C.A.S.E.
Citizens' Alliance for Secure Elections

BEST PRACTICES

TO INSURE SECURE, RELIABLE AND HONEST ELECTIONS IN OHIO

The following document is a <u>composite</u> of the "Best Practices" procedures recommended by the following organizations, with primary emphasis on the recommendations from the EAC. The separate details of each organization's recommendations can be found by selecting the appropriate link:

- Elections Assistance Commission (EAC)
- Cal Tech/MIT Voting Technology Project
- Brennan Center for Justice (NYU School of Law) and the Leadership Conference on Civil Rights
- NSF / Harvard Symposium on Voting
- National Ballot Integrity Project
- League of women Voters
- CASE Ohio

For ease of reference this document is divided into the several sections. Select the link to access the specific section desired:

I. Best Practices in Administration & Security for All Voting Systems

A. Pre-Election Management

1. Ten Election Management Tips
1.1 Develop Strategic Plans and Checklists.
1.2 Build Partnerships with Stakeholders.
1.3 Focus Early on Pollworker Recruitment and Training.
1.4 Recruit Accessible, Reliable, Well-equipped Polling Places.
1.5 Develop Communication Plans.
1.6 Prepare Back-up and Emergency Plans.
1.7 Develop a Budget and Procurement Plan
1.8 Hire a Usability Consultant
1.9 Review the Legal Environment.
1.10 Review Documentation to Ensure Accountability/ Transparency of Election Processes.

2. Are You Introducing a New Voting System this Year?
2.1 Ten Key Steps for Introducing a New Voting System This Year
- Communicate and consult with colleagues who have made this transition recently or who are using the same system.
- Conduct voter and media outreach. Develop Brochures.
- Develop a change management plan. Election officials who have made the transition to electronic voting systems advise quadrupling the amount of time allotted to test every piece of new equipment before it is deployed.
- Provide extensive hands-on training for pollworkers.
- Establish a clear understanding between you and your vendor(s) regarding the expected level of support.
- Consider contracting with an accessibility/usability professional to consult on ballot layout and ballot design.
- Review records retention policy to determine if policy or records will change because of new technology.
- Keep track of all costs, especially hidden or unanticipated costs, such as upgrading storage facilities to accommodate new voting systems or whether there will be any additional delivery systems.
- Conduct a post-election debriefing with your pollworkers and stakeholders.
- Recycle used voting supplies, booths, and supply election supply containers.

3. Voting System Vendor Management and Contract Issues
3.1 Timing - Vendors should provide training materials to election officials at an early stage so that you can adequately train internal staff and prepare pollworker training materials.
3.2 Communication and Security Checks - Request that your vendor submit its certified software to the National Software Reference library (NSRL) at the National Institute of Standards and Technology (NIST).
3.3 Vendor Responsibility - If your vendor manages the bulk of your election planning, ask them to supply you with the following:
- What are the qualifications, experience and number of personnel you will have available pre-election, on Election Day and post-election?
- Do you have a copy of your vendor's letter to NIST and the state election office confirming receipt of this version of the software?
- *How can you become more independent from your vendor?* - Develop other resources such as colleagues, user groups, independent technology consultants, and technology professionals working for local or state government agencies, technology professionals teaching at universities.

B. Voter Outreach

1. Five Tips on Reducing Voter Error
1.10   Provide a Demonstration Unit or Video.
1.11   Illustrations will make voting instructions much more effective.
1.12   Conduct Focus Groups
1.13   Survey voters on their polling place experience.
1.14   Encourage community organizations to assist in spot-checking.
1.15   (Sample ballot and, if practical voting machines, should be taken out into the community – shopping malls, churches, high schools, public meetings, etc. – to demonstrate how to properly complete it – added by CASE)
1.16   (A voter education program should be conducted to inform people who move, who change their name, who are released from jail after a felony conviction, etc. need to reregister in order to be able to vote – added by CASE)
1.17   (A voter education program should be implemented using the media, video clips and public service announcements to educate voters about the voting process. added by CASE)
1.18   (Include explicit instructions when sending out absentee ballots to inform the voter that the ballot will not be counted if it is not received in time, or if it is soiled or bent. – added by CASE)

2. Five Considerations for Accommodating Voters with Disabilities
2.10   Design an accessible website.
2.11   Accessible polling places.
2.12   Sensitivity Training for Pollworkers.
2.13   Feedback from voters with disabilities.
2.14   Public debriefing with disability organizations.

3. Five Considerations for Accommodating Voters with Limited-English Proficiency
(The Voting Rights Act, passed in 1975, requires that language assistance must be provided to voters who indicate a need for assistance in a targeted language or who reside in an area with a high concentration of multilingual citizens.)

3.10   Bilingual pollworkers and Interpreters.
3.11   Alternative Language Website.
3.12   Hire Bilingual Staff for Your Election Operations for Key Election Periods.
3.13   Pollworker Sensitivity Training.
3.14   Outreach to minority language communities.

C. Pollworkers and Polling Places

1. Tried and True Ideas for Poll Worker Recruitment and Retention: "Partners in Democracy"
1.1   College Pollworker Program.
1.2   High School Student Pollworker Program.
1.3   County/City Pollworker Program.
1.4   Corporate Pollworker Program.
1.5   Bilingual Pollworker Program.
1.6   Interpreter Program.
1.7   Adopt-a-Poll.
1.8   Incentive programs.
1.9   Creative Ideas for pollworker retention.
1.10   Split Shift Option.

2. Pre-Election Poll Worker Testing and Training
2.10   Pollworker screening.
2.11   Hands-on training.
2.12   Training Content
   - Remember: It's not about *YOU*; it's about *THEM*.
   - Include training on Help American Vote Act (HAVA) requirements.
   - Include training on polling place accessibility and sensitivity to persons with disabilities.
2.13   Training Methods
   - Develop training programs based adult learning models which prescribes three repetitions of the content:
   - Provide training manuals that are user-friendly and contain explanatory graphics.
   - Hands-on training is key to a successful polling place on Election Day. Provide checklists and train pollworkers on how to use them.
   - Provide training videos to vary the format and, importantly, ensure consistency in training on key information and practices.
   - Training the trainer. Consider partnering with or employing local continuing education professionals.
   - Coordinate with a local university in developing your training materials.
   - Remember the "WHY": Pollworkers will better retain and properly implement procedures if you help them understand WHY they are being asked to follow the many steps and follow the checklists.
   - For maximum retention by pollworkers, training should occur as close to Election Day a possible (but optimally not more than six weeks prior).

3 Follow Up
3.1   To evaluate your training and make improvements, and also to help retain pollworkers, keep in contact with pollworkers and follow up on problems related to the pollworker program after the elections.
3.2   Pollworker Testing and Certification. Some jurisdictions have teamed with local colleges to train election officials and pollworkers in accreditation programs.
3.3   Evaluate pollworker performance via analysis and tracking of errors to a specific precinct. Use the analysis to constantly improve your training approach and materials…and to help select the best pollworker teams. Many jurisdictions are employing "pollworker report cards" to track pollworker performance.
3.4   Conduct a pollworker debriefing following the election to get the pollworkers' perspective and evaluate training.

4 Five Methods for Directing Voters to the Correct Polling Place
4.1   Polling Place Look Up - Many jurisdictions have added a "polling place look up" function to their websites. Special consideration could be provided to blind voters using this function.
4.2   Pre-election Notices to the Voters
4.3   Employ a phone bank and/or automated voice system
4.4   Provide Street Finders or Precinct Maps to Polling Places
4.5   Train One of Your Pollworkers to Serve as a "Greeter" at Each Polling Place.

D. Election Operations/Technology and Equipment

1 Before the Election: Challenges and Solutions

1.1 Obtain documentation from your voting system vendor regarding the testing and certification that the system

- Request that your vendor submit its certified software to the National Software Reference library (NSRL) at the National Institute of Standards and Technology (NIST).
- You may wish to contact NIST to inquire and to confirm that the version of your vendor's software matches the certified version of the software on file with NIST.
- Test every piece of voting equipment prior to deployment, using the ballot styles for that election. Invite the public and media to a "public test of the system."
- To reduce the risk of raising public concerns, conduct pre-testing prior to conducting a public test to ensure the machines are working properly.

1.2 Ensuring Transparency

- To bolster public confidence, take steps to make every component of administering your voting system as transparent as possible. Invite the public and media to view all aspects of testing.

1.3 Establish chains of custody.

2 Election Day/Election Night: Challenges and Solution

2.1 Prior to Election Day, double-check that the proper equipment and supplies have been delivered to the correct polling places.

2.2 Be sure to give the pollworkers extension cords of sufficient length to lay out the polling place properly and adequate table space, chairs for pollworkers and voters.

2.3 Require each chief polling place official to contact other team members to confirm they will serve on Election Day.

2.4 Provide alternate contact or emergency numbers in case polling place is locked or inaccessible.

2.5 For paper ballot systems, ensure the ballot box is empty. For DRE or central count paper-based system, print out and consider posting the zero report prior to the polls opening.

2.6 After the polls have closed, have pollworkers verify the number of voted ballots, unused ballots, provisional ballots, etc.

3 Troubleshooting Strategies

3.1 Develop a Troubleshooter Program.

3.2 Provide fully documented procedures for dealing with Election Day problems, such as equipment failures, supply delivery snafus and voter complaints.

3.3 Enlist support from community partners to assist in reviewing polling place operations.

3.4 Develop an effective communication plan to handle calls from voters, pollworkers and stakeholders on Election Day.

3.5 Require staff and pollworkers to keep an Election Day "problem log" for all problems that are reported and how they were handled.

3.6 Establish a policy for what constitutes a vote when a voter leaves the voting booth without casting a ballot.

3.7 Instruct pollworkers not to issue a ballot until the voter has signed the roster/register and until a booth is available.

3.8 If you must deliver election equipment or supplies to the polling place prior to Election Day, seal equipment, supply boxes, and each sensitive item in the box so you will know if tampering has occurred.

3.9 Restrict access to election office both before and after election. At the polling place, provide badges to pollworkers and pollwatchers. At your election headquarters, require staff and visitors to sign-in, sign-out and wear badges. Consider placing a video camera in the ballot room at headquarters.

3.10 Provide well-marked supplies with thorough instructions.

3.11 Establish a chain of custody to protect all ballots in the polling place (including provisional ballots, emergency ballots and absentee ballots dropped off at polls).

3.12 Provide well-marked containers for issuance and return of ballots.

3.13 Create reconciliation checklists to account for all ballots.

3.14 Include chain of custody instructions in pollworker training.

- *(Security tape with sequential serial numbers must be used. A log should be maintained each time the seal is broken. The log should include the date, time, and person accessing the secured item, along with the serial number of the old security tape that was broken and the number of the next security tape that is placed on the secure item. If the serial number of the new security tape is not the nest sequential number then a breach of security has occurred.)*

4   Protecting Voter Privacy/Voting Accessibility

4.1   Instruct pollworkers on how to configure polling place to maximize voter privacy.
4.2   Instruct pollworkers on how to configure polling place to ensure routes to voting units are safe and accessible.

5   Preventing Problems at Polling Places that Contain More Than One Precinct ("Multiples")

5.1   Provide pollworker instructions that dictate model polling place configuration to avoid voter confusion.
5.2   Provide color-coded supplies and well-marked voter rosters/registers.
5.3   Provide precinct maps, if possible.
5.4   Recruit an experienced pollworker to be a "Traffic Coordinator."

6   Election Night

6.1   If you are using modems, test them prior to Election Day.
6.2   If you are modeming in your unofficial results, use a phone line – not a wireless connection – and ensure the modem encrypts the information.
6.3   Educate media and candidates regarding the difference between unofficial Election Night results and official results at the legal deadline.
6.4   Reconcile that the number of ballots cast matches the number of voters who signed each precinct's roster.
6.5   On lever machines and DRE's, check the machine's public vote counter to verify that the number of voters who signed in matches the number of the public counter. Account for any discrepancies.
6.6   Use "Ballot Reconciliation Statements" or "Ballot Supply Record" as an audit.
6.7   Develop administrative procedures (or implement those procedures developed by state officials) to audit the accuracy of your election results.
6.8   Designate a particular space for pollwatchers where they can see, hear and observe the process but not disrupt the flow of voters.

E. Post-Election: Challenges and Solutions

1   Post-Election Audits
1.1 Conduct a post-Election audit of all electronic systems.
1.2 NIST also offers its own guidelines in NIST Handbook 150 and NIST Special Publication 800-55.
1.3 Hire an independent firm to conduct an audit of all election documentation after the election.
1.4 Consider conducting a manual recount of one percent of the ballots cast or of a randomly selected precinct.

2   Recount Procedures
2.1 In the wake of the 2000 election, states and local election officials would be well advised to plan for recounts and educate the public and media beforehand on the rules and procedures. Consider placing the recount procedures on your website.
2.2 If you have implemented a voter receipt procedure, show that the number of voter receipts in each machine's voter receipt envelope equals the number on the Public Counter of the machine.
2.3 Show that the precinct splits on the voter receipts match the precinct splits for every voter on the registration book.
2.4 Show that the precinct splits on the voter receipts and the registration book equals the ballots cast in each precinct/split on the election summary.
2.5 Show that the vote totals from the machine equals the vote totals reported by the election software.
2.6 Show that the advance/early vote totals in the election software are equal to the results from the paper mail ballots and the results from the advance/early/satellite voting machines combined.
2.7 Show that the accumulation printout (if applicable) is equal to the total votes from the individual voting machines combined for a polling place.
2.8 Show that everything added together is equal to the final election results. This proves that the outcome is a true and accurate reflection of the election results.
2.9 Step-by-Step Recount Procedures
- Identify the precincts involved in the race in question.
- Identify the storage media for each precinct involved in the recount.
- Isolate the storage media in a secured area.
- Gather storage media for advance/early/satellite voting locations.
- Collect the paper (mail) ballots and any provisional paper ballots for the election.
- Make copies of the voting machine tapes from each voting location.
- Gather the other reports that substantiate the results and place in the secured area along with the storage media.
- Summary reports
- Election software machine reports
- Abstract for race
- Supplemental reports
- Advance reports
- Provisional reports
2.10 If required by law, assign a special election board to conduct the recount in the secured room.
2.11 If the recount request allows you to reload your storage media, reload and verify the results to the original. If a hand-count has been requested, print the paper audit trail/ballots from each storage media, voting machine, precinct, etc. depending on your voting system. Count the votes in the race in question by hand.
2.12 Rescan the paper ballot (mail and provisional), keeping them in their original batches, if allowed. If not, hand-count the paper ballots.
2.13 Total all reports and make sure that they agree.
2.14 Initial each step that is verified.

F. Additional Recommendations from CalTech/MIT

1. Consider multiple shifts for precinct workers. One might split the day into two eight hour shifts. This requires finding and training twice the number of poll workers. But it should expand the pool from which to draw and should result in a more alert work force.
2. Consider shorter shifts to handle the peak hours, as is done with many service operations. For instance, there could be a three or four hour shift for the early evening.
3. Every polling place should collect data on its operations so as to assess its performance and identify
4. opportunities for improvement.
5. Restrict or abolish on-demand absentee voting in favor of in-person early voting. The convenience that on-demand absentees produces is bought at a significant cost to the real and perceived integrity of the voting process.
6. Establish uniform reporting of absentee and precinct voting results.

G. Additional Recommendations from the National Ballot Integrity Project

1. Voter-verified paper ballots for all federal and state offices (including printed ballots, optical scan/mark sense and punch card ballots, as well as voter verified paper ballots produced by touch-screen machines). Those jurisdictions whose equipment does not produce such ballots must use printed ballots for all state and federal offices.
2. Hand-counting of all votes (cast both in-person and absentee, with witness signature) for federal and state offices, conducted by the election judges at the precinct/polling place, with citizen oversight and assistance, immediately upon close of polls, with the results of this hand-count serving as the official tally.
3. Vote totals recorded immediately upon completion of the hand-count in triplicate on official report forms and signed by all election officials and observers present.
4. Immediate public and prominent posting at the polling place of one signed copy of the official hand-count. All ballots sealed in the ballot box, along with all tally sheets and one signed copy of the official report form. The sealed ballot box and remaining signed copy of the official report form are to be delivered directly to the controlling election officials.
5. Official election results will be compiled directly from the signed tally sheets/report forms from each polling place. No central servers or other tallying mechanism(s) manufactured, sold, leased or promoted by any manufacturer or vendor of any type of electronic voting equipment may be used to aggregate these results. Election authorities must retain all paper ballots, tally sheets and all signed copies of the official report form, in a secure location until the statute of limitation expires.
6. *Computerized voting machines producing voter-verified paper ballots may be used in addition to*, but not in lieu of, the Manual Parallel Accounting Control System. Machine counts may be processed in the usual manner, <u>*after the ballots have been counted by hand*</u>, with the resulting machine counts compared to the totals derived from the hand counts described above to determine the accuracy and completeness of the machine counts at the polling place/precinct, city, county, state and federal levels. *The hand counts shall be the control by which the accuracy of the machine counts is measured.*
7. Observation by citizen poll watchers of all ballot counting, tallying and aggregation, both by hand and by machine, at any location where any phase of the process of counting the vote occurs.
8. The paper ballots shall be the only instruments possessing legal vote status, and the hand-count will serve as the official basis for all 2004 state and federal election results at each level

and phase of the process. The results of the MPACS test will generate substantive proof of the accuracy and reliability of all types of machines in use in all jurisdictions on Election Day.

9. Publicly funded nonpartisan exit polls shall be conducted and reported on Election Day for key federal elections.

H. Additional Recommendations from The League of Women Voters:

1. Require bipartisan or third-party monitoring of sensitive election procedures.
2. Require tracking and documentation of all procedures, from the testing of machines to the handling of ballots.
3. Require transparency in the operation and management of voting systems.
4. Establish statewide practices for the management and operation of voting systems.
5. Require that all systems, at a minimum, have been state certified and meet all federal voluntary voting system standards.
6. Perform uniform, public testing of voting systems.
7. Restrict physical access to all components of voting systems.
8. Ensure adequate technical support to poll workers on Election Day.
9. Protect voter privacy and database security.
10. Give voters access to review and check their voter record.

I. Additional Recommendations from CASE – Citizens Alliance for Secure Elections

1. Compare the polling-place tally with the matching totals assigned by the central county office. If there is a discrepancy, pull out the paper ballots and do an audit.
2. Provide clearly delineated accounting for the votes that appear separately from the precinct totals, like absentee votes and provisional votes. Polling-place tallies should always match what is posted at the polling place. Separate the other votes cleanly and record them in a way that is easily understandable for everyone.
3. Hand audits must be a routine part of every election, not just used for recounts. Hand-audit any anomalies.
4. Make "random" spot checks truly random by using a transparent and public method for random selection.
5. Allow the press, and any citizen, to audit if they pay for it. If they discover that the election was miscounted, reimburse them. Find ways to do these audits inexpensively.
6. Allow each party to select a handful of precincts to hand-audit. Discretionary audits shine light into any precincts deemed suspicious.
7. Require audits for insufficient randomness (e.g., three candidates get 18,181 votes; voters arrived in alphabetical order).
8. Require that the audit be expanded if discrepancies are spotted, whether or not the discrepancy would overturn the election.
9. When voting machines miscount, require that fact to be disclosed, and if it is the fault of the vendor, require such failures to be dis-closed to prospective buyers.
10. Consider a 100 percent audit of the paper ballots. It may be easier and cheaper to do a 100 percent audit than to counter the political tricks that will arise when we introduce judgment (like what constitutes an "anomaly") into a robust spot-checking procedure.

II. Punch Card Voting Systems

A. Voter Interaction with Voting System/ Voter Education
(Preventing "Undervotes" and "Overvotes)

1. **Ballot Design:**
   1.1 Discourage butterfly and caterpillar ballot layout.
      - Example - Cook County and the City of Chicago have developed a working relationships with the American Association of Graphic Artists to provide usability guidance on the ballot layout.
   1.2 See the Testing of Vote Recorders from the Illinois Institute of Technology for good usability study on punch cards.
   1.3 If you are at ballot capacity and MUST use butterfly layout, consider the following options:
      - Option 1. Skip a column (consult state guidelines); however, skipping a column also eliminates a page.
      - Option 2. A 312 card offers more positions but will be more expensive
   1.4 In order to reduce errant punches, use a custom-punched mask containing holes only for positions utilized.
   1.5 Train pollworkers to go through with a demo ballot in each vote recorder to make sure it is not possible to punch through any areas where there are no contests for that election.
   1.6 Check the clarity of ballot layout with a usability consultant or by testing with focus groups of potential voters.

B. Problems with "Chad" – How do you treat unreadable punch card ballots?
(Voters may not punch through thoroughly, leaving doubt as to voter intent)

1. **Encourage voters to remove chad from their own ballot.**
   - Example - Los Angeles City developed a "Got Chad?" notice that is placed in every voting booth to remind voter to remove chad.
   - Example - Chicago/Cook County developed a voter-friendly "Chad" character to remind voters to remove chad. Released prior to the November 2002 election, this multi-media voter education campaign urges voters to examine their punch card ballots for loose chads. Employing the slogan "Don't Leave Us Hanging," the partially punched out animated pair are featured hanging from an improperly punched ballot card. "Chad and Dimples" appeared on polling place posters, stickers and brochures.
2. **Protect ballot from tampering during counting and post-election procedures.**
3. **Consult state policies or, if there are no state policies, establish county policies for what constitutes a vote.**
4. **Confirm with your vendor that their perforation template is sufficient cutting depth and position accuracy.**
5. **Stylus – Use a non-blunt, positive chad remover "PCR" needlepoint tip. It is more expensive but more likely to push chad through**

C. Providing Second - Chance Review with Punch Card Systems
(Most punch card systems do not allow second-chance voting.)

1. **Clear instructions and good ballot layout are critical in preventing voter errors.**
   - Example - Cook County and Chicago, Illinois developed precinct ballot counters as an adjunct to their punch card voting system. The precinct ballot counters either tally the vote as cast or returns it to the voter with a screen message advising the voter of an "over" or "under" vote
   - *Place clear, simple, illustrated instructions placed on vertical panel facing voter in the voting machine. Examples of good and bad instructions can be found at www.electiondesign.org/pdf/d4d_initial_improvements.pdf - added by CASE)*
2. **Train pollworkers to be sensitive in how they advise voters that they have "under" or "over" voted. Pollworkers could briefly explain the consequences of the "over" or "under" vote.**
3. **Encourage the voters – not the pollworkers! – to clean the chad off their own ballots.**

D. <u>Pollworker Training</u>

1. **Establish policies to prevent poll workers from mishandling the punch card ballots. The policies are designed to ensure that no one should have the opportunity to alter or change the ballot in a way that will compromise the integrity of the ballot.**
   - Example - Hamilton County Ohio's inspection table procedures are one example of how to follow the state directive.

E. <u>Testing/System Integrity</u>

1. **Proof to ensure vote recorder pages are pointing to the right candidate and in correct order.**
   - 1.1 Example - Create an audit listing, complete sheet of every contest. (Ohio model)
2. **Pre-election logic and accuracy testing--**
   - 2.1 Develop test deck – without vendor assistance – using an incremental test pattern that tests all voting positions. Conduct a pre-test by running the test deck through the ballot counter multiple times to verify that the test deck has been correctly marked.
   - Example - St. Louis County, Missouri tests all punch positions for all candidates and issues in every polling place in which that candidate or issue is running. Ensures integrity of the ballot counting program.
3. **See the New York *Test Deck Preparation Procedures* for incremental testing procedures.**
4. **Provide open public testing.**
5. **Make sure public counter is working properly with the software. Do this test again on Election Day and during canvass.**
6. **Store sealed memory card in locked office; secure it after Logic and Accuracy test.**

F. <u>Pre-election Management and Security</u>
(Humidity or Dryness can make ballots sticky or warped, which may impact counting.)

1. **Store ballots in a climate controlled environment for as long as possible.**
2. **According to NIST, climate control standards are defined by the manufacturers of the computer equipment. Request this information specifically from your vendor.**
3. **Store boxes of unused ballots on their sides to avoid warping.**
4. **Buy new card stock for every election (or at least buy new card stock for November 2004). Gives cleaner punches, avoids swelling and bowing.**
5. **Have your ballot counters professionally serviced before every election**

G. <u>Maintaining punch card equipment</u>

1. **Calibrate the rollers in the ballot counter so that it will only grab one ballot to be counted at a time.**
2. **Blow out the chad from the counters (*chad receptacles*) after every election.**
3. **Establish procedures for "chad-picking." The process should be transparent. Have bi-partisan teams do the picking.**
   - Example - Ohio Advisory 2001-04 sets policies regarding canvass board inspection for and removing chad, remaking ballots, etc. for the purpose of determining what constitutes a vote.
   - Example - Hamilton County, Ohio, has inspection table procedures for the process of inspecting and processing damaged ballots, extraneous materials, etc. for the purpose of preparing ballots for ballot counting machines.
   - Example - The State of California has developed guidelines for determining acceptable votes.

H. Protecting the security of printed ballots

1. Use a certified print vendor and get the exact specifications from the vendor for the printing.
2. Digital printing vs. off-set/plate print. Need procedures to make sure printer did not mix up stacks, (Marshall County)
3. Establish procedures for ballot shortage. Develop procedures for if you have to photocopy.
4. Keep every generation of every proof.
5. Seal the tabulation machine with numbered seals when election definition is loaded and then record the numbers in logbook.
6. Create a back up of the election program and of software version you used. You should be able to recreate the whole environment in case questions arise after the election. Copy all files on the server for storage.

I. Chain of Custody

1. Keep all communications with your print vendor and your programmer.
2. Keep a log of everyone who lays out, proofs, transports, stores, etc.
3. Never let a vendor proof your ballots.
4. Require electronic transmission of ballot format to/from printer.
5. Make time to proof every ballot, every version, every correction.
6. A benefit of sample ballots that go to voters pre-election is that you get a heads-up on errors!!
7. Establish security procedures for printing and shipping of ballots.
8. Bring candidates, voters and community organizations in to review. Also, post to your website.
9. Have security procedures in case of a disaster.

J. Election Day/Election Night Security

1. Develop accounting and documentation procedures to make sure you get the cards back from polls.
2. Segregate "hanging chad" ballots for challenge board to make decision.
3. Install a security camera where your ballots are stored and where you are counting.

K. Post-Election Management and Security/Equipment maintenance

1. Clean the chad out of the vote recorders after every election, attempted votes may not register.
   - Example -LA County performs a procedure known by the warehouse workers as "Shake and Bake" where staff knock the vote recorders on its side to loosen and eliminate any residual chad.
   - Example - Hamilton County, OH, uses air compressors to clean out chad from the ballot counters before every election.
2. Establish procedures for "chad-picking" at central ballot counting site.
   2.1 Hire sufficient personnel to check ballots both visually and also if they are rejected by ballot counters for under or overvotes
   2.2 The process should be transparent and uniform statewide. Have bi-partisan teams do the picking.
   - *Examples* - Ohio Advisory 2001-04 sets policies regarding canvass board inspection for and removing chad, remaking ballots, etc. for the purpose of determining what constitutes a vote.

L. <u>Accounting and records retention</u>

1. **Print and preserve audit logs for the retention period of the election.**
2. **Memory cards are really now electronic ballots. Treat them with same security procedures.**

M. <u>Considerations for Making Punch Card Voting Systems Accessible</u>
(Making punch card systems accessible for alternative language voters)

1. **Provide translated, mirror-image sample ballots that can be used in conjunction with the vote recorder.**
   - Example - See the *"Accessibility Preparations Checklist"*

III. Optical Scan Voting Systems

A. Voter Interaction with Voting System/Voter Education

1. **Improve usability through voter education:**
   1.1 Provide clear voting instructions with explanatory graphics, on the ballot if possible.
      - Example - American Institutes of Graphic Artists (AIGA) website
      - Example - All jurisdictions using optical scanning should use the term "Someone Else (write name)", and should not use the term "Write-in". According to the National Opinion Research Center's study of ballots in Florida, optically scanned ballots arose when people chose one candidate and also wrote in that candidate's name. "Immediate Steps to Avoid Lost Votes in the 2004 Presidential Election: Recommendations for the U.S. Election Assistance Commission"
   1.2 Provide a secrecy sleeve to cover the ballot prior to scanning.
   1.3 Print instructions on the ballot sleeve.
   1.4 To help voters properly cast a write-in ballot, use a secrecy sleeve. Use the language: "write-in, if any" to avoid overvotes.
   1.5 To improve ballot layout: when you design the ballot, be wary of where absentee voters may fold the ballot. On certain systems, a fold through an oval will reflect a vote, causing an over-vote if another mark was made.
      - Example - To solve this problem, Boone County, Missouri provides envelopes to absentee voters in to which the ballot will fit without being folded.
   1.6 Avoid splitting races across pages and across columns to prevent over-votes.
   1.7 Encourage statewide uniformity in ballot layout.
   1.8 Compile and analyze "under-vote"/"over-vote" statistics with explanation of voter errors and choices in order to evaluate and improve your voter education effort and ballot layout.
      - Example - See the State of Michigan website and what constitutes a vote on optical scan ballots.

B. Providing Second-Chance Voting with In-Precinct Scanners

1. **Issue the writing implement or have it available to use in each unit.**
   - Example - DC Board of Elections provides the writing implement in order to prevent the voter from using an implement that will result in unreadable ballots.
2. **HAVA will prohibit disabling the ballot-scanning feature by 2006.**
3. **Dedicate a pollworker to assisting voters with the casting/feedback function for major elections.**
4. **Establish procedures for resolving "unvoted" (damaged, defective or blank ballots) ballots left by "fleeing voter.**
   - Example - A good resource for these procedures is the Pasco County, Florida's Election Security Procedures.
5. **Have written procedures to determine voter intent for the purpose of "remaking" or hand counting ballots. If "remaking" ballots, use labels or overmarks so that voter's original marks will not be lost.**

C. Pollworker Training

1. **If using in-precinct counting system, provide pollworkers with a script for assist the voter without compromising voter's privacy.**
   - Example - Fremont County, Wyoming, developed a pollworker training video on the basic procedures in Fremont County and use of their optical scan voting equipment. Pollworkers may check these out.
   - Example - See Hamilton County, Ohio's Pollworker Training Manual, page 20.
2. **Also on sensitivity in assisting a voter cast their ballot.**
3. **Provide pollworker training on ballot and equipment storage requirements and security measures (see below)**

D. Testing/System Integrity

1. **Test the calibration of every scanner prior to the election.**
   - Example - See pages 19-22 of Pasco County, Florida's Election Security Procedures for testing methodology.
2. **Conduct printing tests; quality control tests.**
   2.1 *(Lots of test ballots of every ballot style, with as many permutations and combinations of potential ballots as possible. – added by CASE)*
   2.2 *If test ballots are prepared by the vendor, they must be supplemented with additional test ballots made up by the county and/or interested citizens. – added by CASE*
3. **Hand tally machine generated results.**
   - Example- Marshall County State of Iowa's, Certificate of Public Test Precinct/Central Count System documentation.

E. Pre-Election Management and Security
(Storage of Optical Scanners and ballots)

1. **Take steps to prevent condensation in display in storage and in transition to polling place.**
   - Example - Marshall County, Iowa: To increase air circulation in counting center, ballots can be weighted and stacked on a table with a fan blowing on it for 15 minutes.
2. **Obtain and follow storage requirements from the vendor.**
3. **(Ballot programming should be done by the county (NOT the vendor), or overseen by the county officials. - added by CASE)**

F. Protecting the security of printed ballots

1. **Use a certified print vendor and get the exact specifications from the vendor for the printing.**
2. **Develop procedures to make sure the printer did not mix up stacks of printed ballots. (Marshall County)**
3. **Establish procedures for ballot shortage. Develop procedures for if you have to photocopy.**
   - Example - Iowa has a code-specified regulation for endorsement and tracking of photocopied ballots necessary in the event of ballot shortage, Ballot Photocopy Record.

G. Chain of custody for printed ballots

1. **Keep every generation of very proof.**
2. **Keep all communications with your print vendor and your programmer.**
3. **Track anyone who lays out, proofs, transports, stores, etc.**
4. **Never let a vendor proof your ballots.**
5. **Require electronic transmission of ballot format to/from printer.**
6. **Make time to proof every ballot, every version, every correction.**
7. **Establish security procedures for printing and shipping of ballots.**
8. **Bring candidates, voters and community organizations in to review. Also, post to your website.**
9. **Have security procedures in case of a disaster.**

H. Election Day Management and Security

1. **With central count systems, have pollworkers verify ballot box is empty prior to opening and at the end of the day.**
    - Example - Marshall County, Iowa's Pollworkers Guide to Opening the Polls
2. **For in-precinct optical scan equipment, check to see that internal ballot box is empty at beginning of the day. Pollworkers should keep keys for machine and ballot box in a secure location.**
3. **Log all seal numbers. Don't open it until all board members are together. Have two officials present when count packets of ballots.**
4. **Provide security checklists for pollworkers:**
5. **Make sure polls have the correct ballots and correct machines.**
6. **Pollworkers should document the zero count.**
7. **Keep ballot transfer case near the ballots you are issuing. Put the ballot scanner in public view. Keep traffic flow of (1) ballot issued, (2) voting booth, (3) tabulator.**
8. **Establish procedures for handling a machine failure, such as roving technicians, a technical help desk and technical back-up support.**
9. **Develop a troubleshooting plan. Define the response time - know how long it will take to get a troubleshooter to the polling place. Have satellite locations from which to dispatch technical people and replacement supplies.**

I. Post-Election Management and Security

1. **Refer to NBS Special Publication 500-158 "Accuracy, Integrity and Security in Computerized Vote Tallying" (August 1998), pg. 118-199.**
2. **Modeming results: NIST asserts that encrypting modem results offers a reasonably secure transmission mode for unofficial results.**
3. **NIST recommends against using a wireless transmission mode. There are no wireless ("Wi-Fi") or international security standards for wireless transmission of data.**
4. **Develop documentation to track delivery and receipt of results.**
    - Example - Kansas, Florida, Oklahoma have statewide standards for securing the transportation of ballots, memory cards and tapes.
5. **Have two pollworkers transport results.**
6. **Establish procedures for when security measures are not followed such as when materials come back unsealed or unsigned.**
    - Example - See Pasco County, Florida's Election Security Procedures
7. **Ballot Reconciliation Audit: Do a precounting of stacks of ballots or you could compare the voter body count to the ballot count run through the scanner. This is so you know the number going in to the machine to be read. This is especially important in processing absentee ballots.**
8. **Audit of the machines after the elections. 5% of all the precincts, randomly selected and well-distributed over districts, with all the votes on those 5% manually counted and compared with the results of the machine count. BIP parallel testing is better.**
    - **(California requires 1% of all precincts, and then every race not included is manually counted in one precinct)**

J. **Additional Recommendations from the League of Women Voters**

1. Verify that the electronic and optical scan machines used are the same as the systems that were certified.

2. Ensure that scanners are properly calibrated before Election Day. After 2000, many voters believe that absentee ballots will not be counted unless the election is close. Election officials may want to clarify this process by including a description of the absentee ballot vote counting process and timeframe with the instructions.

3. Establish procedures for determining voter intent using uniform vote counting standards and for counting ballots that cannot be scanned. The process for counting ballots should be open and conducted under bipartisan scrutiny.

IV. Direct Recording Equipment (DRE)

A. Voter Interaction with Voting System / Voter education

1. **Improving usability: Consider hiring a usability expert (see Resources) to review your system and make recommendations. In addition to the on-screen instructions and layout, other factors affecting usability include appropriate lighting and placement of machines.**
   - Example - Arlington County, Virginia, dispatches demo units in each polling place. Make sure pollworkers learn procedures for activating demo smart cards so they don't accidentally use "live" smart cards.
2. **Review FEC publications on usability (see Resources).**
3. **Develop a web-accessible sample ballot that shows each screen, including the instruction and ending screen.**
   - Example - Arlington County, Virginia, includes a presentation on voting machines and the voting process on its website.
4. **Track over-vote and "under-votes." Develop Election Day procedures to help determine the nature and cause of under-votes and blank votes to determine whether they are genuine under-votes or the result of voter confusion.**
5. **Ask minority language organizations to review ballot translations.**
6. **If you find a higher percentage of voter error in certain communities, work with pertinent community groups to educate voters in those communities.**
7. **Establish procedures for how to handle a scenario in which a voter exits before casting a vote.**
8. **Develop procedures that allow you to determine after the election which machine the voter used; ensure these procedures also protect the secrecy of the ballot.**
   - Example - Montgomery County, Maryland, requires the pollworkers to conduct a written tally for each unit.

B. Pollworker Training and Polling Place Procedures

1. **Pollworker recruiting:**
   1.1 Recruit local government employees, particularly those with IT background.
   - Example - The Washington, DC, Board of Elections created a "precinct technician" position to provide technical support in the polling place; the technician receives hands-on training on start up and troubleshooting machine problems.
2. **Pollworker training:**
   2.1 Create a pollworker position that is dedicated to machine set up, shut down and troubleshooting. Provide supplemental training on equipment; supplement pay for extra training.
   2.2 Require pollworkers to keep a log of Election Day events and problems, including voter complaints, that will help you to recreate the events of that day.
3. **Polling Place Setup:**
   3.1 Use USB's as machine power source; connect each machine to a USB. Daisy-chaining machines may become a single point of failure. Have a back-up plan and train pollworkers on how to troubleshoot and report alleged "power failure" problems.
   3.2 See Resources.
   3.3 Angle the machines to protect voter privacy.
   3.4 Survey polling places with tech support to check outlets and modem phone line access for modems.
   3.5 Pollworker Accountability. Establish checklists to track pollworker performance on key steps of DRE voting processes.
   - Example - Montgomery County, MD, has a Precinct Performance Report which tracks such factors as completion of election logs, provisional ballot accounting forms and compliance with check-in procedures.

C. Testing/System Integrity

(Calibration Issues – too much wear and tear can impact sensitivity.)

1. Rely as little on the vendor as possible; look for outside IT expertise if it is not available in house. Have either election staff or independent consultants design and run tests.
2. Ensure systematic and consistent testing of each machine.
3. Conduct, at a minimum, both acceptance testing and logic and accuracy testing on each system. Logic and accuracy test should include "incremental testing."
4. Conduct system diagnostics on every machine for every election before you conduct Logic and Accuracy.
5. Use separate machines for training and outreach

D. Pre-Election Day Management and Security

1. Establish a deadline for patches or modifications to prevent unnecessary confusion.
2. Create a timeline for election preparation. If you are introducing DREs, expect to quadruple the amount of time necessary for preparing precinct-specific units. Preparation, testing and staging all require more time.
3. Conduct a risk analysis – where are you most vulnerable to problems? At what points are the system – both the administrative system and the machines – most likely to breakdown. For example, is there an indispensable person? If so, develop a plan for dealing with his/her absence. Develop contingency plans, such as off-site storage of all software and data.
4. Cross-train election staff to perform multiple tasks.
5. Ensure all software, including patches, is certified.
    - Example - New York uses bar codes to track delivery of lever machines in anticipation of transitioning to DREs.
6. Develop sound documentation of all election administration procedures that will allow you to identify the cause of problems after an election. Keep a log of receipt of equipment
7. and software, who performed the programming and testing, and delivery to staging area or polling place. all paperwork that may be relevant in recreating how a failure might have occurred.
8. If the state is the contract holder, develop Memorandums of Understanding (MOUs) with state election office on authority over the system maintenance and modifications, including appropriate liens of communication.
9. Develop rules for access to any sensitive equipment.
10. Keep a maintenance log for all voting system equipment. This log should track who has had access to the machine(s).
11. Computers used for ballot definition should be stand-alone PCs unconnected to servers or the Internet.
12. Machine delivery:
    12.1 Conduct risk analysis of the delivery system.
    12.2 Develop agreements with each polling place delineating the responsible election office and the facility.
    12.3 Establish chain of custody.
    12.4 Develop checklist for delivery.
    12.5 Use bar-coding to ensure proper delivery of all machines to polling places.

E. Election Day / Election Night Management and Security

1. **Control access to the voter "smart cards." Educate pollworkers and voters to know that the "smart card" is not the ballot and the voter's choices are not recorded on the "smart card." The card merely directs the voting unit to bring forward the voter's correct voting screens.**
   - Example - Montgomery County, MD directs the pollworker to insert the Smart Card in to the unit on behalf of the voter to ensure that the voter correctly accesses the system.
2. **Develop a plan to provide Election Day technical support for pollworkers, including a troubleshooting checklist, a call center, and rovers.**
3. **Establish written procedures for handling Election Day equipment failure.**
4. **Provide for redundant records of results, including paper printouts.**
5. **Ensure transparency in all aspects of the tabulation process, especially in the transport or transmission of results to the central election office.**
6. **Develop chain of custody for memory cards and machines.**

F. Post-Election Management and Security

1. **Conduct post-election logic and accuracy testing of machines.**
2. **Modem unofficial results over phone line using encryption to protect data during transmission.**
3. **Conduct a post-election audit to reconcile all records, especially the number of voters and the number of votes cast.**
4. **Conduct a public post-election "debriefing" to address any concerns related to the voting system.**

G. 5 Considerations for Making DRE Voting Systems Accessible

1. **Solicit the help of disability organizations in training poll workers to assist voters using accessible equipment.**
2. **Place machines in a location where polling place noise won't overwhelm the audio ballot.**
3. **Recruit voters with disabilities and minority language voters to serve as pollworkers.**

H. Recommendations of the Brennan Center for Justice and the Leadership Conference on Civil Rights

1. **Elections officials should hire a well-qualified, independent security team to examine the potential for operational failures of and malicious attacks against the jurisdiction's DRE voting system.**
2. **The assessment performed by the independent experts should cover at least following areas of concern:**
   - (a) Hardware Design, (b) Hardware/Firmware Configuration, (c) Software Design, (d) Software Configuration, (e) Election Procedures, and (f) Physical Security
5. **Elections officials should implement the critical recommendations of the independent expert security team and demonstrate to experts and voters alike that the recommendations have been implemented.**
6. Elections officials should provide a thorough training program for all elections officials and workers on security procedures to ensure that security procedures, including those recommended by the independent expert security team, are followed even in the face of Election-Day exigencies.
7. Use of "tamper tape" (along with an access log) on vulnerable hardware components to ensure that attempts to breach those components are detectable, replacement of certain hardware components with less vulnerability, and new security procedures to compensate for an identified hardware design flaw.

8. **Elections officials should develop procedures for _random parallel testing_ of the voting systems in use to detect malicious code or bugs in the software.**
   - *Voting machine software can be prepared to recognize when it is being tested, the most effective tests of a voting machine will be tests that are as nearly indistinguishable from normal polling place operation as is possible. The best proposal for this involves selecting the machines to be tested at the last moment, and testing these machines from the minute the polls open to the minute the polls close.*
9. **Elections officials should have in place a permanent independent technology panel, including both experts in voting systems and computer security and citizens representing the diverse constituencies involved in election oversight, to serve as a public monitor over the entire process outlined above and to perform a post election security and performance assessment.**
10. **Elections officials should establish standard procedures for regular reviews of audit facilities and operating logs for voting terminals and canvassing systems to verify correct operation and uncover any evidence of potential security breaches.**
11. **All jurisdictions should prepare and follow standardized procedures for response to alleged or actual security incidents that include standardized reporting and publication.**

I. <u>Additional Recommendations from CAL Tech / MIT</u>

1. **All recording software should be openly audited in the same mode that is used to conduct the counts.**
   1.1 *"Test" modes should be eliminated.* Counting and recording devices should be "modeless." The test mode feature is a security vulnerability because it creates a way to cover a hack.
   1.2 To truly reclaim the openness of the count, interested parties (candidates, party organization, groups, etc.) should be allowed to inspect the software as it is formatted for Election Day. All interested parties should be satisfied that votes will be counted appropriately.
2. **Equipment should be adapted so that _voters_ can create a record of the vote that they can examine directly, for the sake of auditing equipment and elections. This might require some sort of simple paper recording that the voter can check and submit separately.**
3. **We recommend audits of votes and equipment, even without a recount.**
   3.1 Total votes and votes for each office and proposition should be logged on all equipment and recorded electronically.
   3.2 Election officials should inspect these recordings to detect irregularities on particular machines or at particular precincts.
   3.3 In addition, election officers, especially in larger jurisdictions, should randomly choose a small percent of the machines (say one percent) each year for thorough inspection.
4. **All equipment should log all events (votes, maintenance, etc.) that occur on the machine.**
   4.1 The information on the log should include what was done, when it was done, and who authorized the activity.
   4.2 The election office should keep those logs.
5. **Seventh, all election officials should be thoroughly trained in the interior workings of their voting equipment. They should only use what they can understand and check.**

J. <u>Additional Recommendations from the League of Women Voters</u>

1. **Verify that the electronic and optical scan machines used are the same as the systems that were certified.**
2. **Many of the newer electronic voting systems allow the voter to check if the ballot was actually cast; if so, this process should be included in the instructions.**
3. **Test audio and magnification systems for each machine.**
4. **On Election Day, periodically check to make sure machines are properly calibrated and that cords remain plugged into the socket.**
5. **Double-check to ensure that the device used to encode ballots — the encoder or card activator — has been sent to the proper polling place.**
6. **Configure the polling place to allow full view by poll workers of voting and voter activity to guard against unauthorized access while protecting voter privacy.**

7. **Maintain and operate voting systems in isolation from networks and the Internet.**
8. **Provide a back-up plan in the event of machine failure.**
9. *Election authorities should have systems and procedures in place to guarantee that at no time are ballots, optical scanners, voting machines or records physically vulnerable. Providing such protection may be as simple as storing the computer server in a locked cabinet or it may involve working with the police to provide security for the transportation of ballots. In this context, the voting system encompasses not only voting machines, but also servers and other computer equipment involved in the process of administering the election.*
   - *(Security tape with sequential serial numbers must be used. A log should be maintained each time the seal is broken. The log should include the date, time, and person accessing the secured item, along with the serial number of the old security tape that was broken and the number of the next security tape that is placed on the secure item. If the serial number of the new security tape is not the nest sequential number then a breach of security has occurred.)*

V. Provisional Voting Challenges and Solutions

- Ensuring Transparency and Accountability
- Ensuring Trouble-Free Implementation on Election Day
- Issuing Provisional Ballots
- Processing Provisional Ballots

A. Ensuring Transparency and Accountability

1. Ensure that standards and procedures for issuing, processing, researching and counting provisional ballots are clear, transparent, public and uniform.

2. Record and publicize how many provisional ballots were issued, how many provisional ballots were counted and the reasons for not counting. Jurisdictions are already mandated by HAVA to inform individual voters whether their provisional ballot was counted.

   Example
   The South Dakota Secretary of State posted on its website the number of provisional ballots per county that were issued in its June 2004 Special Editions.

3. Evaluate pollworker implementation. Develop a method for evaluating how well pollworkers are following provisional voting procedures to determine if pollworker error contributed to any provisional ballots not being counted.

   Example
   Montgomery County, MD, created a spreadsheet to monitor reasons provisional ballots were not counted to evaluate and improve the training and procedures. Montgomery County, MD, also created an "Assistant Chief Judge" position (one from each political party) who is responsible for supporting the Chief Judge, particularly in the areas of provisional ballot procedures, technical support and language needs.

B. Ensuring Trouble-Free Implementation on Election Day

1. Reduce the need for provisional ballots. Verifying the eligibility of voters who case provisional ballots can be burdensome. Find way to reduce the need for this safeguard by addressing registration problems ahead of time and by attempting to resolve eligibility questions at the polling place so that voters may cast a regular ballot. For example, include educate the public about the importance of voting in the correct precinct.

2. Make the provisional voting process voter-friendly.

   Example
   Los Angeles County displays a "Count Me In!" poster to help voters understand and feel comfortable with the provisional voting process.

3. Establish sound methods for directing voters to the correct polling place (and correct precinct if there are multiple precincts within a polling place). Such methods might include voter notification cards, web-based poll site locators, automated phone systems, adjacent precinct maps, and street directories.

Include instructions in pollworker training on how to identify a voter's correct polling place and precinct. Provide resources to help the pollworkers direct a voter to his/her correct voting place.

Example
In Virginia, voters can look up their registration status on the VA State Board of Election website. The site can also tell you where your correct polling place is; all the voter needs is his or her "Driver's License PIN number."

Example
In St. Louis County, MO, when a pollworker calls the election office to clarify the voter's registration for the purpose of sending the voter to his/her correct polling place, the voter is given an authorization code to present to the pollworkers at the correct place. This practice saves redundant phone calls on Election Day.

4. Promote pollworker accountability by tracking errors made in misdirecting voters to the incorrect voting place.

Example
New York City pollworkers are required to sign paperwork when they direct voters to another polling place; as a result, election officials know who made mistakes in this process and will count the vote to correct for pollworker error.

5. If possible, provide access to the voter registration list at the polling place.

Example
Cook County, Illinois, provides a bonus to pollworkers for using their personal cell phones to communicate with the election office regarding troubleshooting problems and to clarify voter registration issues.

Example
Boone County, Missouri, supplies poll workers with cell phones, pagers and networked lap tops for processing change of addresses on Election Day.

6. Ensure access to the list of inactive voters. Provide a list of inactive voters at every polling place so that the voter might be activated and the vote file updated when appropriate.

Example
Miami-Dade County, Florida, provides every polling place with a lap top computer containing the full voter list.

C. *Issuing Provisional Ballots*

1. Include questions that will help you investigate the voter's eligibility in the application process for provisional ballots. Such questions would include asking where or how they registered: at the DMV? By mail?

Example

The Missouri provisional envelope leaves space for the voter to explain why he or she believes they're eligible to vote. Boone County, MO, provides a supplemental checklist for the voter to select the location where they registered.

2. Use information from provisional ballot application process to register voters who weren't registered. Alternatively, attach application to the provisional ballot envelope.

   Example
   Two sample letters to voters from Marshall County, Iowa: [Not Counted and Why](#) and [Good News Letter.](#) The "Not Counted and Why" letter advises voters that for those ballots not counted, the provisional envelope has been designed to serve as a registration application and that the voter is now eligible to vote in future elections.

3. Ensure secrecy of the provisional ballot. For paper-based systems, consider developing a two-envelope system: voters place the provisional ballot in one envelope – a secrecy envelope – that is placed within the envelope that has the application and processing information printed on one side.

4. Put a window or hole-punch in the provisional ballot envelope to make it easy to check and make sure the voter has put the ballot inside.

   Example
   Hamilton County, Ohio.

5. Simplify the process for pollworkers. For example, print the information on one side of the envelope – pollworkers often forget to turn things over. Provide procedural flow charts.

Example
Los Angeles County, has a 3-piece provisional ballot envelope:
- [Provisional Ballot (front)](#)
- [Provisional Ballot (back)](#)
- [Provisional Ballot (slip)](#)

6. Promote pollworker accountability. Remind pollworkers they are responsible for making sure that the provisional ballot envelope is filled out properly.

7. Ensure provisional ballots cast by voters voting after polling hours because of a court order are kept separate from other provisional ballots.

   Example
   Virginia's provisional envelope includes a check box for the pollworker to check indicating that the provisional is due to the poll have to be kept open.

8. Alert your pollworkers that some voters might refuse to vote electronically; educate pollworkers on the policy of how to handle such voters.

   Example

The Maryland State Board of Elections issued a policy for the March 2004 Primary stating that paper provisional ballots were not to be provided to voters who were properly listed in the precinct register and wished to avoid voting on DREs.

D. *Processing Provisional Ballots*

1.   Keep the provisional ballot process public. Count the number of provisional ballots issued Election Night so you can report the next morning. Develop procedures for tracking and accounting for ballots issued, spoiled and those not voted/returned by voter.

   Example
   Marshall County, Iowa, uses a spreadsheet to track provisional ballots cast: This serves to: (1) produce the state-required list that must be posted in county offices for challenge review, (2) track types of provisional ballots cast and counted/not counted designation, (3) produce follow up/"free-access" communications with voters, and (4) help identify precincts where pollworkers did not properly implement procedures or where a large number of voters were not registered.

2.   Protect the security and secrecy of provisional ballots. Ensure all provisional ballots are securely stored at the polling place and while in transit. Consider conducting the research regarding voter eligibility by using a photocopy of information on provisional ballot envelope to protect ballots.

3.   Develop method to verify that voters who claim to have registered at the motor vehicle agency did so.

   Example
   In Iowa, pollworkers fills out a worksheet that includes information from the driver's license to track disposition of registration. The Iowa Department of Transportation has responsibility for verifying these registration applications voter's disposition of registration during the canvass period.

VI. Checklist for HAVA Implementation

A. *Identification for New Voters**

Voters who register to vote for the first time by mail, and who have not previously voted in a federal election in the state, must provide either a copy of certain identification documents when they register or show such identification (i.e. photo identification, utility bill, bank statement, paycheck or other government document) the first time they vote in a federal election held after January 1, 2004. Voters not meeting these requirements can vote a provisional ballot. These requirements do not apply to individuals who are entitled to vote absentee under various federal laws such as the Uniformed and Overseas Citizens Absentee Voting Act and the Voting Accessibility for the Elderly and Handicapped Act. These requirements also will not apply to anyone who provides either a driver's license number or the last 4 digits of a social security number if the state is able to match that information with an existing state identification record bearing the same number, name and date of birth as provided in the registration application.

HAVA requires that the federal mail-in registration form include check-off boxes for citizenship and being 18 years of age by Election Day. If neither the "yes" box nor the "no" box is checked, the State is required to notify the applicant of the incomplete form with sufficient time to allow completion of the form. This subsection is "subject to state law," so the state may choose to honor the affirmation of citizenship and age that goes with the signing of the registration form and register a person who did not check the "yes" box. (If a "no" box" is checked, the application should be rejected). HAVA does not require states to redesign their state voter registration forms to include check-off boxes.

Checklist:

— Distribute new state registration forms that may include space to provide Driver's License and/or last four digits of the Social Security number.
— Clarify policy for what is considered a mail-in registration and establish policy to process.

Example
North Carolina's State Election Information Management System (SEIMS) HAVA Policies and Procedures is a clear statewide definition for what constitute a "mail-in" voter.

— Develop policy and procedures for processing "incomplete" voter registration forms.
— Develop policy and procedures for processing "First Time Mail-in" voters on Election Day who need to present identification.

Example
North Carolina's State Election Information Management System (SEIMS) HAVA Policies and Procedures compares voter-provided drivers license information with motor vehicle records and exempts first-time mail-in registrants from having to show ID at the polls on Election Day.

B.   Provisional Voting*

Voters who declare they are registered and eligible to vote in the jurisdiction in which they desire to vote, but whose names do not appear on the registration list, must be permitted to cast a provisional ballot. If the election official is able to verify that the individual is a registered and eligible voter, the provisional ballot can be counted under applicable state law. The state must establish a free access system (such as a toll-free telephone number or Internet website) where the voter can discover whether the vote was counted, and if not, the reason why. In addition, voters who vote in a federal election after the established time for polls to close, due to a court order or other order requiring the polls to remain open for extended hours, must vote by provisional ballot.

Checklist:

—   Design pollworker and voter-friendly provisional envelopes that may include information designed to enable you to register the individual if they were not registered by Election Day.
—   Set up a "free-access" system that is voter-friendly.
—   Develop provisional voting flowchart for pollworkers.

Example
Model Provisional Ballots voting flowchart from Johnson County, Kansas

—   Develop pollworker procedures for issuing.
—   Develop staff procedures for counting.

C.   Voter Information*

After January 1, 2004, voting information must be posted at every polling place on election day, including: a) a sample of the ballot used for that election, b) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, c) instructions for mail-in registrants and first-time voters (see other sections), d) general information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot, e) instructions on how to contact the appropriate officials if these rights have been violated, and f) general information on federal and state laws prohibiting fraud and misrepresentation.

Checklist:
—   Develop voter-friendly HAVA / Voter Rights Sign.

D.   Complaint Procedures*

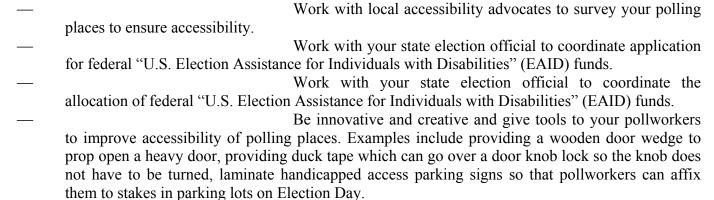### Checklist:

—   Develop complaint procedures (coordinate with your state election official).
—   Develop notice to voters of how to access complaint procedures and means for voters to provide feedback.

E.   *Disability Access**

In addition to requiring and paying for one accessible voting system in every polling place by January 1, 2006, HAVA allocates $100 million to make polling places physically accessible.

Checklist:

— Work with local accessibility advocates to survey your polling places to ensure accessibility.

— Work with your state election official to coordinate application for federal "U.S. Election Assistance for Individuals with Disabilities" (EAID) funds.

— Work with your state election official to coordinate the allocation of federal "U.S. Election Assistance for Individuals with Disabilities" (EAID) funds.

— Be innovative and creative and give tools to your pollworkers to improve accessibility of polling places. Examples include providing a wooden door wedge to prop open a heavy door, providing duck tape which can go over a door knob lock so the knob does not have to be turned, laminate handicapped access parking signs so that pollworkers can affix them to stakes in parking lots on Election Day.

F.   *General Resource*

A HAVA Requirements and Compliance checklist is being developed by the California Association of Clerks and Election Officials (CACEO).