually impaired cast private ballots | 537                                | 8.2  |
| 21c. Polling places with accessible voting systems               | 1,206                              | 18.4 |

*\*Coverage rates could not be calculated for questions on voting equipment because many jurisdictions provided data for more than one type of voting equipment.*

From conversations with state election directors and an examination of survey responses, Election Data Services determined that some state election directors sent the survey or selected questions from the survey directly to local jurisdictions, while others rewrote the questions on a new version of the survey that was distributed to local election jurisdictions.

In several instances, election directors noted in their responses that local election officials had not carefully read or fully understood certain questions on the Election Day Survey. For example, some responses to question 3b, “ballots cast on Election Day,” were identical to question 2b, “total number of ballots counted,” and did not exclude absentee ballot totals. Some local officials may have interpreted “ballots cast” (question 3b) as individual pages of a multipage ballot; therefore, five voters casting a three-page ballot would have been interpreted as 15 ballots cast, rather than five ballots cast.

There are data quality issues, cases of missing data, and, inevitably, data entry errors. Some data entry and reporting errors were detected by data integrity reports that identified rates in excess of 100 percent—for example, more ballots counted than registered voters, more ballots counted than ballots cast, more absentee ballots returned than absentee ballots requested, or more provisional ballots counted than provisional ballots cast. Other errors were detected by reports that compiled the highest and lowest 15 counties for each data category or reports that compared the survey responses with other data sources, such as certified election data published on the Web or surveys on similar topics conducted by other election organizations, such as electionline.org and the National

Association of Secretaries of State. Still other errors were corrected through telephone calls for data clarifications—e.g., extra digits (123 ballots cast, instead of 1,023 ballots) or transpositions (113 provisional ballots counted, instead of 131 ballots).

Some states were asked to provide corrected data when, for example, (1) the number of absentee ballots returned was higher than the number of ballots requested (more than 100 jurisdictions), (2) the number of absentee ballots counted was higher than the number of ballots returned (more than 140 jurisdictions), or (3) the number of provisional ballots counted was higher than the number of ballots cast (15 jurisdictions). Election Data Services has attempted to locate and correct errors in larger magnitude, but we are certain that smaller errors exist in the data. It is hoped that these small errors will not undermine the results of the analysis that we report, and that these errors are minimized when data is aggregated to the county level. Some problems remain with the data because requests for data corrections have not yet been received.

**Note: Because of the data quality issues, it is important to check the primary data sources (i.e., original survey responses) if certain items in this report seem questionable. Data errors were discovered and corrected throughout the analysis and report-writing phases of this project, right up to the date of the final report.**

## Data Tabulation

The electronic format that the EAC chose for the Election Day Survey was a Microsoft Excel spreadsheet. While most states used the Excel format for their responses, there were considerable variations among the states in the presentation of data presented on the Excel spreadsheets. For example, while most states reported election jurisdiction data in rows and survey questions in columns, a few states used the opposite format—i.e., rows for questions, and columns for jurisdictions. In some instances, particularly on voting equipment, individual data cells contained responses to two or more questions—e.g., equipment manufacturer and equipment name or type and software version. Some survey responses or supplements to survey responses were provided in Microsoft Word documents or .csv, .pdf, or html files (i.e., comma delimited text, Portable Document Format, or Hypertext Markup Language Web documents).

To tabulate the survey, Election Data Services standardized the survey responses in new Microsoft Excel import files for addition to a special SQL (Structured Query Language) relational database that was created for the project. The special EAC database for the Election Day Survey has 6,568 records (one record for each local election jurisdiction) and 70 columns of data. Data integrity and quality assurance reports to assess jurisdictional coverage and data quality issues were produced from this database as well as 14 tables that present the survey results and form the basis for this report.

Each of the 14 tables has a separate chapter in this report. The tables are entitled as follows:

|                               |   |
|-------------------------------|---|
| Table 1. Population Estimates | Table 8. Overvotes and Undervotes       |
| Table 2. Voter Registration   | Table 9. Voting Equipment Usage         |
| Table 3. Ballots Counted      | Table 10. Voting Machines               |
| Table 4. Turnout Source       | Table 11. Voting Equipment Malfunctions |
| Table 5. Absentee Ballots     | Table 12. Poll Workers                  |
| Table 6. Provisional Ballots  | Table 13. Polling Places                |
| Table 7. Drop-Off             | Table 14. Disability                    |

## Data Measurement

Four basic methodologies were used to analyze the results of the Election Day Survey. They are (1) data entry and tabulation checks to provide complete and consistent nationwide coverage; (2) calculation of rates and ratios to provide meaningful comparisons among states and counties; (3) cross-tabulation and correlation by different criteria—e.g., type of voting equipment used—to reveal patterns between two variables; and (4) regression analysis to provide a statistically rigorous analysis of patterns revealed through cross-tabulation and correlation.

### Table Format

The 14 tables present statewide summaries of the survey results. The questions are in columns and state responses to the survey questions are in rows. Next to each column containing a response to a survey question or a calculation representing responses to two or more questions is a column labeled “Cases.” The Cases column provides information on the number of jurisdictions that are represented by the survey response or calculation. For example, in the following illustration from Table 2, state responses to question 1a of the Election Day Survey on the number of active registered voters are in column 6, “Active Registration.” In column 7, “Cases” shows the number of local election jurisdictions covered by the state’s response to survey question 1a.

Column 8, “Percent Active Registration” lists the number of active registered voters in column 6, divided by “Reported Total Registration” in column 4. “Cases” in column 9 shows the number of local jurisdictions that responded to question 1a on active registered voters (col. 6) *and* the number of jurisdictions covered by the calculation of total registered voters in column 4.

| <b>EAC Election Day Survey</b>            |             |               |                             |       |                     |       |                             |       |                       |       |                               |
|---|-------------|---------------|-----------------------------|-------|---------------------|-------|-----------------------------|-------|-----------------------|-------|-------------------------------|
| <b>Registration 2004 General Election</b> |             |               |                             |       |                     |       |                             |       |                       |       |                               |
| State Code                                | State Name  | Jurisdictions | Reported Total Registration | Cases | Active Registration | cases | Percent Active Registration | Cases | Inactive Registration | cases | Percent Inactive Registration |
| 01  | Alabama     | 67            | 2,597,629                   | 67    | 2,597,629           | 67    | 100.0                       | 67    | 245,356               | 63    | 10.4                          |
| 02  | Alaska      | 1             | 472,160                     | 1     | 472,160             | 1     | 100.0                       | 1     |                       |       |                               |
| 04  | Arizona     | 15            | 2,642,120                   | 15    | 2,642,120           | 15    | 100.0                       | 15    | 253,833               | 15    | 9.6                           |
| 05  | Arkansas    | 75            | 1,699,934                   | 75    | 1,495,645           | 75    | 88.0                        | 75    | 204,289               | 74    | 12.1                          |
| 06  | California  | 58            | 16,646,555                  | 58    | 16,646,555          | 58    | 100.0                       | 58    | 6,811,719             | 50    | 41.8                          |
| 08  | Colorado    | 64            | 3,101,956                   | 64    | 2,405,306           | 64    | 77.5                        | 64    | 696,650               | 64    | 22.5                          |
| 09  | Connecticut | 169           | 1,831,567                   | 169   | 1,831,567           | 169   | 100.0                       | 169   | 110,062               | 168   | 6.0                           |
| 10  | Delaware    | 3             | 553,917                     | 3     | 532,336             | 3     | 96.1                        | 3     | 21,581                | 2     | 4.8                           |

Moving down the table and following the 55 state responses is a series of calculations showing the nationwide totals, with maximum, minimum, and average counts for each variable. These calculations are followed by a series of cross-tabulations for interpreting the survey data. The cross-tabulations are the same for each table and cover the following three categories: (1) election administration factors, (2) geographic and demographic factors, and (3) political factors:

| <b>Election Administration</b>           | <b>Geo/Demographic</b> | <b>Political</b>               |
|--|------------------------|--------------------------------|
| Type of Voting Equipment                 | Regions                | Battleground States            |
| Changed Voting Equipment since 2000      | Urban to Rural         | Presidential Margin of Victory |
| Statewide Voter Registration Database    | Size of Jurisdiction   | Red versus Blue Jurisdictions  |
| Election Day Registration                | Race and Ethnicity     |                                |
| Provisional Ballot Acceptance            | Median Income          |                                |
| No-Excuse Absentee Balloting             | High School Education  |                                |
| Early Voting                             |                        |                                |
| Sec. 203 Language Minority Requirements  |                        |                                |
| Sec. 5 Preclearance of Voting Procedures |                        |                                |

## Cross Tabulations

The following is a description of the cross-tabulation factors for interpreting the survey results.

### *Type of Voting Equipment*

Cross-tabulations by voting equipment are for five generic equipment types: (1) paper, (2) lever, (3) electronic, (4) punch card, and (5) optical scan. Paper refers to the Australian or “mark choice” ballot, on which voters choose candidates or responses to ballot questions by marking boxes on a paper ballot, which are then counted by hand. Lever refers to mechanical lever machines, which display a full-face ballot with a small lever next to each candidate’s name and each ballot question. Voters enter a curtain-enclosed booth, make their choices for candidates and ballot questions by flipping the small levers, and then pull a large lever to open the curtain to exit the booth and record their votes on counters located on the back the machines. No paper trail of an individual voter’s choices are ever produced on a lever machine.

Electronic refers to Direct Record Electronic (DRE) systems where voters use push buttons, select wheels, or touch screens to choose candidates or responses to ballot questions. Their choices are recorded and tabulated electronically in removable memory components. Punch card refers to both Votomatic and DataVote style systems, where voters insert paper ballot cards into a device and punch out chads next to candidate names and ballot questions.<sup>1</sup> The voted punch cards are then

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<sup>1</sup> A Votomatic ballot card is prescored and printed only with numbered voting positions. A Votomatic ballot card is inserted into a frame on which a booklet identifying candidates or answers to ballot questions has been attached. A stylus is used to punch out chads at various voting positions. A DataVote ballot card is printed with a candidate name or answer to a ballot question at each voting position. A DataVote ballot card is inserted into a frame fitted with a movable device similar to a one-hole punch for punching out chads at voting positions. Because the candidate names are printed on the card, most “ballots” provided to voters encompass multiple physical cards.

processed by a computer reader, which tabulates the vote. Optical scan systems use paper ballots on which voters mark their choices for candidates and ballot questions with pencils or pencil-like devices. Voted ballot cards are then scanned by machines using “marksense” (e.g., infrared) technology to tabulate the vote.

The data source for the voting equipment cross-tabulations is survey question 13, which asked for the type and manufacturer of voting equipment used at the November 2004 election. The number of local jurisdictions for each equipment type is shown below. The unknown category is for jurisdictions that did not respond to the survey question.

| Type of Voting Equipment | Jurisdictions |
|--------------------------|---------------|
| Paper                    | 1,734         |
| Lever                    | 394           |
| Electronic               | 608           |
| Punch Card               | 260           |
| Optical Scan             | 2,541         |
| Multiple Systems         | 123           |
| Unknown                  | 908           |

### *Changed Voting Equipment Since 2000*

The cross tabulation for voting equipment changes are based on responses to survey question 13 and information maintained by Election Data Services on voting equipment used at the November 2000 general election. The number of local jurisdictions that used different voting equipment in November 2000 is as follows:

| Changed Voting Equipment Since Nov. 2000 | Jurisdictions |
|--|---------------|
| Yes                                      | 1,753         |
| No                                       | 4,815         |

### *Statewide Voter Registration Database*

Section 303 of HAVA requires states to implement a statewide voter registration database by January 1, 2004, unless a waiver was obtained to extend the implementation deadline to January 1, 2006. Seventeen states had statewide databases in place for the November 2004 general election, and the number of local jurisdictions in those states is as follows:

|   |               |                |       |
|---|---------------|----------------|-------|
| <b>Jurisdictions in states with statewide voter registration databases in place for the November 2004 election:</b> |               |                | 1,335 |
| Alaska  | Hawaii        | New Mexico     |       |
| Arizona   | Kentucky      | Oklahoma       |       |
| Connecticut   | Louisiana     | South Carolina |       |
| Delaware  | Massachusetts | South Dakota   |       |
| Dist. of Columbia   | Michigan      | West Virginia  |       |
| Georgia   | Minnesota     |                |       |
| <b>Jurisdictions in other states:</b>   |               |                | 5,233 |

### *Election Day Registration*

Six states allow persons to register and vote on Election Day.<sup>2</sup> Proponents of Election Day Registration (EDR), also called “same-day voter registration,” maintain that EDR increases the

<sup>2</sup> Another state, Rhode Island, is not considered an Election Day Registration (EDR) state, but allows persons to register on Election Day to vote for president only.

opportunity to cast a vote and that the EDR states have higher than average voter turnout rates. The number of local jurisdictions in states that have EDR is as follows:

|  |               |           |
|--|---------------|-----------|
| <b>Jurisdictions in states (6) with Election Day registration:</b> | 2,823         |           |
| Idaho  | Minnesota     | Wisconsin |
| Maine  | New Hampshire | Wyoming   |
| <b>Jurisdictions in other states:</b>                              | 3,745         |           |

### *Provisional Ballot Acceptance*

Provisional balloting allows voters who believe that they registered to cast a ballot even though their names do not appear on a voter list. A provisional ballot may be counted if, after investigation, it is determined that the voter was, in fact, eligible to vote. Provisional balloting is mandated by HAVA, although many states already had provisional balloting or other “fail-safe” voting procedures before HAVA was enacted. However, provisional balloting procedures differ among the states, and one major difference is where provisional ballots are cast.

Provisional ballots in 28 states are disqualified if cast outside the voter’s home precinct, while in 18 states, provisional ballots are eligible to be counted if cast in the voter’s home jurisdiction—e.g., county or municipality—but not necessarily in the voter’s home precinct. The number of local jurisdictions in states with in-precinct and out-of-precinct rules for counting provisional ballots is shown below. Other local jurisdictions are in states that have no such rules or are exempt from HAVA’s provisional balloting requirement. HAVA exempts states that do not have voter registration and states that have Election Day registration, although three states with Election Day registration, Maine, Wisconsin and Wyoming, use provisional ballots for first-time voters whose names do not appear on voter lists and who do not have proper identification at the polls on Election Day.

|  |                |                |
|--|----------------|----------------|
| <b>Jurisdictions in states (28) where provisional ballots must be cast in the voter’s home precinct (in precinct only):</b>  | 4,350          |                |
| Alabama  | Kentucky       | Ohio           |
| Connecticut  | Massachusetts  | Oklahoma       |
| Dist. Columbia   | Michigan       | South Carolina |
| Florida  | Mississippi    | South Dakota   |
| Hawaii   | Missouri       | Tennessee      |
| Indiana  | Montana        | Texas          |
| Iowa   | Nebraska       | Virginia       |
| Kansas   | Nevada         | West Virginia  |
|  | New Jersey     | Wisconsin      |
|  | New York       | Wyoming        |
| <b>Jurisdictions in states (18) where provisional ballots are eligible to be counted if cast in the voter’s home jurisdiction but not necessarily in the voter’s home precinct (anywhere in jurisdiction):</b> | 1,162          |                |
| Alaska   | Georgia        | Oregon         |
| Arizona  | Illinois       | Pennsylvania   |
| Arkansas   | Louisiana      | Rhode Island   |
| California   | Maryland       | Utah           |
| Colorado   | New Mexico     | Vermont        |
| Delaware   | North Carolina | Washington     |
| <b>Jurisdictions in other states:</b>  | 1,056          |                |

### *No Excuse Absentee Balloting*

The EAC defined absentee voting as “voting prior to Election Day which requires that the voter meet qualifications other than those generally required to register to vote.” For example, a voter might have to attest that he or she will be absent from the voting jurisdiction on Election Day. Many states now allow voters to cast absentee ballots without conditions. Cross-tabulations by “no-excuse” absentee balloting apply to jurisdictions in the following 24 states:

|  |                |              |       |
|--|----------------|--------------|-------|
| <b>Jurisdictions in states (24) with no-excuse absentee ballots:</b> |                |              | 3,781 |
| Alaska   | Kansas         | North Dakota |       |
| Arizona  | Louisiana      | Oklahoma     |       |
| California   | Maine          | South Dakota |       |
| Colorado   | Montana        | Utah         |       |
| Florida  | Nebraska       | Vermont      |       |
| Hawaii   | Nevada         | Washington   |       |
| Idaho  | New Mexico     | Wisconsin    |       |
| Iowa   | North Carolina | Wyoming      |       |
| <b>Jurisdictions in other states:</b>                                |                |              | 2,787 |

### *Early Voting*

The EAC defined early voting as “any voting that occurred prior to November 2, 2004, for which there were no eligibility requirements. For example, the voter did not have to attest that he/she would be absent from the voting jurisdiction on the day of the election.” The number of local jurisdictions in the 27 states that conduct early voting is as follows:

|  |                |               |       |
|--|----------------|---------------|-------|
| <b>Jurisdictions in states (27) with early voting:</b> |                |               | 1,701 |
| Alaska   | Indiana        | North Dakota  |       |
| Arizona  | Iowa           | Oklahoma      |       |
| Arkansas   | Kansas         | South Dakota  |       |
| California   | Maine          | Tennessee     |       |
| Colorado   | Montana        | Texas         |       |
| Florida  | Nebraska       | Utah          |       |
| Georgia  | Nevada         | Vermont       |       |
| Hawaii   | New Mexico     | West Virginia |       |
| Idaho  | North Carolina | Wyoming       |       |
| <b>Jurisdictions in other states:</b>                  |                |               | 4,867 |

### *Section 203 Language Minority Requirements*

Section 203 of the Voting Rights Act requires election jurisdictions to provide language assistance at the polls, such as translation services or special ballots, if a language minority group represents a certain proportion of voting age citizens. Covered language minority groups are American Indians, Asian Americans, Alaskan Natives, and Spanish-heritage citizens. Section 203 cross-tabulations apply to 468 jurisdictions in 27 states.<sup>3</sup>

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<sup>3</sup> “Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups,” 28 C.F.R. Part 55.

### *Section 5 Preclearance of Voting Procedures*

Section 5 of the Voting Rights Act requires certain jurisdictions to obtain federal approval (“pre-clearance”) before implementing changes to voting procedures. Section 5 cross-tabulations apply to 880 covered jurisdictions in 16 states.<sup>4</sup>

### *Regions*

Cross-tabulations by geographic area apply to four regional groupings of states used by the U.S. Census Bureau. These groupings exclude the four territories. The number of local jurisdictions in each of the four census regions—Northeast, Midwest, South, and West—is as follows:

|   |                |                |       |
|---|----------------|----------------|-------|
| <b>Jurisdictions in the nine Northeastern states:</b> |                |                | 1,710 |
| Connecticut   | New Hampshire  | Pennsylvania   |       |
| Maine   | New Jersey     | Rhode Island   |       |
| Massachusetts   | New York       | Vermont        |       |
| <b>Jurisdictions in the 12 Midwestern states:</b>     |                |                | 2,902 |
| Illinois  | Michigan       | North Dakota   |       |
| Indiana   | Minnesota      | Ohio           |       |
| Iowa  | Missouri       | South Dakota   |       |
| Kansas  | Nebraska       | Wisconsin      |       |
| <b>Jurisdictions in the 17 Southern states:</b>       |                |                | 1,423 |
| Alabama   | Kentucky       | South Carolina |       |
| Arkansas  | Louisiana      | Tennessee      |       |
| Delaware  | Maryland       | Texas          |       |
| Dist. of Columbia                                     | Mississippi    | Virginia       |       |
| Florida   | North Carolina | West Virginia  |       |
| Georgia   | Oklahoma       |                |       |
| <b>Jurisdictions in the 13 Western states:</b>        |                |                | 420   |
| Alaska  | Idaho          | Utah           |       |
| Arizona   | Montana        | Washington     |       |
| California  | Nevada         | Wyoming        |       |
| Colorado  | New Mexico     |                |       |
| Hawaii  | Oregon         |                |       |
| <b>Jurisdictions in four territories:</b>             |                |                | 113   |

### *Urban to Rural*

Cross-tabulations by population density for four area types—urban, suburban, small town, and rural—were created for this study from the U.S. Census P.L. 94–171 Redistricting Data Summary File. The area quartiles were created by dividing the populations of geographic units represented in the P.L. File by the areas of those units in square miles. The four territories are not covered by these calculations. The number of local jurisdictions in each population density quartile is as follows:

| <b>Area</b> | <b>Population Density</b>            | <b>Jurisdictions</b> |
|-------------|--------------------------------------|----------------------|
| Urban       | 1,000 people per square mile or more | 567                  |
| Suburban    | 250 to 999 people per square mile    | 871                  |
| Small Town  | 50 to 249 people per square mile     | 1,710                |
| Rural       | 0 to 49 people per square mile       | 3,307                |
| Territories | (not available)                      | 113                  |

<sup>4</sup> “Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, As Amended,” 28 C.F.R. Part 51, and Appendix to Part 51, “Jurisdictions Covered Under Section 4(b) of the Voting Rights Act, as Amended.”

### *Size of Jurisdiction (VAP)*

Cross-tabulations by size of jurisdiction are based on selected ranges of the estimated voting age population (VAP) for the November 2, 2004, general election. VAP is defined as all persons age 18 and older residing within a jurisdiction. Estimated VAP for November 2004 is based on U.S. Census Bureau estimates of the population by age on July 1, 2002, and July 1, 2003. The November 2004 estimated VAP was constructed by extrapolating forward the difference between the July 1, 2002, and July 1, 2003, census estimates. The four territories are not covered by these ranges. The number of local jurisdictions in each range is as follows.

| <b>Voting Age Population (VAP)</b>                    | <b>Jurisdictions</b> |
|---|----------------------|
| Less than 1,000                                       | 1,761                |
| 1,000 to 3,499  | 1,165                |
| 3,500 to 9,999  | 1,043                |
| 10,000 to 49,999                                      | 1,704                |
| 50,000 to 249,999                                     | 586                  |
| 250,000 to 999,999                                    | 140                  |
| 1,000,000 or more                                     | 25                   |
| Territories and problem jurisdictions (not available) | 144                  |

Most of the small jurisdictions are municipalities in Wisconsin and the six New England states. Cross-tabulations based on voter registration would have been preferable for this study but could not be created because of a lack of consistent voter registration data.

### *Race and Ethnicity*

Cross-tabulations by race and ethnicity are also based on population counts from the U.S. Census P.L. 94-171 Redistricting Data Summary File for persons 18 years and over as well as Hispanic/Latino and non-Hispanic/Latino persons by race (63 categories).

| <b>Race and Ethnic Categories</b>                     | <b>Jurisdictions</b> |
|---|----------------------|
| Predominantly Non-Hispanic White                      | 6,284                |
| Predominantly Non-Hispanic Black                      | 85                   |
| Predominantly Non-Hispanic Native American            | 24                   |
| Predominantly Hispanic                                | 50                   |
| Territories and problem jurisdictions (not available) | 145                  |

### *Median Income*

Cross-tabulations by median income are based on income data in the U.S. Census Summary File 1 (SF 1). The four territories are not included in these tabulations. The number of local jurisdictions in each range by median income is as follows:

| <b>Income Categories</b>                              | <b>Jurisdictions</b> |
|---|----------------------|
| Less than \$25,000                                    | 298                  |
| \$25,000 to 29,999                                    | 884                  |
| \$30,000 to 34,999                                    | 1,372                |
| \$35,000 to 39,999                                    | 1,215                |
| \$40,000 to 44,999                                    | 881                  |
| \$45,000 to 49,999                                    | 587                  |
| \$50,000 or more                                      | 1,180                |
| Territories and problem jurisdictions (not available) | 151                  |

### *High School Education*

Cross-tabulations by high school graduation or equivalent diploma are based on educational attainment data in the U.S. Census Summary File 1 (SF 1). The four territories are not included in these tabulations. The number of local jurisdictions in each range by educational attainment is as follows:

| <b>High School Graduation Rates</b>                   | <b>Jurisdictions</b> |
|---|----------------------|
| Less than 60 percent                                  | 126                  |
| 60 to 70 percent                                      | 661                  |
| 70 to 80 percent                                      | 1,646                |
| 80 to 90 percent                                      | 3,111                |
| 90 percent or higher                                  | 873                  |
| Territories and problem jurisdictions (not available) | 151                  |

### *Battleground States*

Cross-tabulations by “battleground state” apply to the 2004 presidential election and are based on the number of local jurisdictions in the 17 battleground states as follows:

|   |               |               |       |
|---|---------------|---------------|-------|
| <b>Jurisdictions in the 17 battleground states:</b> |               |               | 3,093 |
| Arkansas  | Minnesota     | Oregon        |       |
| Arizona   | Missouri      | Pennsylvania  |       |
| Colorado  | Nevada        | Washington    |       |
| Florida   | New Hampshire | West Virginia |       |
| Iowa  | New Mexico    | Wisconsin     |       |
| Michigan  | Ohio          |               |       |
| <b>Jurisdictions in other states:</b>               |               |               | 3,475 |

### *Presidential Margin of Victory*

Cross-tabulations by “margin of victory” are for the 2004 presidential election by the following quintiles: Less than 2.5 percent, 2.5 to 5.0 percent, 5.0 to 7.5 percent, 7.5 percent to 10.0 percent, and 10 percent or more. The number of local jurisdictions in each margin of victory quintile is shown below. The number does not sum to 6,568, the number of jurisdictions covered by the survey, because election returns were not reported for some smaller jurisdictions whose votes are included in the totals of another jurisdiction.

| <b>Presidential Margin of Victory</b> | <b>Jurisdictions</b> |
|---------------------------------------|----------------------|
| Less than 2.5 percent                 | 515                  |
| 2.5 percent to 5.0 percent            | 476                  |
| 5.0 percent to 7.5 percent            | 510                  |
| 7.5 percent to 10.0 percent           | 429                  |
| 10 percent or more                    | 4,492                |

### *Red versus Blue Jurisdictions*

Cross-tabulations by “red versus blue” apply to the 2004 presidential election results and are based on local jurisdictions won by John Kerry (blue) and George W. Bush (red). The number of jurisdictions by margin of victory is shown below. The number does not sum to 6,568, the number of jurisdictions covered by the survey, because election returns were not reported for some smaller jurisdictions whose votes are included in the totals of another jurisdiction.

| <b>Candidate</b> | <b>Margin of Victory</b> | <b>Jurisdictions</b> |
|------------------|--------------------------|----------------------|
| Red (Bush)       | Greater than 55 percent  | 3,115                |
| Red (Bush)       | 50 percent to 55 percent | 982                  |
| Red (Bush)       | Less than 50 percent     | 136                  |
|                  | Tied                     | 25                   |
| Blue (Kerry)     | Less than 50 percent     | 150                  |
| Blue (Kerry)     | 50 percent to 55 percent | 872                  |
| Blue (Kerry)     | Greater than 55 percent  | 1,161                |

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