

ELECTION GUIDELINES CHECKLIST FOR CIVIC ORGANIZATIONS

The following checklist is intended to help voter mobilization organizations and their attorneys obtain information from state and local election officials about the administration of elections in their state and/or county, related legal requirements and administrative decisions, and identify pertinent legal issues.

I. Pre-Election Day.

A. Voter Registration Drives.

These questions are designed to provide guidance to civic organizations engaged in voter registration activities about applicable legal requirements and to promote their ability to engage in such activities without undue or burdensome restrictions.

1. What state and local rules govern voter registration activities by people other than county or municipal officials?
2. What regulatory authority oversees and operates voter registration activities in your state/county? Who is the contact person for questions or problems involving voter registration drives?
3. Are voter registration organizations required to register with the Secretary of State or other state or local authority? If so:
 - What information must be provided?
 - How long before commencing voter registration activities must they register?
 - Must they wait for official approval before commencing registration activities?
 - Do the rules differ depending on the location of the registration activities, e.g., door-to-door or shopping mall?
4. Are individual registration workers required to register with the Secretary of State or other state or local authority? If so:
 - What information must be provided?
 - How long before commencing voter registration activities must they register?
 - Must they wait for official approval before commencing voter registration activities?
 - Do the rules differ depending on the location of the registration activities, e.g., door-to-door or shopping mall?
5. What age, citizenship or other requirements are there for voter registration workers?
6. Are voter registration workers required to undergo state training? If so, what does the training consist of? Where and how frequently is it offered?
7. Are voter registration workers required to be “deputized” or obtain some other authority by the state to engage in voter registration activities?
8. Are there restrictions on paying individual workers who collect registration forms? If so, is there a general prohibition, or are there restrictions on paying on a per form basis?
9. Do the following apply to voter registration drives in your state/county:
 - Prohibitions against photocopying completed voter registration applications?
 - Are completed registration applications required to be submitted to election officials under seal?
 - Are there time limits for submitting completed voter registration applications?
 - Must voter registration applications be witnessed by a third party?
 - Are there criminal or civil penalties for failing to comply with state or county laws? Do the penalties apply to the organization, individuals within the organization or to individual voter registration workers or to all three?
 - Are there rules governing who must submit the completed forms to election officials?
10. Are voter registration organizations required to use a specific registration form? If so, where is that form obtained?
 - How many forms may an individual organization request?
 - Is there a total number that can be requested at any one time?
11. Are there rules specifying what constitutes a completed voter registration application?
12. What is the procedure for notifying an applicant that their form is incomplete and/or contains errors?
13. Are there rules for correcting incomplete voter registration applications? If so, who is authorized to make corrections?

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14. What is the time frame for submitting corrected applications?
15. By when must corrections be submitted so that they are valid for the upcoming election?
16. When is the deadline for submitting completed registration forms to the required office or agency? Must forms be received or postmarked by that date?
17. Are completed registration forms required to be submitted in person, by mail or by a voter registration group?
18. In the event of an incomplete form, does the voter registration organization have a duty to complete it?
19. In the event of an incomplete form, does the voter registration organization have a duty to turn it in as is?
20. If a form is otherwise complete but contains questionable information on it, does the voter registration organization have a duty to turn it in?
21. If a form is otherwise complete but contains questionable information, is the voter organization permitted to flag it for officials or should the organization not turn in the form?
22. If a form is otherwise complete but contains questionable information, will the voter registration organization incur liability for turning it in as is?
23. Is there a late registration procedure once the deadline for submitting registration forms has passed?
24. Do you have Election Day registration? If so, what rules govern that process?

B. Statewide Voter Databases/Maintenance of Voter Rolls.

These questions are designed to ensure that your state employs best practices to create and operate its HAVA-mandated statewide voter database; that your state is in compliance with the NVRA provisions that govern voter list maintenance activities, including purges; and that there is a timely public release of a record of purged voters with publicized procedures for adequate response by individual voters and civic organizations.

1. What state agency is responsible for developing the statewide voter database?
2. Is the state in compliance with the January 1, 2006 HAVA deadline for creating a statewide voter database?
3. Is data entered directly into the statewide list, or is it first entered into a county system which periodically updates the statewide list?
4. What entity oversees and operates collecting and entering voter registration data in your county/state. Who are the contact people?
5. What is the process for collecting and storing voter information for the database?
6. Does the state/county employ an outside consultant to collect and/or verify the accuracy of the information?
7. Does the state/county have an internal audit procedure to verify the accuracy of data entry?
8. Is there any public means (website, telephone) for voters to check their registration information to make sure s/he is registered? Does the system explain how voters who are not registered may complete their registration?
9. How often do voter roll purges occur?
10. What procedures are followed by the state/county to purge voters from the database?
11. What are the categories for purging (e.g., convicted felon, deceased, did not vote in previous election(s), registration information does not match database ("no match no vote"), address is presumed invalid, etc.)?
 - For each purge category, how do election officials know that an applicant or registered voter is the same person identified as ineligible?
12. How does the state/county collect information about individuals whose voting rights have been restored (e.g., person with a felony conviction)?
13. Does the state/county retain records of voters who have been purged from the database or who applied but were never put on the list? Are records publicly available documents?
14. Does the state/county maintain a list of inactive voters? Is this list publicly available?
15. Does the state/county notify voters who have been removed from the database, or who applied but were never put on it, and provide them with information about how they can be put on or reinstated? If so, must the voter respond within a designated time frame?

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C. Poll Worker Training.

These questions are designed to facilitate opportunities for public participation and oversight of election training provided to election officials and poll workers to ensure that they properly interpret and comply with applicable election laws and administrative decisions.

1. Do state/county election officials provide election officials and poll workers with manuals for use on election day that address voter ID requirements, challenge laws, foreign language assistance, provisional voting, disability access and operation of voting machines?
2. Who are poll workers instructed to contact on Election Day if there are any problems?
3. What opportunities are there for voter participation or other civic organizations and/or their attorneys to review and comment on draft Election Day manuals and other training materials prior to publication and distribution?
4. In addition to manuals, ballots, and voting machines, what other Election Day materials or equipment are distributed to election officials and poll workers? When and by whom are they distributed?
5. What training sessions concerning Election Day procedures and operations do election officials and poll workers attend? Are representatives from voter participation or other civic organizations and/or their attorneys permitted to observe Election Day training sessions?

D. Ballot Forms.

These questions are designed to promote timely public input into the process by which ballots are prepared for voting and to ensure that there is adequate time to respond to potential problems.

1. What agency oversees drafting and distribution of ballot forms? Who is the contact person?
2. What foreign languages will ballots be printed in?
3. How will foreign language ballots be distributed?
4. Will targeting of polling locations for foreign language ballot distribution be by language or by precinct?
5. In determining targeting of polling locations for foreign language ballot distribution, either by language or by precinct, will the decision be based on surnames, census data or other factors?
6. Will assignment of bilingual poll workers be based on the distribution of bilingual or foreign language ballots?
7. Will large print format ballots be made available to the visually impaired? If so, how many large print format ballots will be distributed to polling locations? On what basis is this decision made?
8. When will all ballots be finalized by the state/county?
9. When will our organization and/or our attorney have an opportunity to review the absentee, Election Day and provisional ballots?
10. Will ballot screens on electronic voting machines also be available for review by our organization? If so, when will they be made available?

E. Early Voting.

These questions are designed to identify potential problems with early voting procedures and provide organizations timely opportunity to notify and work with election officials to correct them before early voting takes place.

1. Does your county permit early or in-person absentee voting? If so, how are voters informed of this option?
2. What are the hours and locations for early voting? How are voters informed?
3. What procedures must a voter follow to vote early?
4. What identification requirements are there for people who want to vote early? How are these requirements publicized?
5. What procedures will the County follow to determine whether a voter who votes early has already voted?
6. Are early voters flagged on or removed from the poll book? How do officials know that someone who has been flagged on or removed from the poll book is the same person as a voter who voted early?
7. Will people who vote early cast their ballot utilizing the same equipment as voters use on Election Day? If not, what equipment will people who vote early use?

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8. How many voting machines will there be per early voting location? Approximately how many voters do you expect per machine?
9. Will foreign language assistance be provided at early voting locations?
10. Will there be accommodations for voters with disabilities at early voting locations?
11. What procedures will be in place to resolve polling place issues during the period of early voting?
12. How many phone lines to the Board of Elections office will be installed at early voting polling places?
13. How many trained Board of Elections officials will be assigned to take calls from early voting polling places?
14. Will a county-wide website be established and operating at each early voting location to ensure immediate transmission of information to and from the Board of Elections office as needed?
15. Will you permit the use of cell phones by poll workers and other election officials stationed at county precincts?
16. Will the Board of Elections designate a trained representative to be present at each polling location to handle specific early voting issues as they arise? Will such representatives have additional responsibilities and, if so, what will they be?
17. Will you permit a representative of each political party to be stationed in the Board of Elections office and at the polling place to assist with answering questions and resolving issues as they arise?
18. Will you permit representatives of civic organizations to be stationed in the Board of Elections office and the polling place? Are there limitations on who such representatives may be?
19. Are observers in the polling place permitted to challenge the eligibility of voters? Are there restrictions on who may serve as an observer with authority to challenge?
20. How will the equipment used for early voting be secured?
21. How will early votes be stored?
22. How will early votes be counted?
23. When and how will early voting results be released?

F. Absentee Ballots.

These questions are designed to promote accessibility and distribution of absentee ballots, and to provide public oversight of how absentee ballots are secured and tabulated.

1. How many absentee ballot applications does the County have?
2. How many absentee ballot applications will an individual and/or organization be permitted to obtain and distribute? Is there a total number that will be provided at any one time?
3. How far in advance of an election are absentee ballots available for distribution to the general public?
4. How will the availability and distribution of absentee ballots be publicized?
5. Who will be eligible to vote absentee?
6. Have you established categories of persons eligible for absentee voting, for example voters who are permanently disabled or out of the county on Election Day?
7. Will the County permit “no-excuse” absentee voting? If not, what will the standards be for absentee voting?
8. Will first-time registrants be permitted to vote absentee?
9. Will a voter who requests an absentee ballot who is deemed ineligible to vote or to vote by absentee ballot be provided with a provisional ballot? Under what circumstances will the provisional ballot be counted?
10. Will a voter who applies for and is sent an absentee ballot be permitted to vote a provisional ballot at the polls? If so, which ballot will count?
11. How do you track which voters have requested, received and voted by absentee ballots?
12. What procedures and requirements will apply to distributing absentee ballots to persons in the military or residing out of the country?
13. In addition to the voter’s eligibility, what factors must exist for an absentee vote to be valid, for example must it be signed, dated, post-marked? Must an absentee voter submit a copy of identification?

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14. What procedures will be in place to identify and correct errors on absentee ballots?
15. Who is responsible for overseeing and enforcing the receipt and tabulation of absentee ballots?
16. When must an absentee ballot be received to be counted?
17. When will absentee ballots be opened and tabulated?
18. Will the county permit an observer from our organization to be present when absentee ballots are opened?
19. Where will absentee ballots be stored prior to being tabulated?
20. Where will absentee ballots be stored after they have been tabulated?

G. Voting Machines.

These questions are designed to elicit information about pre-Election Day testing and security procedures for voting machines and equipment, to promote the availability of fully operational voting machines and equipment, and to provide a public record of how election officials will respond to equipment failures during voting.

1. What kind of equipment will the county use on Election Day?
2. If the county intends to use electronic voting machines, who is the manufacturer and what kind are they?
3. If the county uses electronic voting machines, will voters be supplied with a paper receipt that reflects that they cast their ballot?
4. Will the county test all electronic machines prior to Election Day? If so, who will conduct testing and what means of testing will be employed?
5. Who may be present during the testing of electronic voting machines?
6. How are the machines inspected and secured prior to the polls opening?
7. Who is responsible for overseeing voting machine security?
8. How many machines does the county have and what formula will be utilized to determine how many machines are placed at each polling location?
9. What was the date of the first election that these machines were used by voters? What technology specific training did poll workers undergo at the time? Will they undergo the same training in the upcoming election? If not, what modifications have been made to the training?
10. Will the equipment at each polling location be tested immediately prior to the opening of polling locations to ensure that they are fully operational, that the ballot is read properly on the machine, and if it is electronic, that the software and data transmission mechanisms are fully operational?
11. What procedures will be followed in the event of equipment failures during voting?
12. Who is the responsible person for overseeing that every essential component of the voting machine required for a voter to cast a ballot has been included with each machine and accompanying materials for transport and delivery machines to each polling location?
 - What procedures does that person follow to ensure that all essential components of each voting machine required for a voter to cast a ballot has been transported and delivered to each polling location?
 - What procedures will be followed in the event that one or more essential components for each voting machine required for a voter to cast a ballot are missing at the polling location?
 - What procedures will be followed to enable voters to cast a ballot in the event of a missing essential voting machine component?

H. Electronic Voting Machines - Software.

These questions are designed to elicit information about the security and operability of electronic voting machines, and to provide sufficient opportunity for organizations to identify and help election officials resolve potential problems.

1. Can we obtain a copy of all software and programming codes for examination by our experts prior to the election?
2. Who will inspect and certify the software for the electronic voting machines used at each polling place?
3. In the event a software patch is required, will we be able to obtain a copy?

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4. What is the deadline for installing software patches on electronic voting machines used at each polling place?
5. Will election officials have the source code to electronic voting machines used at each polling location?
6. What procedures will be employed to ensure that the electronic voting machines at each polling location have not been tampered with?
7. Do the machines that you use have any wireless components?
8. Will the county have on-site monitors present at each polling location to monitor performance of the electronic voting machines? If so, what training will they be required to undergo? Who will provide the training? Will voter participation or other civic organizations be permitted to obtain copies of training materials?
9. What procedures will be employed if a voter reports that he or she accidentally pushed the wrong button or reports other problems casting his or her ballot with a particular machine?
10. What languages will instructions for use of electronic voting machines be provided in?
11. Will audio instructions be available to assist visually impaired voters?
12. What additional assistance will be provided to visually impaired voters?
13. What accessibility accommodations will be made for voters with physical disabilities?
14. Who will have physical custody of electronic voting machines, data disks, and chips prior to and after voting? Will a representative from our organization, or other civic organization be permitted to be present during transportation of machines or disks?
15. Has the Board of Elections, Secretary of State, or other agency been notified either in writing or verbally about potential problems with software for the electronic voting machines, or problems with the machines themselves, used in your district since 2000?
16. Will a voter be able to view a paper receipt confirming that his/her ballot was correctly cast? In the event of a discrepancy between the two, are the paper receipts or the electronic tallies the official records of the election?
17. Will the machines be audited for a comparison of the announced results? If so, what is the audit process? What audit logs will be maintained? Who will maintain and have access to the logs? Will a representative from our organization be permitted to review the audit logs? What time frame will be permitted for our review?

II. Election Day.

A. Voter Identification

These questions are designed to help organizations ensure that election officials and poll workers are aware of actual voter identification requirements and that those requirements are correctly interpreted and applied.

1. What state/local law/regulations govern voter identification?
2. Who will be responsible for overseeing compliance with voter identification requirements at the polling place?
3. Will there be an election manual containing information about voter identification requirements at the poll location for reference by poll workers?
4. What forms of identification will voters be required to present in order to cast a ballot?
5. What information must be displayed on the identification?
6. Are there additional identification requirements for first time voters? If so, what are they? Do they apply to any first-time voter, or just first-time voters registering by mail?
7. What procedures will be followed if the information displayed on a voter's identification does not appear to be the same as the information on the voter roll?
8. If a voter is told by a poll worker that they have not provided a required identification, what procedures will be in place for the voter to challenge that determination?
9. Will eligible voters who lack proper identification be provided with provisional ballots?
10. Will voters who are instructed that they must cast a provisional ballot be told how to do so?
11. Will voters who are instructed that they must cast a provisional ballot be given an opportunity to furnish the proper identification ballot? If so, what procedures will they be told to follow? What time frame will apply?

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12. If someone votes a provisional ballot because they haven't shown required identification, under what circumstances will that ballot count?
13. Who will be responsible for provisional ballot issues pertaining to voter identification requirements at the polling place?

B. Voting Booth Assistance.

These questions are designed to promote public and organizational awareness of assistance available to disabled and foreign-language speaking voters to ensure that such voters are not excluded from voting on the basis of disability or language.

1. Under what circumstances will a voter be permitted to obtain assistance in the voting booth?
2. Who will be permitted to provide assistance to a voter inside the voting booth? How will eligibility for and the availability of assistance be publicized?
3. If a voter eligible for assistance is denied assistance, who should be contacted to resolve the problem?

C. Provisional Ballots.

These questions are designed to promote the appropriate use of provisional ballots, provide civic organizations timely opportunity to identify potential problems with applicable procedures and work with election officials to address problems.

1. Will voters who are not listed on official voting rolls be informed at the polling place of their right to cast a provisional ballot?
2. Will voters who are at the wrong precinct be specifically instructed to go to the correct precinct prior to being given a provisional ballot? If so, will they be told where it is?
3. What resources will be in place at the precincts to assist poll workers provide accurate information to voters? For example, will there be lap top computers at the polls with precinct locations and the addresses of all registered voters?
4. How many provisional ballots will each precinct have? On what basis will this decision be made?
5. What procedures will be followed in the event the polling place runs out of provisional ballots?
6. Will provisional ballots be available to voters in the event of a power outage, malfunctioning or nonfunctioning machine?
7. Does the state/county allow provisional ballots to be counted for all eligible offices, even if the ballots are cast in the wrong precinct? If not, what statutory provision and/or state or local regulation prohibits the counting of such ballots.
8. Will poll workers check street name lists to confirm whether the voter is at the correct polling precinct before advising the voter that s/he must cast a provisional ballot?
9. In what form will the provisional ballot be cast?
10. What requirements must the voter comply with before being permitted to cast a provisional ballot? For example, will the voter be required to sign an affidavit?
11. Under what circumstances will a provisional ballot be counted?
12. Who will be authorized to oversee and enforce provisional ballot voting and tabulation at each precinct?
13. Will a representative from our organization be permitted to assist voters who cast a provisional ballot?
14. Who is responsible for securing provisional ballots once they have been cast?
15. Will each precinct maintain a log of all provisional ballots cast? Will the roster of provisional ballots be compared against any other database; if so, for what purpose?
16. If a provisional ballot is cast by a voter who was not actually registered to vote, will the provisional ballot serve as a registration application form? If not, is the voter notified and provided information about how to register?

D. Resolving Election Day/Polling Place Issues.

These questions are designed to obtain disclosure of all procedures that will be in place on Election Day to resolve Election Day issues, and to provide organizations the opportunity to work with election officials to improve or add procedures.

1. Is there any public means (website, telephone, newspaper publication) for a voter to find his or her polling place?
2. What is the last day before an election by which polling locations may be changed?
3. Is the list of polling places publicized? If so, how is the list publicized?

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4. What procedures will be in place to resolve polling place issues on Election Day?
5. How many phone lines to the Board of Elections office will be installed at polling places?
6. How many trained Board of Elections officials will be assigned to take calls from polling places on Election Day?
7. Will a county-wide website be established and operating at each precinct to ensure immediate transmission of information to and from the Board of Elections office as needed?
8. Will the county permit the use of cell phones by poll workers and other election officials stationed at county precincts?
9. Will the Board of Elections designate a trained representative to be present at each polling location to handle specific Election Day issues as they arise? Will such representatives have additional responsibilities and if so, what will they be?
10. Will the county permit a representative of each political party to be stationed in the Board of Elections office to assist with answering questions and resolving issues as they arise?
11. Will the county permit representatives of civic organizations to be in the Board of Elections office? In the polling place? Are there limitations on which such representatives may be?
12. Are observers in the polling place permitted to challenge a voter's eligibility to vote? Are there restrictions on who may serve as an observer with authority to challenge? On what basis may voters be challenged? How are challenges resolved?
13. Will one particular court or judge be assigned jurisdiction over Election Day problems for speedy determinations of eligibility?

E. Tabulating Votes.

These questions are designed to make public all procedures and processes for tabulating votes and promote the opportunity of organizations to respond.

1. What procedures will be in place for collecting and tabulating votes? Will a representative of each political party be permitted to be present during this process? Will civic organization representatives be permitted to be present during this process?
2. What procedures will be implemented to ensure that all ballots are collected and secured for tabulation?
3. What procedures will be implemented for tabulating all collected and secured ballots?
4. To whom will tabulated votes be delivered?
5. What procedures will be in place for announcing vote totals?
6. What procedures will be in place to match the number of votes cast at polling places with the number of voters who has signed in to vote?