# Improving Voter Participation and Accuracy in North Carolina's Elections

by Mike McLaughlin, with Rob Buschmann, Roberto Obando, Tim Saintsing, Margaret Smith, and Trip Stallings

# **Summary**

he debacle that occurred in Florida's 2000 election brought state and local election administration into focus nationwide. With the glare of the national media on the Sunshine State, election officials in the other 49 states were asking themselves if their election systems could handle a race as close as that between eventual winner and Republican presidential nominee George W. Bush and Democratic nominee Al Gore.

North Carolina uses five different types of voting equipment across its 100 counties: paper ballots (two counties); mechanical lever machines (four counties); the punch card system that created so much havoc in Florida (in use in eight N.C. counties—Cabarrus, Duplin, Forsyth, McDowell, Mitchell, Onslow, Vance, and Watauga); direct recording electronic devices (35 counties); and optical scan/Marksense (51 counties). Unlike Florida, the state has a strong system for recounts and appeals that ultimately has led to a satisfactory resolution of most election disputes that have arisen. Nonetheless, accuracy of the count remains an issue as the state continues to refine its elections administration process.

A longer-standing problem in the Tar Heel State is lack of voter participation. The N.C. Center for Public Policy Research examined this issue thoroughly in a 1991 study entitled "Voting in North Carolina: Can We Make It Easier?" The Center made nine recommendations in its previous study, five of which have been adopted in whole or in part. This article revisits the critical topic of voter participation to determine what is different, what remains the same, and what needs to change to vault North Carolina into the top ranks of states in the number of its citizens who cast a ballot on election day.

In North Carolina—like most states—voter participation is a two-step process. In order to cast a ballot, North Carolina voters first must register, and voter registration closes a full 25 days before election day. With the advent of the National Voter Registration Act in 1994, North Carolina's percentage of registered voters has soared, with 81 percent of the state's voting age population registered to vote in the 2000 election. However, the gap between the percentage of persons registering and those actually casting a ballot has grown. In the 2000 presidential election, only 50 percent of the state's eligible voting-age population went to the polls, 34th in the nation and just below the national average of 51 percent. In 1988, the state ranked 47th in participation, so the move to 34th could be viewed as an improvement. However, in the 2002 general election, even with an open U.S. Senate race on the ballot, only 36.4 percent of North Carolina's voting age population went to the polls—a dismal turnout but about average in North Carolina for a non-presidential election year.

The goal of the Center's research is to explore options for increasing voter participation and to ensure that elections officials can provide an accurate count as more citizens turn out on election day. What can be done to close the gap between registering and voting—or simply to get more North Carolinians to the polls on election day? The Center offers a broad range of recommendations, including shortening the period between the close of registration and election day, encouraging alternatives to election day voting such as one-stop and mail-in absentee voting, and exploring new and longer-range options such as Internet voting.

The Center also recommends fine-tuning the administration of elections to ensure an accurate count. These recommendations include modernizing the state's election equipment to eliminate punch card machines and other antiquated methods of voting that increase the possibility of an inaccurate count.

The Center was aided in its research by a team of graduate students at Duke University's Terry Sanford Institute of Public Policy under the tutelage of Professor Art Spengler. The Center wishes to thank these students for their assistance in our research and for co-authoring this report.

### VOTER PARTICIPATION IN NORTH CAROLINA

ew can forget the spectacle of the 2000 presidential election in Florida—fevered news conferences under the glare of the national news media, all night counting and recounting of ballots, hanging chads, pregnant chads, and dimpled chads, and dueling court rulings about which ballots to count. In short, the nation witnessed a spectacle that strained the very credibility of a state's election process.

The first thing N.C. election officials ask the public to understand is, North Carolina is no Florida. State Board of Elections Director Gary Bartlett is quick to point out some of the key differences. North Carolina's election officials are appointed. Florida's are elected. North Carolina's elections are overseen and administered by a bipartisan, independent agency. Florida's 2000 presidential election was overseen by an elected secretary of state (the office is now appointed). Florida purged its registration rolls prior to the 2000 election to remove non-compliant registrants. North Carolina didn't. In Florida, this led to numerous voters showing up at the polls thinking they were registered who were no longer on the books. In addition, Florida was not prepared for a surge of first-time voters registered through driver's license bureaus under the National Voter Registration Act. Paperwork that was not properly processed led to people showing up at the polls who were not on local voter registration rolls. North Carolina has long allowed people to register at driver's license offices and did not experience this problem.

Adding to the confusion, Florida did not have an adequate system in place for casting provisional ballots —or ballots that could be held and checked for eligibility later, meaning phone lines and computers were jammed by precinct officials' desperate calls to determine the eligibility of frustrated would-be voters. North Carolina does allow provisional ballots so that people whose names do not show up on the registration rolls can cast their ballots and the ballots will be held and eligibility of the would-be voter verified. The mish-mash of election day mishaps in Florida led to numerous

Mike McLaughlin is editor of North Carolina Insight. Robert Buschmann, Roberto Obando, Tim Saintsing, Margaret Smith, and Trip Stallings conducted research for this project and coauthored a draft report while they were students at the Terry challenges at the Superior Court level. In some instances, the same issues came up in different jurisdictions, and the courts ordered varying means of resolving these disputes. Under North Carolina's procedure, appeals of local election board rulings are made first to the State Board of Elections and then to Wake County Superior Court, leading to greater consistency.

In short, says Bartlett, North Carolina has recount and certification procedures in place that would avoid the chaotic scenario that occurred in Florida. And, if sufficient irregularities are detected, North Carolina's State Board of Elections has the authority to call for a new election—the only board with such authority in the nation, according to Bartlett. That's not to say North Carolina's elections system is absolutely goofproof. R. Doug Lewis is executive director of The Election Center, a national nonprofit that trains elections officials. As Lewis puts it, "[R]ecognize that what happened in Florida really could have happened to any state. There is not a state in the country that would not have had all its warts exposed under similar circumstances. The issues and particulars may have been somewhat different, but a tie-vote for president in any state would have brought unkind examinations."1

What is the structure for conducting elections in North Carolina? Are improvements needed, and, if so, what are they? What about voter participation? Is North Carolina where it should be in that regard? If not, what can be done to improve voter participation?

# **Current State of North Carolina's Election Procedures**

As is typical across the nation, the duties involved with overseeing elections in North Carolina are divided between state-level and county-level jurisdiction. (These divisions of authority are discussed further below in "Elections Administrators and Their Levels of Oversight," p. 37.) The State Board of Elections has well-defined jurisdiction over many legal aspects of the voting process, including authority to resolve election protests, investigate allegations of fraud, and officially certify election results. The individual county board responsibilities include maintaining voter registration rolls, providing facilities for registra-

Sanford Institute of Public Policy at Duke University.

tion and elections, purchasing voting machinery and ballots, testing voting machinery, and training precinct officials. The county boards are quasi-judicial and hear challenges to voter registration, residency challenges, and election protests.

# State-Level Responsibilities

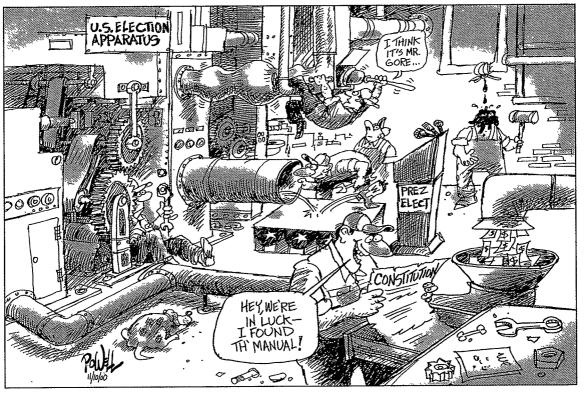
With respect to appeals, election administration in North Carolina is largely centralized. All appeals go to the quasi-judicial State Board of Elections and may then be further appealed to the Superior Court in Wake County. The only appeals not handled in this manner are individual voter residency challenges, which are first heard by the county board of elections and then may be appealed to the Superior Court in the county in which the challenge occurs. North Carolina's structure would have created significant differences in the handling of the 2000 presidential election debacle, had it been used in Florida.<sup>2</sup> In Florida, ballot challenges are handled by the courts in the individual county; there is no uniform statewide system for deciding challenges.

North Carolina has statewide uniform ballot recount standards, providing statutory guidelines for how a county conducts a recount. These standards also require recount officials to evaluate voter intent on ballots that are cast in a manner in which

tabulators cannot process them. These standards were applied in the 2000 election in a county commissioner's race in Watauga County—a county using punch card technology—that was decided by eight votes. In a machine recount, the apparent winner actually lost by two votes. The loser in the recount called for a mandatory manual hand-eye recount, and the results of the initial recount were upheld by 10 votes. "We became the little Florida for North Carolina, for lack of a better term," says county elections supervisor Jane Ann Hodges. "We had missing chads, dimpled chads, and hanging chads. We had a challenging time. We did the hand-eye recount, but I think we handled it well." While the loser was disappointed in the outcome, nobody questioned the integrity of the election, says Hodges.

In November 2000, the state of Florida did not have specific statewide recount procedures established; the manner in which ballots were recounted was in the control of individual counties. "Florida never did a statewide recount," says Bartlett. "We did two, and there were no challenges." Had centralized guidelines been in place in Florida, there likely would have been better organization of local ballot recount efforts and less disagreement over how ballots were evaluated.

The State Board of Elections in North Carolina also has the authority to order a new election on a



Owane Powell, The News & Observer, Raleigh. N.C.

vote of at least four of the five members of the State Board. Before calling for a new election, the state board must conduct a public hearing displaying sufficient evidence of election irregularities, fraud, or violation of election law. The State Board of Elections may call for a new primary, general, or special election for the entire state, an individual county, electoral district, or municipality. New elections can be called when: (1) the number of ineligible voters casting ballots is significant enough to change the election outcome; (2) voter intent cannot be determined by examining the ballots; or (3) errors that occur are so egregious as to cast doubt on the integrity of the election.3 Bartlett notes that there were enough irregularities in the Florida election to justify calling for a new election if the same events had occurred in North Carolina

# County-Level Responsibilities

Individual county boards of elections are responsible for the logistics of organizing and carrying out elections. They must register voters and perform ongoing maintenance of voter rolls. The State Board of Elections reviews county registration lists on a monthly basis to assure that no single voter is registered in more than one county, every two months to assure that voters who are deceased have been removed, and on a quarterly basis to remove felons. In the year following two successive congressional elections, statewide voter list maintenance is performed by county boards. The State Election Information Management System (SEIMS) provides a mechanism for ensuring cleaner voter registration rolls.

Each county board is responsible for purchasing and maintaining voting equipment. The ability to replace and update voting equipment depends entirely on budgets adopted by boards of county commissioners. Thus, not all counties use the

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—GARY BARTLETT, EXECUTIVE DIRECTOR,
N.C. STATE BOARD OF ELECTIONS

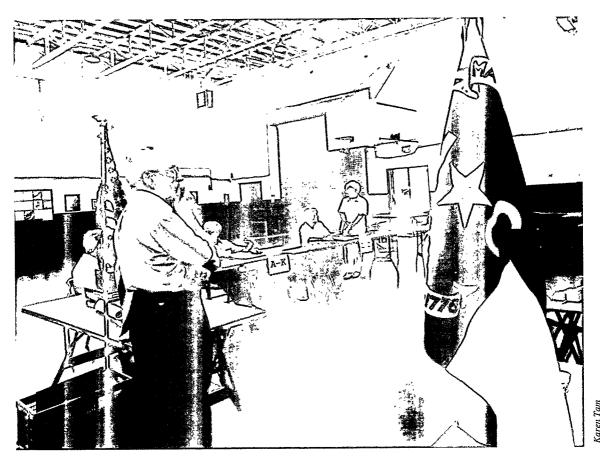
same type of voting system. Five different voting systems are used in North Carolina: paper ballots, mechanical lever machines, punch card devices, direct recording electronic devices, and optical scan/Marksense. County boards of elections are responsible for printing ballots and registration materials and for testing voting machinery. The state has established minimum guidelines that require testing of no less than 100 percent of voting machines before an election. The precise methodology for performing machine tests is the responsibility of individual county boards.<sup>4</sup>

County boards establish the boundaries of voting precincts as well. Each county board of elections has the authority to establish, rearrange, combine, and discontinue voting precincts when deemed necessary. The individual boards must also locate facilities for holding elections in each precinct and design and provide training for precinct officials guided by minimum requirements established by the State Board of Elections. When precincts are changed, county boards are required to notify affected voters.

# Changes to North Carolina's Voting System Since 1991

C everal changes have occurred during the past 11 years that have affected North Carolina's voting process. The passage of the National Voter Registration Act in 1993 (commonly known as the Motor Voter Act) expanded voter registration options in all states with voter registration. This legislation allows simultaneous voter registration applications with driver's license applications and renewals, mail applications for voter registration, and expanded options for in-person registration at government agencies such as public libraries, public high schools, and social services agencies. Even before the federal requirement, North Carolina had allowed voter registration at driver's license offices since 1986.5 However, to accommodate the extra administration resulting from implementing the national law, the 1993 General Assembly increased the registration deadline for North Carolina from 21 days prior to an application to 25 days.6

The State Election Information Management System represented another significant change to North Carolina's election systems. This system allows registration rolls to be audited across county lines and allows for more efficient removal of duplicate names and deceased voters from the registry. Currently, 95 counties are using the software required for this system, and five counties—



Stephen T. Hearne, chief judge for Alamance County, at the National Guard Armory in Burlington

Columbus, Forsyth, Guilford, Mecklenburg, and Wake—are providing the data through other means. Thus, all 100 counties' data are part of the statewide data base.

The composition of voting machinery in use across the state has changed since 1991, shifting away from older methods of voting such as punch cards, lever machines, and paper ballots to modern electronic voting machinery with direct recording electronic technology and optical scan/Marksense technology using electronic scanners. Use of optical scan/Marksense has increased from 36 counties in 1991 to 51 in 2003. Thirty-five counties now use direct recording technology to tally votes. Only eight used this method in 1991. Of those counties still using older technology, eight still use punch cards (down from 18 in 1991), four use mechanical lever machines (compared to 21 in 1991), and two use paper ballots (17 in 1991). Legislation passed by the 2001 General Assembly assures further change in the mix of voting technology used in North Carolina through a bill banning the use of punch card ballots by Jan. 1, 2006.7 Butterfly ballots are voting booklets used in some punch card machines and made famous in the Palm Beach County, Fla., election dispute when thousands of ballots were thrown out because voter intent was not clear. These were immediately banned in North Carolina, even though no such ballots were in use in the state.<sup>8</sup>

In October and November 2000, North Carolina implemented "early voting" or "no-excuse absentee balloting" statewide for all general elections for the first time.9 This process allows voters who cannot or prefer not to vote on election day to cast ballots in person at specified locations until four days prior to the election. Voters selecting this method do not need to provide an excuse for voting early, as was previously required with traditional absentee voting. Bartlett believes this move to no-excuse absentee voting has had a significant impact in making voting more convenient and may have increased turnout in the 2000 election, when participation by the state's voting age population increased from 45.6 percent in the previous presidential election in 1996 to 50.2 percent.

BESSIE. Though one of the happiest days of my life was back in 1920.

BESSIE and SADIE. (Together.) when women got the right to vote.

BESSIE. Sadie and I registered to vote immediately and we have never missed a chance to vote since.

-EMILY MANN, HAVING OUR SAY: THE DELANEY SISTERS' FIRST 100 YEARS

However, not everyone agrees that allowing voters to cast their ballots early helps turnout. "There is no evidence that no-excuse absentee or early on-site voting helps turnout," says Curtis Gans, executive director of the Committee for the Study of the American Electorate. "There is considerable evidence that it hurts." Gans, who directs a Washington, D.C., think tank that studies voter participation nationally, believes that measures allowing voters to cast ballots early dilute the intensity of the campaign by drawing out the finish over a period of days or weeks rather than having a single, climactic ending on election day.

Most participants who vote early are motivated individuals who would have cast their ballots anyway, Gans asserts. "Early voting ... actually harms voter turnout," says Gans. "Based on the aggregate turnout of the 13 states which have adopted early voting as opposed to those which have not, the early voting states have lesser turnout increases in years in which the national turnout has increased (1994 and 2000) and greater declines in years of decline (1996 and 1998) than the states which did not adopt these procedures."10 A similar pattern holds for states that have adopted no excuse absentee voting, notes Gans. Seven states, including North Carolina, have adopted both no excuse absentee voting and early voting. On the whole, these states experienced the same aggregate gains in 2000 over 1996 as the states that did not adopt these procedures—approximately 2.2 percent, and experienced greater decreases in years in which voter participation declined (1996 and 1998).

Nonetheless, North Carolina proved to be an exception to Gans' findings, with its 4.8 percent gain in 2000 over 1996 far exceeding the national gain of 2.2 percent. North Carolina had not yet adopted these reforms in the years Gans referenced in which voter turnout declined. Bartlett was particularly impressed that in 2000, no polling place across the entire state was beset with lengthy lines at closing time. "This was the first time in my

career there was not a line in a presidential election at 7:30 on election night," says Bartlett. "It was amazing and very impressive."

# **Current Voter Registration and Participation in North Carolina**

Political scientists and state elections officials have long debated which registration figures to use in making their case about voter turnout. Elections officials often prefer to use percent of registered voters voting as the standard for discussing turnout. Using registered voter figures produces a higher turnout than voting-age population figures. For example, in the 2000 presidential election, 56.0 percent of North Carolina's registered voters cast a ballot, while the percentage of the voting age population who went to the polls was only 50.2 (see Table 1, p. 9). In the 2002 midterm election, the discrepancy was even more pronounced, with 46.2 percent of registered voters going to the polls compared to only 36.4 percent of the voting age population (see Table 2, p. 11). Those who study problems with people going to the polls prefer to use percentage of voting age population who cast a ballot when discussing voter turnout because it focuses on the true goal-getting people to vote, not just register.

There are problems with both approaches. Percentage of registered voters who go to the polls can be a useful guide, because it tracks turnout among people who have taken the first step that makes them eligible to vote—registering. However, the voter registration rolls include some people who are actually ineligible to vote—those who have moved, died, or are erroneously registered in two different places. There is lag time before names of voters who are no longer eligible are removed, or "purged," from the voter registration rolls, so the lists are generally inflated. This leads to the perception that more people are registered than actually are. The result is that the percentage of registered voters who turn out appears smaller than it

actually is because a percentage of ineligible voters has not been removed—or purged—from the voter registration rolls. Another problem with using percentage of registered voters as a standard is that it targets the wrong goal. The real goal should be to get as many citizens voting as possible.

For these reasons, percentage of voting age population who cast ballots may be a better guide. Although North Carolina's registration percentages have improved greatly over the past decade, relying on percentage of registered voters still leaves out more than a half-million potential voters who are not registered. For the 2000 election, the state had a voting age population of 5,797,000, according to the U.S. Bureau of the Census. Its registered voters numbered only 5,122,123-a difference of 674,877 people. However, it should also be pointed out that not everyone of voting age population is eligible to vote. Some of that population has its legal residence elsewhere-such as U.S. military personnel and legal aliens. College students from out of state may be registered in their home state, so they also inflate the voting-age population, as do illegal aliens and convicted felons who have not had their citizenship restored.

Curtis Gans, executive director of the Committee for the Study of the American Electorate, gets around this problem by adjusting voter turnout figures to remove non-citizens from the voting age population. This results in a slightly higher turnout figure than relying strictly on the voting age population, but still a much lower turnout than would result if he relied on the number of registered voters to determine turnout. For example, in the 2002 non-presidential elections, Gans found the percentage of North Carolinians who voted to be 37.54 percent with non-citizens removed, compared to a turnout of 36.41 percent when noncitizens were included. Regardless of how one handles non-citizens, those who study the electoral process and citizen participation believe the votingage population figure provides a better standard than percentage of registered voters because it more accurately reflects the real target in measuring voter participation.

# Registration

National voter registration rates climbed from just under 58.2 percent to 67.9 percent of the voting-

Table 1.	<b>Voter Registration and Participation Rates</b>
ir	n Presidential Elections, 1960–2000,
	North Carolina and the Nation

North			40.00	40==	40=6	4000	1001	1000	1003	1007	2000
Carolina	1960	1964_	1968	1972	1976	1980	1984	1988	1992	1996	2000
Percent Registered	n/a	n/a	63.6	66.5	65.4	64.9	71.2	69.9	73.2	78.2	81.0
Percent VAP <sup>1</sup> Voting	52.9	52.3	54.4	42.8	43.0	43.4	47.4	43.4	50.1	45.6	50.2
Nation											
Percent											
Registered	58.2	64.6	67.9	69.1	69.0	68.7	71.2	69.2	70.8	74.4	76.0
Percent Voting	62.8	61.9	60.8	55.2	53.6	52.6	53.1	50.1	55.1	49.1	51.0

<sup>&</sup>lt;sup>1</sup> VAP Voting = Voting Age Population

Sources: Federal Election Commission, Center for Voting and Democracy, North Carolina State Board of Elections.

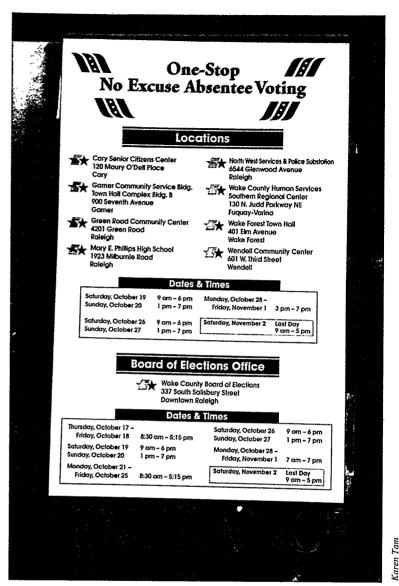
age population between 1960 and 1968 and have fluctuated between 69 percent and 76 percent since then. On the other hand, Federal Election Commission data indicate that North Carolina's registration rates have experienced a notable increase in recent years;11 since 1988, the state's registration rate has exceeded the nation's (see Table 1, p. 9). State Board of Elections director Gary Bartlett says two keys to increased voter registration have been the broadly available mail-in application required by the National Voter Registration Act of 1994, and voter registration in driver's licenses offices, which the state initiated in 1986. In 2000, the state's registration rate increased to 81.0 percent, 5 points higher than the national average of 76.0 percent.

# **Participation**

In most industrialized democracies, participation in national elections hovers around 80 percent of the voting age population, while voter turnout in the United States hasn't exceeded 56 percent since 1968 (see Table 3, p. 12, and Table 4, pp 19–21). Across the 50 states, participation in the 2000 elections ranged from 40.5 percent (Hawaii) to 68.8 percent (Minnesota) of the

voting age population (see Table 5, p. 22). In 2000, North Carolina ranked 34th with 50.2 percent of its eligible population voting—just below the national average of 51.0 percent (see Table 5, p. 22). In 1988, the state ranked 47th in participation at 43.4 percent.

While North Carolina's improvement in the national rankings is a move in the right direction, politicians of every stripe agree that 34th in the nation is not a sufficient laurel upon which to rest. "Personally, I think the more people who vote, the better for the democratic process," says Sen. Fletcher Hartsell (R-Cabarrus), a Senate co-chairman of the North Carolina General Assembly's Election Laws Revision Study Commission. Adds



Rep. Donald Bonner (D-Robeson), a House of Representatives co-chairman of the Election Laws Revision Study Commission, "I don't know what it's going to take to get people to turn out and vote and take an interest in who is representing them. It's sad. It's really sad." In the 2002 midterm elections, U.S. Sen. John Edwards (D-N.C.) ran a series of television advertisements urging North Carolinians to vote no matter which party or candidate they chose to support. Edwards was not on the ballot, but the advertisements probably also aimed to increase his name recognition with future voters. Rep. Joe Kiser (R-Lincoln) used postcard mailers to pursue a similar strategy in his own legislative district.

However, not everyone agrees that merely increasing the quantity of voters is a worthwhile goal. Among those who disagree with this thesis is Sen. Hamilton Horton (R-Forsyth). "It bespeaks a touching, almost mystical, naiveté-a simplistic view that the more votes the better-ignoring the hardheaded view that an ignorant, or uninformed, or prejudiced voter can be harmful in a representative democracy," says Horton. "It seems to me that as long as the right to vote is assured, a voter who cannot be bothered to be informed, to study the issues, should be encouraged not to vote and thus avoid possibly canceling out an informed voter. Indeed, those who neglect to vote may be simply acknowledging that they haven't been willing to inform themselves and will let those who are better informed speak for them. Or it may reflect a general satisfaction with things as they are, a passive mandate for the status quo."

# Assessment of the State of Elections in North Carolina

Election laws and procedures are never static. In many respects, the steady evolution of North Carolina's voter registration, participation, and vote tabulation policies reflect this constant change. In 1991, the N.C. Center for Public Policy Research made 10 recommendations to get more people registered to vote and, once registered, actually participating in North Carolina elections. <sup>12</sup> Five of these recommendations were implemented

in whole or in part, including postcard registration for new voters, a statewide computerized voter registration system, strengthening of the state's motor-voter program, establishment of voter registration programs in a broad array of public agencies such as county departments of social services and public health departments, and easing of restrictions on voting by absentee ballot. North Carolina has gone backwards on one recommendation. Instead of moving the voter registration deadline closer to election day, the state has moved the deadline further away, from 21 days to 25 days.

Indeed, the state's election procedures are stronger now than they were 10 years ago, to the point that some legislators believe that procedures concerning registration and voting are solid and have little to do with low voter turnout. "My feeling is that our registration laws and procedures are such that if somebody out there wants to vote, I don't know of any excuse for them not doing so in terms of the procedures we have in place," says Sen. Phil Berger (R-Rockingham), a member of the Election Laws Revision Commission. "We have some fairly good rules in place," adds Rep. Martha Alexander (D-Mecklenburg), the second House Election Laws Revision Commission co-chair. "We've spent the last couple of years really trying to go through our election laws with a fine-tooth comb to make sure everything is in order." Nevertheless, in a state that's still 34th in voter participation, there is a lot of room for improvement in the current system.

Table 2.	Voter Participation Rates in Non-Presidential	
Election	ns, 1962–2002, North Carolina and the Nation	

North Carolina	1962	1966	1970	1974	1978	1982	1986	1990	1994	1998	2002
Percent VAP <sup>1</sup>											
Voting	30.9	32.8	30.6	27.3	27.8	29.8	33.5	40.7	29.3	34.4	36.4
Nation											
Percent VAP						40.4	26.4	26.4	20.5	25.2	25.0
Voting	47.4	48.4	46.8	38.3	37.8	40.1	36.4	36.4	38.5	35.3	35.0

<sup>&</sup>lt;sup>1</sup> VAP Voting = Voting Age Population

Sources: Federal Election Commission, Committee for the Study of the American Electorate

Table 3. Voter Turnout in 20 Democracies—1970s, 1980s, 1990s

		Turnout ås Po Eligible Popula		Compulsory	Mandatory Requirement		
	(1990s)	(1980s)	(1970s)	Voting	To Register		
Italy	90 %	90 %	94 %	Yes	Automatic <sup>1</sup>		
Belgium	84	94	88	Yes	Automatic		
Sweden	84	89	88	No	Automatic		
Australia	83	. 94	86	Yes	Yes		
Germany	83	87	85	No	Automatic		
Spain	79	75	78	No	Automatic		
Austria	78	91	88	No	Automatic		
Norway	76	83	82	No	Automatic		
Netherlands	75	85	82	No	Automatic		
Denmark	72	86	85	No	Automatic		
United Kingdom	72	74	75	No	No		
Finland	71	74	82	No	Automatic		
Ireland	71	72	77	No	Automatic		
France	61	72	78	No	No		
Canada	60	73	68	No	Automatic		
Switzerland	38	47	44	No	Automatic		
New Zealand	n/a	89	83	No	Yes		
Israel	n/a	79	80	No	Automatic		
Japan	n/a	71	72	No	Automatic		
United States	45 %	54 %	54 %	No	No		
U.S. Rank Among Democracies	16 of 17	19 of 20	19 of 20				
North Carolina	48 %	45 %	43 %	No	No		

Ountries with automatic registration do not require citizens to initiate the registration process. They are automatically registered to vote when they reach voter age. Sources: Thomas T. Mackie, The International Alamanac of Electoral History. Fully revised 3rd ed., Congressional Quarterly, Washington, D.C., 1991 Center for Voting and Democracy, Takoma Park, Md., on the Internet at www.fairvote.org

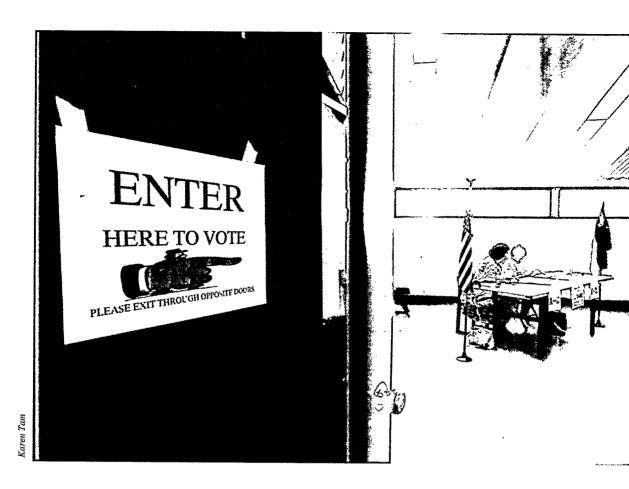
# **Improving Voter Registration Rates**

The main reason voter registration exists in the United States is to prevent election fraud. In a basic sense, registration lends legitimacy to elections by assuring that everyone gets one vote and only one vote. A pair of 1973 Supreme Court decisions reinforces this viewpoint, as the court upheld Arizona's and Georgia's 50-day registration deadlines on the basis of state interest in determining whether voters could legitimately vote. 13 Registration also ensures that certain polling areas don't get overloaded, allowing the state to disperse precincts over its geography so that all who register are able to vote close to home and within a reasonable time period. With an idea of how many voters each precinct will serve, the local boards of elections can prepare as needed.

From its inception, however, registration served another purpose: exclusion. Throughout American history, registration has been used to keep certain groups from voting. Over time, this mentality allowed states to prevent immigrants, the poor, African Americans, and other groups from casting their votes. Others, such as women and youth ages 18–21, were ineligible as a matter of

law. During Reconstruction and well after, many Southern states used registration laws as a means of disenfranchising African Americans. Practices included literacy tests, poll taxes, property ownership requirements, and "an extraordinary repertoire of inventive techniques ranging from trickery and fraud to outright violence."14 For African Americans, registration became an insurmountable barrier to voting, and their voter turnout in the first half of the twentieth century reflected those problems. Southern states suffered from very low turnout compared to the rest of the nation. In 1960, the first year that reliable voter registration and turnout data were reported nationwide, Louisiana had a 45 percent turnout as a percentage of voting age population, Alabama 31 percent, South Carolina 30 percent, Georgia 29 percent, and Mississippi was at 25 percent, last among the 50 states. North Carolina fared relatively better, with 52.9 percent of the voting age population going to the polls, but still trailed the national average by a substantial amount. The national average that year was 63 percent.15 (See Table 1, p. 9, for turnout in North Carolina and the nation for presidential elections from 1960 through 2000.)





# Nationwide Registration Reform

The twentieth century has seen a great deal of voting reform, and registration has become less of a barrier. The Voting Rights Act of 1965 directly addressed registration barriers that had disenfranchised minorities, particularly African Americans. The law streamlined voter registration procedures and eliminated many of the barriers for African Americans in the South. Southern states experienced higher increases in voter turnout from 1964 to 1968 than other areas of the nation. According to FEC data, by 1968 Louisiana voter turnout as a percentage of the voting age population had increased some 10 percent, Georgia 15 percent, South Carolina 16 percent, Alabama 22 percent, and Mississippi 28 percent. (North Carolina, with higher voter turnout before the legislation compared to its Southern neighbors, increased by only 1.5 percent.) But the Voting Rights Act's impact is difficult to quantify because the increase in voter turnout and registration cannot be attributed only to civil rights legislation. Some of the increase must be attributed to the politically charged decade of the 1960s.

Efforts in the 1970s to enact additional voter registration reforms failed. Experts in the early 1980s extolled the virtues of making voter registration more accessible. Among them were R.E. Wolfinger and S.J. Rosenstone, who in their officited 1980 study *Who Votes?* found that for the 1972 presidential elections, registration reform would have had a considerable impact: "If every state had had registration laws in 1972 as permissive as those in the most permissive states, turnout would have been about 9 percent higher in the presidential election," they write." <sup>16</sup> One reform alone—permitting registration until the day of the election, would have increased turnout approximately 6.1 percent, according to this analysis. <sup>17</sup>

Wolfinger and Rosenstone further argue that relaxing the registration deadline would have changed the characteristics of the voting population only marginally. The main impact would have been expanding the overall numbers going to the polls. "The number of voters would increase, but there would be virtually no change in their demographic, partisan, or ideological characteristics. They would be more numerous, but not different." 18

U.S. Census reports note that while the overall voting rate declined from 1964 to 1980 by 8.9 percent, from 52.3 percent to 43.4 percent, turnout by registered voters declined only two points, from 91 percent to 89 percent, indicating that registered voters voted more even when turnout declined. The 1984 National Election Study, which conducted random sampling polls and checked election records to verify responses, confirmed this result.

International experience further bolstered the arguments of registration reformers. A 1983 symposium sponsored by Harvard University and ABC News entitled "Voting for Democracy" brought voting data from 24 developed countries into the spotlight. Of those 24 countries, the United States ranked 23rd in voting age population participating in the most recent national elections. However, the U.S. tied for 7th in percentage of registered voters who voted. Data from two other sources ranks the United States 19th among 20 developed democracies in voter turnout over three decades—the 1970s, the 1980s, and the 1990s—above only Switzerland. (See Table 3, p. 12.) For two of those decades, North Carolina trailed even Switzerland, according to these sources. The Harvard University-ABC News symposium report recommended that "money, energy, and political capital should be devoted to getting people registered, on the amply documented assumption that once they register, they vote."19

After years of agitation, voting rights organizations scored a major victory. On May 20, 1993, President Bill Clinton signed the National Voter Registration Act of 1993 (NVRA, informally known as the "Motor Voter" Act). The act's key provisions:

- Required the Federal Election Commission to develop a national mail-in voter registration form:
- Established that voters' names may not be removed from the registration rolls merely because they do not vote; and
- Authorized applications for, or renewals of, driver's licenses to serve as voter registration.

While NVRA technically applied only to federal elections, North Carolina, as a matter of administrative convenience, applied them to state and local elections as well. For those in favor of raising registration rates as much as possible on the assumption that voter turnout will follow, NVRA appeared to offer the greatest opportunity for that to happen. In terms of broadening and ex-

panding the American electorate, supporters saw NVRA as holding almost as much potential as the Voting Rights Act.

# The National Voter Registration Act

VRA undoubtedly increased voter registration. According to the FEC, active voter registration rates in states covered by the NVRA increased by 3.72 percent in the four years after the bill was passed. States reported a total of 140,946,508 registered voters nationwide in 1998, amounting to 70.15 percent of the nation's voting age population and the highest percentage of voter registration in a mid-term election since 1970.

Voter turnout, however, declined in those same four years from 39 percent of the voting age population in 1994 to 36 percent in 1998. According to the Committee for the Study of the American Electorate, turnout in the Southern states declined slightly more than the rest of the nation, falling from 34 percent in 1994 to 31 percent in 1998.<sup>20</sup> In presidential elections, voter turnout dipped to under 50 percent in 1996, the lowest percentage in a presidential election since 1924. In the 2000 election, turnout rebounded to 51 percent, still more than four percentage points lower than turnout in 1992. In addition, some studies have shown that NVRA actually increased the gap between those who vote and those who don't vote in terms of class, age, and race.21 This was particularly distressing to proponents of registration reform, who before those studies could at least say that while increased registration may not increase turnout, it might change the composition of the electorate in the United States to one that better reflects the actual population.

It has long been argued in the United States that the people who actually vote do not represent a true cross-section of American society. Even with registration barriers reduced, minorities, the poor, and the young traditionally have been a lower portion of the electorate than of the population in general. As former North Carolina Insight Editor Jack Betts wrote in a comprehensive look at reforming the state's system of voting published by the North Carolina Center for Public Policy Research in 1991, "Who votes? They are older, white, well-educated, and affluent citizens. Those who do not vote are the young, minorities (including African Americans), Latin Americans, Asians and other groups, the poor, and those without college degrees—which means that older, white, educated, and well-off citizens have more direct control of who gets elected



"I THOUGHT YOU SAID OL' RUFF WAS REGISTERED. SO HOW COME **HE** CAN'T VOTE. TOO?"

and how governments are run." <sup>22</sup> Six years after every state was required to comply with the National Voter Registration Act, the act failed to meet sponsors' expectations that it would broaden the electorate. Why, after all the evidence, did increased registration appear to do nothing to increase turnout?

One explanation is that it did increase turnout—that those states that had implemented the law earlier than required by the federal government experienced a lesser decrease in voter turnout than those that implemented the law poorly or later. Voter turnout is affected by a multitude of factors, and cycles are common depending on whether the election includes a presidential race, who the candidates are, how hotly contested the election is, and the state of the national economy. The National Voter Registration Act might have served as a buffer against an overall downturn in voter turnout in the last decade.

Another explanation is that the relationship between registration and voter turnout is not reliable. After NVRA, registering was no longer an intentional act to make sure one could vote in the next election; it was just another form to fill out at the license bureau. Registration became so much less burdensome, in fact, that it lost its close statistical relationship with actual voting. Voting remains the act of dutiful citizens or those truly interested in grassroots political activity. As a result, a

wedge has been driven between voter registration numbers and voter turnout: being registered no longer signifies a real interest in politics and elections any more than having a driver's license does.

Rep. Martha Alexander (D-Mecklenburg) is among those who believe that first-time registrants may not be making the connection between registering and actually casting a ballot. "If I had never voted before and never registered, it might just go right over me," says Alexander. "There's not a connection there." She believes that registration drives should also include a nonpartisan plea that the registrant actually vote, as well as guidance as to how to do so.

Of course a number of groups in North Carolina and the nation have worked hard to encourage citizens to both register and vote. These include the League of Women Voters, the NAACP, Vote for America, and "many issue-based organizations that spend considerable amounts of time attempting to register citizens, educate them about the process, and otherwise help them to cast a vote," says Chris Heagarty, executive director of the N.C. Center for Voter Education, a Raleigh, N.C., non-profit that focuses on elections issues.

Rep. Joe Kiser (R-Lincoln), a former county sheriff, believes that the National Voter Registration Act may be taking in registrants at drivers' license bureaus who never intended to vote but also are not comfortable saying no to the uniformed officer who offers them the chance to register. "Motor Voter has probably registered a lot of people who didn't intend to vote and won't vote anyway," says Kiser. "I call it the uniform factor. They're waiting there, hoping to get their drivers' license, and thinking, 'Will this help me?""

Kiser believes there is ample opportunity for those willing to exercise their civic duty and cast a ballot. "As we go through life, we find the time to do the things we want to do," says Kiser. "Everyone has 24 hours a day. Some people would rather fish than vote. If I want to politic, I find the time."

There are additional theories on why voter turnout has declined in the face of increasing national registration. One theory suggests that Americans are less involved in social networks than they ever have been—they go to church less, talk to neighbors less, connect with their families less.<sup>23</sup> Less association with other people leads to less concern with things that don't directly affect the individual and his or her ever-shrinking community, and thus less concern with politics, which at election time may emphasize national issues rather than local ones. On the other side of that

coin is the notion that Americans have lost faith in politics itself to accomplish anything: "Americans . . . have lost their confidence in the effectiveness of their actions. They have also lost their attachment to electoral politics: Americans are less satisfied with the electoral choices offered them, and, indeed, had less good to say even about the parties and candidates they favored than in the 1960s."<sup>24</sup>

One oft-cited reason for suppressed turnout is negative advertising. "I don't think people want to hear bad things about people," says Kiser, "particularly when they are half truths."

Another frequently mentioned concern is that voters no longer believe their vote will make a difference. "Why don't more people vote?" asks Sen. Fletcher Hartsell (R-Cabarrus). "I think in a lot of ways a lot of people do not believe the results of elections will impact their lives. It's not a pressing matter of concern."

Sen. Wib Gulley (D-Durham) says the typical would-be voter believes the electoral system now is driven by money and power politics. "They [the voters] won't come back until they believe their voice and their vote makes a difference." Gulley believes reforms in campaign finance and public

financing of elections hold the key to reinvigorating democracy in America.

Yet another problem could be that the very politicians who are capable of changing registration laws could be actively ignoring the problem. Incumbents have little incentive to change the composition of the electorate that voted for them and to enfranchise new people who may not vote for them in the next election. As a result, the organizations that really could mobilize potential voters—political parties—have failed to act. A variation on this theme is that it is the lack of competitive elections that is dampening participation by voters. The party in power manipulates congressional and legislative districts to make them as safe for the incumbent as possible, which reinforces the message that there is little point in voting.

The only remaining incentive is something akin to what happened in the 1960s, a social movement that motivates people to vote in order to bring about change. After years of fighting for registration reform, Piven and Cloward came to this conclusion:

[Increased voter turnout] is more likely to [occur] because a new surge of protest, perhaps



Karen Tam

[S]tates with registration deadlines closer to elections tend to have higher turnout rates.... Looking at only the 2000 election data, for each day the deadline for registration is farther away from election day, there is approximately a 0.4% decrease in voter turnout.

accompanied by the rise of minor parties and electoral cleavages that both movements and minor parties threaten, forces political leaders to make the programmatic and cultural appeals, and undertake the voter recruitment, that will reach out to the tens of millions of Americans who now remain beyond the pale of electoral politics.<sup>25</sup>

# What Can Government Do To Increase Registration?

Targeting particular groups that are not voting could be perceived as favoritism of specific social groups, which is politically objectionable in some quarters. However, there is some evidence that government can change the way registration is done without favoring one political group over another.

If one takes a snapshot of voter turnout rates in 2000 in all 50 states and compares that with registration laws in those states, two distinct patterns emerge. First, states with registration deadlines closer to elections tend to have higher turnout rates. Each state sets a registration deadline a certain number of days prior to the election to process changes to the registration rolls. In some states, this period is as long as 30 days, and in others it is as short as 10; in North Carolina the deadline is firmly in the middle at 25 days prior to Election Day-the same as New York and closer to election day than 25 other states. Six states have a "split system" in which registration deadlines exist before election day, but voters are also allowed to register to vote at the polling site on election day. North Dakota has no state voter registration requirements at all. Looking at only the 2000 election data, for each day the deadline for registration is farther away from election day, there is approximately a 0.4% decrease in voter turnout. This statistic can be misleading, however, since it is difficult to tell how individual states have been affected over time by registration deadline changes.

The second distinct pattern is that states with election day registration have significantly higher turnout rates than those without that option. Although only six states have election day registration in place-Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming, the average turnout of the voting age population among those states in 2000 was 63 percent, while the national average was 51 percent (see Table 6, p. 27). In addition, four states that have election day registration-Maine, Minnesota, Wisconsin, and New Hampshire, ranked in the top ten states in turnout in 2000, and all six were above average. The six states also exceeded the national average in 1996—the first year in which Idaho, New Hampshire, and Wyoming offered election day registration in a presidential election. Maine, Minnesota, and Wisconsin have exceeded the national average in voter turnout every presidential election since these states debuted election day registration for presidential balloting in 1976. These turnout figures suggest that states can increase voter turnout by moving registration deadlines closer to election day and allowing election day voter registration.

However, these figures must be used cautiously. While they can tell us that certain registration laws are correlated with higher turnout rates, they tell us nothing about how those laws affected turnout in states when they were instituted. In order to determine direct effects, future research may need to analyze the voter turnout statistics over time in individual states and try to match changes in those statistics with changes in registration laws. Since no state tracks what influenced an individual's decision to go (or not to go) to the polls, teasing out effects of registration changes is extremely difficult.

Curtis Gans, executive director of the Committee for the Study of the American Electorate, agrees that states with election day registration do experience greater voter participation than do

—continued on page 23

Table 4. Percent of Voting Age Population Participating in Presidential Elections by State, 1960–2000

State 19	960	1964	1968	1972	1976	1980	1984	1988	1992	1996	2000	Number Voting 2000	Total Voting Age Population
National	Tota	1											205,404,000
North Ca	aroli	na			,					.,,,			5,797,000
Alabama 30		36.0	52.7	43.3	46.3	48.7	49.9	45.8	55.2	47.7	50.0	1,665,688	3,333,000
Alaska 43	3.7	44.0	50.0	46.9	48.1	57.2	59.2	52.0	63.8	56.9	64.4	276,749	430,000
Arizona 52	2.4	54.8	49.9	47.4	46.1	44.4	45.2	45.0	52.9	44.7	42.1	1,526.880	3,625,000
Arkansas 40		50.6	54.2	48.1	51.1	51.5	51.8	47.0	53.6	47.2	47.8	921,642	1,929,000
California 65		65.4	61.1	59.5	50.4	48.9	49.6	47.4	49.4	43.9	44.0	10,947,474	24,873,000
Colorado 69		68.0	64.8	59.5	58.8	55.8	55.1	55.1	60.8	52.8	56.8	1,742,198	3,067,000
Connection 76		70.7	68.8	66.2	62.8	61.0	61.1	57.9	64.5	56.2	58.3	1,457,558	2,499,000
Delaware		69.0	68.3	62.1	57.2	54.6	55.5	51.0	55.6	49.4	56.3	327,507	582,000
Florida 48	3.6	51.2	53.1	48.6	49.2	48.7	48.2	44.8	51.0	48.0	50.6	5,962,941	11,774,000
Georgia 29	9.3	43.3	43.9	37.3	42.0	41.3	42.0	38.8	46.2	42.4	43.8	2,583,488	5,893,000
Hawaii 49	9.8	51.3	53.8	49.4	46.7	43.5	44.3	43.0	41.9	40.5	40.5	372,310	909,000
Idaho 79	9.7	77.2	73.3	63.3	60.7	67.7	59.9	58.3	65.2	57.1	53.7	494,470	921,000
Illinois 75	5.5	73.2	69.3	62.3	59.4	57.7	57.1	53.3	58.9	49.3	52.8	4,742,344	8,983,000
Indiana 70	5.3	73.5	73.0	60.8	60.1	57.6	55.9	53.3	55.2	48.8	49.1	2,181,970	4,448,000
Iowa 76	5.5	72.9	69.8	64.0	63.1	62.8	62.3	59.3	65.3	57.7	60.7	1,314,505	2,165,000

--continues

Table 4, continued

State	1960	1964	1968	1972	1976	1980	1984	1988	1992	1996	2000	Number Voting 2000	Total Voting Age Population
Kansas													
	69.6	65.1	64.8	59.5	58.8	56.6	56.8	54.3	63.0	56.1	54.0	1,071,641	1,983,000
Kentuc	ky 57.7	53.3	51.2	48.0	48.0	49.9	50.8	48.2	53.7	47.4	51.7	1,546,796	2,993,000
Louisi	ana 44.6	47.3	54.8	44.0	48.7	53.1	54.6	51.3	59.8	57.0	54.2	1,765,656	3,255,000
Maine	71.7	65.1	66.4	60.3	63.7		64.8			71.9		652,418	968,000
Maryla	and	54.1	54.4		49.3		51.4		53.6			2,018,836	3,925,000
Massa	chusett						57.6			55.0		2,698,783	4,749,000
Michig	gan	67.9	<del></del>	59.4			57.9			54.4		4,227,111	7,358,000
Minne			73.8	68.7	71.5		68.2			64.1		2,438,763	3,547,000
Missis	sippi 25.3	33.9	53.3	44.2	48.0		52.2		52.8	45.4	48.6	993,846	2,047,000
Missou	ıri 71.5	67.1	64.3	57.3	57.3	58.7	57.3	54.8	62.0	54.0	57.5	2,359,457	4,105,000
Monta	na 70.3	69.3	68.1	67.6	63.3	65.0	65.0	62.4	70.1	62.1	61.5	411,083	668,000
Nebras	ka 70.6	66.5	60.9	56.4	56.2	56.6	55.6	56.7	63.2	55.9	56.3	695,039	1,234,000
Nevada	a 58.3	52.1	54.3	49.5	44.2	41.2	41.5	44.9	50.0	38.3	43.8	608,964	1,390,000
New H	ampsh 78.7	ire 72.4	69.6	63.6	57.3	57.1	53.0	54.8	63.1	57.3	62.3	567,715	911,000
New J	ersey 70.8	68.8	66.0	59.8	57.8	54.9	56.6	52.2	56.3	51.0	51.0	3,185,737	6,245,000
New M	lexico 61.7	62.0	60.7	57.7	53.4	50.1	51.3	47.4	51.6	45.4	47.4	598,630	1,263,000
New Y	ork 66.5	63.3	59.3	56.4	50.7	48.0	51.2	48.1	50.9	47.5	49.3	6,811,467	13,805,000

Table 4, continued

State	1960	1964	1968	1972	1976	1980	1984	1988	1992	1996	2000	Number Voting 2000	Total Voting Age Population
North 1	Dakota 78.0	72.0	70.0	68.3	67.2	64.6	62.7	61.5	67.3	56.0	60.4	288,321	477,000
Ohio	70.7	66.6	63.3	57.3	55.1	55.3	58.2	55.1	60.6	54.3	55.7	4,699,246	8,433,000
Oklaho	oma 63.1	63.4	61.2	56.7	54.9	52.1	52.2	48.7	59.7	49.7	48.8	1,123,252	2,531,000
Oregoi			66.6			61.3			65.7	57.1		1,530,346	
Pennsy	ylvania 70.3		65.3	56.0		51.9			54.2	49.0	53.7	4,913,342	9,155,000
Rhode	Island 75.1		67.2	61.0	59.7	58.6	55.9	53.0	58.4	52.0	54.2	407,911	753,000
South			46.7	38.3	40.3	40.4	40.7	38.9	45.0	41.6	46.5	1,385,392	2,977,000
South			73.3	69.4	64.1	67.2	62.6	61.5	67.0	60.5	58.2	316,262	543,000
Tenne	ssee 49.9	51.7	53.7	43.5	48.7	48.7	49.1	44.7	52.4	46.9	49.2	2,075,674	4,221,000
Texas	41.2	44.6	48.7	45.0	46.3	44.8	47.2	44.2	49.1	41.3	43.1	6,406,870	14,850,000
Utah	78.2	78.4	76.7	69.4	68.4	64.6	61.6	60.0	65.2	49.9	52.7	772,213	1,465,000
Vermo	ont 72.4	70.3	64.1	60.7	55.7	57.7	59.8	59.1	67.5	58.1	63.7	293,206	460,000
Virgin	ia 32.8	41.1	50.1	44.7	47.0	47.5	50.7	48.2	52.8	47.5	52.0	2,736,331	5,263,000
Washi	ngton 71.9	71.8	66.0	63.1	59.8	57.3	58.1	54.6	59.9	54.8	56.9	2,486,064	4,368,000
West \	-	a 75.5	71.1	62.5	57.2	52.7	51.7	46.7	50.7	44.9	45.7	647,773	1,416,000
Wisco	nsin 72.9	69.5	66.5	62.5	66.5	67.4	63.5	62.0	69.0	57.4	66.1	2,596,707	3,930,000
Wyom	ning 73.3	74.3	67.0	64.4	58.6	53.2	53.4	50.3	62.3	59.4	59.7	213,759	358,000

Sources: Federal Election Commission, Center for Voting and Democracy (on the Internet at www.fairvote.org).

# Table 5. Ranking of States Based on Voting Age Population (VAP) Turnout, 2000 Elections

Rank	State	% VAP Voted	Rank	State	% VAP Voted
1	Minnesota <sup>1</sup>	68.8	tie	Pennsylvania	53.7
2	Maine <sup>1</sup>	67.4	27	Illinois	52.8
3	Wisconsin <sup>1</sup>	66.1	28	Utah	52.7
4	Alaska	64.4	29	Virginia <sup>2</sup>	52.0
<b>5</b>	Vermont	63.7	30	Kentucky	51.7
6	New Hampshire <sup>1</sup>	62.3	31	Maryland	51.4
7	Montana	61.5	W	National Average	51.0
8	Iowa	60.7	32	New Jersey	51.0
9	Oregon	60.5	33	Florida	50.6
10	North Dakota	60.4	34	North Carolina	50.2
11	Wyoming <sup>1</sup>	59.7	35	Alabama	50.0
12	Connecticut	58.3	36	New York	49.3
13	South Dakota	58.2	37	Tennessee <sup>2</sup>	49.2
14	Missouri	57.5	38	Indiana	49.1
15	Michigan	57.4	39	Oklahoma	48.8
16	Washington	56.9	40	Mississippi	48.6
17	Colorado	56.8	41	Arkansas	47.8
tie	Massachusetts	56.8	42	New Mexico	47.4
19	Delaware	56.3	43	South Carolina <sup>2</sup>	46.5
tie	Nebraska	56.3	44	West Virginia	45.7
21	Ohio	55.7	45	California	44.0
22	Louisiana	54.2	46	Georgia <sup>2</sup>	43.8
tie	Rhode Island	54.2	tie	Nevada	43.8
24	Kansas	54.0	48	Texas	43.1
25	Idaho <sup>1</sup>	53.7	49	Arizona	42.1
			50	Hawaii	40.5

<sup>&</sup>lt;sup>1</sup> Six states with Election Day Registration

Sources: Center for Voting Democracy and Federal Election Commission

<sup>&</sup>lt;sup>2</sup> Four states bordering North Carolina

—continued from page 18

states such as North Carolina that close the books well in advance of elections.

But Gans does not believe participation would automatically rise if registration laws were liberalized. "The states with liberal registration laws had higher turnout than other states before they liberalized their laws because of the nature of the states rather than the nature of their laws," he says.

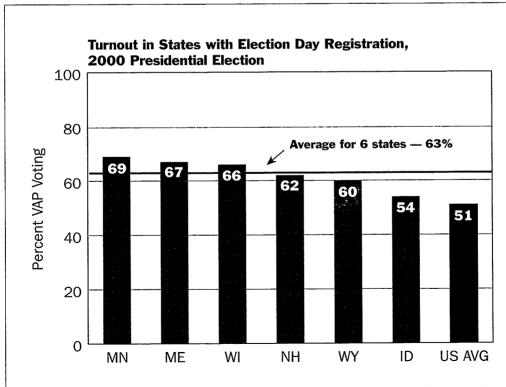
And, Gans is wary of making wholesale changes without taking into account a state's past record regarding voter fraud. "There is evidence that shortening the time between the close of registration and elections does help turnout," says Gans. "But election day registration needs to be handled with great care. Unless there is no history of fraud in a state (and North Carolina, by my experience as a resident of Buncombe and Haywood counties, does not indicate a lack of fraud), the only way to protect against fraud is for everyone registering on election day to cast a provisional ballot to be checked later and delaying the results."

Despite the fact that states with election day registration have above-average voter participation, N.C. State Board of Elections director Gary Bartlett does not believe that moving voter registration

deadlines closer to or even to election day would have a significant impact on turnout. He does, however, note two exceptions: when John McCain defeated George W. Bush in the 2000 New Hampshire Republican presidential primary, and when Jesse Ventura was elected governor of Minnesota in 1998. Both benefited from a surge in election day registration. The late developing interest in McCain, Bartlett says, resulted in a 17 percent increase in turnout. "It made the campaign last six to eight months longer than it normally would have," says Bartlett. "I don't think Bush liked it." Democrats, he says, were equally troubled by the late-breaking interest in Jesse Ventura that helped him seize the Minnesota governor's mansion.

# What Can North Carolina Do To Increase Voter Registration?

It is probably no coincidence that the states with historically high voter turnout have registration deadlines closer to election day than does North Carolina. Easing the registration deadline closer to election day is likely to increase turnout in North Carolina, a state that has long trailed the national average. Ultimately, the goal should be election



*Note:* North Dakota does not have voter registration. Average turnout for states with election day registration in 2000 was 63 percent, a 12 percent margin over the national average of 51 percent.

Squally Election Day, a few drops pebbling, The hood; we wanted a bite to eat but wanted To vote, to get back to vote; although not voting Counted, too. . . .

---STEPHEN SANDY, "THE HEART'S DESIRE OF AMERICANS" ELECTION DAY IN 1980 WAS NOVEMBER 4. STEPHEN SANDY WAS RETURNING FROM BOSTON TO BENNINGTON, VERMONT, TO VOTE.

day registration—as is available in four of the nation's top 10 states in voter turnout (all six states with election day registration exceed the national average in turnout). However, Bartlett indicates there are obstacles to shortening the time between the close registration and elections. "The most important reason for the cutoff is, it freezes in time where people are," says Bartlett. That allows elections officials time to verify the eligibility of new registrants and to make sure there are enough ballots printed to accommodate 100 percent of eligible voters in every precinct.

One oft-mentioned obstacle to election day registration is concern about voter fraud. "I don't think I'd be in favor of that," says Sen. Phil Berger (R-Rockingham). "It'd be too easy to abuse. If you allowed people to show up who had never registered and voted, you'd be inviting problems." Berger also points out that establishing an electionday registration system would be costly and would dilute the electorate with less informed voters. However, some state lawmakers believe electionday registration—with appropriate precautions against fraud-would be worth the risk.

Robert Hunter, former chairman of the State Board of Elections, says the implementation of election day registration effectively would remove the opportunity to challenge would-be voters who are fraudulently or doubly registered. "Assuming that a person has fraudulently registered or doubly registered, then in that event, a voter can challenge the registration and the election judges or the county board can have a hearing on these challenges," says Hunter. "This cannot as a practical matter be done until the close of the registration process." For example, says Hunter, in the 1980s postcards mailed by election officials to some registrants in Wake County to verify their addresses turned out to have gone to vacant lots, "yet a number of voters who voted [fraudulently] used that

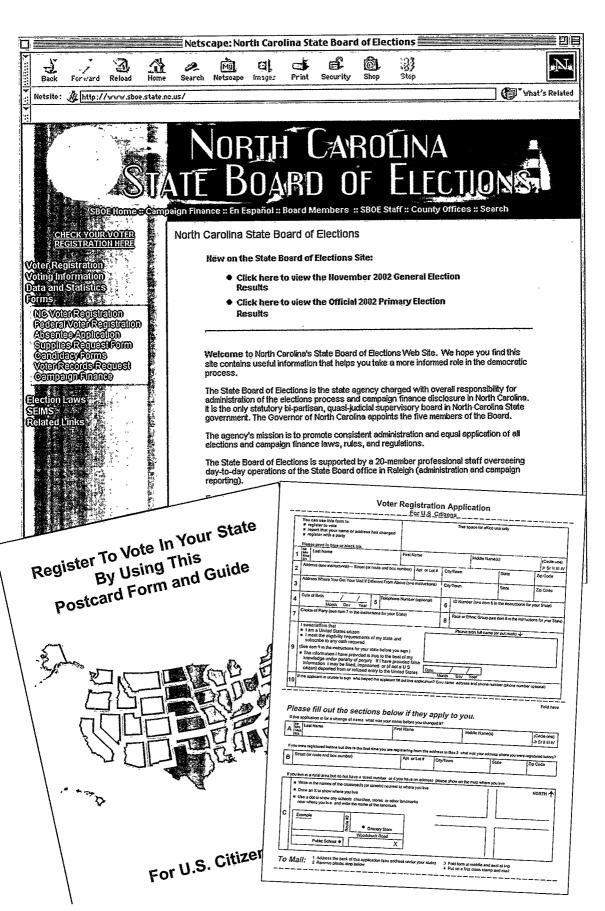
address as their home. Election day registration effectively eliminates the role of challenges. No party or person can challenge such votes post election. The problem of voting fraud is real and is not theoretical in close elections."

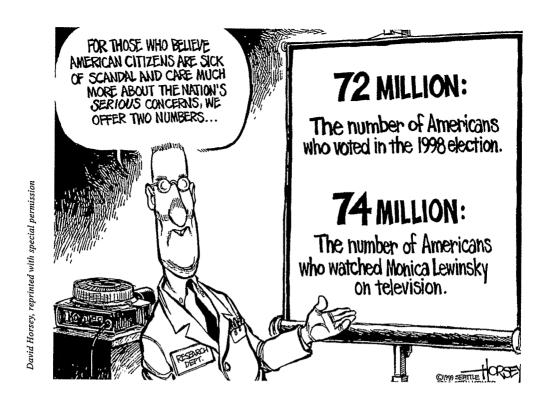
However, others are more supportive of election day registration. "If we can protect against fraud, I think it's something we ought to do," says Sen. Wib Gulley (D-Durham). "I feel very experimental. I think we ought to be innovative in this area." Adds Sen. Fletcher Hartsell (R-Cabarrus). "I'd rather have an informed voter, but the nature of democracy is, whether you're informed or not, you ought to vote."

Bartlett remains open to the prospect of election day registration, though says it would require a "massive amount of work." The mechanics are not currently in place to run election-day registration, but that could be changed, says Bartlett. "Give me a little time, give me a little more money and people, and election day registration can work," says Bartlett. "Unless something is extravagantly bad, we want as much open access as possible. We don't try to throw up any roadblocks. If that's something that members of the General Assembly want, we will do our best to make it happen."

In addition to moving the registration deadline closer to election day, the state may need to undertake a campaign to promote both the importance of voter registration and places where voters can register, as well as the availability of the National Voter Registration Form, a universal form produced by the FEC and available on the State Board of Elections website at www.sboe.state.nc.us. The form, available in both English and Spanish, can be downloaded, filled out, and faxed or mailed to the local board of elections office.

Indeed, Bartlett believes North Carolina's greatest need in increasing voter registration and turnout is a massive voter education campaign.





"The best way to get participation up is to have voter outreach programs in which there would be more readily available information for voters to, one, make their choices and, two, understand the process of registering and voting. What we lack top to bottom in North Carolina is any vehicle to provide voter education. It is a void that needs to be filled in this state." Bartlett says the State Board of Elections had initially explored regional partnerships with community colleges to provide these voter education drives but the effort was sidelined by budget constraints.

In the fall 2002 edition of Popular Government, the magazine of the University of North Carolina at Chapel Hill's Institute of Government, Bartlett and IOG faculty member Robert Joyce argue the strengths of North Carolina's elections administration system versus those of Florida's. But they also point to some weaknesses and make recommendations for addressing those weaknesses. Among them are recommendations to: "Involve universities, community colleges, and public school systems in supplementing the training of precinct workers and in providing civics education to all citizens," and "Improve voters' education on the importance of voting and on the basics of where to vote, how to vote, and in what districts they reside."26

One resource for educating the state's young

people as to their civic duty to register and vote is the state's public schools. Debra Henzey, executive director of the North Carolina Civic Education Consortium, believes the schools could make a stronger effort. "There is a curriculum," says Henzey. "It's just that it's not very consistent. It's spotty." Students get a strong dose of North Carolina history in the fifth and eighth grades, but the courses focus too little on the present and what students can do to get involved and address issues of the day. One positive is that students in the state's high schools get the opportunity to register to vote two to three times a year.

Henzey advocates more service learning in the public schools to get students out of the theoretical and into the community. (Ran Coble discusses a model service learning program operating in Argentina on pp. 86-91 of this issue.) But Henzey says involving students in such efforts as voter registration drives can be risky. In one instance, an educator wanted students to observe her county's voter registration process to see if it was a friendly process. The school board attorney advised that the activity could be viewed as partisan and could bring embarrassing attention on the school or the school board. The project was dropped. "We have decent bones of a curriculum," says Henzey. "What's missing is the meat, and the meat is the strategies."

# **Increasing Voter Turnout in North Carolina Elections**

egistration levels in North Carolina and across A the nation have risen consistently in recent years, but voter participation lags far behind (See Table 1, page 9). For instance, in 1996, although 74 percent of the country's voting-age population was registered, only 49 percent voted-a gap between registration and participation rates that has been growing steadily since 1964. The percent of eligible registered voters in North Carolina for 1996 (78 percent) was actually higher than the national rate, but participation rates (46 percent) were below the national average. One could argue that North Carolina's low turnout in 1996 was due to low interest in that year's presidential election, but even in the more closely contested 2000 election only 50 percent of the voting-age population in North Carolina voted. In comparison, voters in other states and democracies around the world vote at higher rates with some regularity (see Table 3 for international turnout rates).

As important to the process as ease of voting are voter confidence in the system and the ability of voters to adapt to new methods of voting. Piven and Cloward suggest that the failure of political parties to encourage voter participation also plays a significant role in low turnout numbers: "[L]ower turnout seems to be associated with the fact that Americans are less embedded in social networks that encourage participation . . . . In time, the attitudes of the marginalized [non-voters] come to reflect their disaffection with a party system that pays them little heed."<sup>27</sup>

North Carolina, then, may be able to address only part of the problem of participation through legislation. Nevertheless, the state can make some improvements that hold potential to increase voter turnout. The state already has altered its absentee ballot procedures to allow no-excuse, one-stop absentee voting within a set period ending the Saturday before the election. Two new methods of voting—Internet voting and voting by mail—could improve participation in North Carolina. Other possibilities for improving voter participation

Table 6. Participation Rates of Voting Age Population in Presidential Elections (1960–2000) of Seven States with Election Day Registration or No Registration Compared to U.S. and N.C.

	1960	1964	1968	1972	1976	1980	1984	1988	1992	1996	2000
United States	62.8	61.9	60.8	55.2	53.6	52.6	53.1	50.1	55.1	49.1	51.0
North Carolina*	52.9	52.3	54.4	42.8	43.0	43.4	47.4	43.4	50.1	45.6	50.2
Minnesota	76.4	75.8	73.8	68.7	71.5	70.0	68.2	66.3	71.6	64.1	68.8
Maine	71.7	65.1	66.4	60.3	63.7	64.5	64.8	62.2	72.0	71.9	67.4
Wisconsin	72.9	69.5	66.5	62.5	66.5	67.4	63.5	62.0	69.0	57.4	66.1
New Hampshire	78.7	72.4	69.6	63.6	57.3	57.1	53.0	54.8	63.1	57.3	62.3
North Dakota**	78.0	72.0	70.0	68.3	67.2	64.6	62.7	61.5	67.3	56.0	60.4
Wyoming	73.3	74.3	67.0	64.4	58.6	53.2	53.4	50.3	62.3	59.4	59.7
Idaho	79.7	77.2	73.3	63.3	60.7	67.7	59.9	58.3	65.2	57.1	53.7
Average for these seve	en states (e:	xcludes	N.C.)								
Č	75.8	72.3	69.5	64.4	63.6	63.5	60.8	59.3	67.3	60.5	62.6

<sup>\*</sup> North Carolina requires voters to register at least 25 days before elections.

Source: Federal Election Commission

<sup>\*\*</sup> North Dakota does not require voters to register before casting their ballots. Election day registration took effect in 1974 in Maine and Minnesota, in 1976 in Wisconsin, and in 1994 in Idaho, New Hampshire, and Wyoming.

include declaring election day a holiday, voting on a weekend day, establishing time-off-without penalty voting, and extended voting hours. What are the pluses and minuses of these methods?

# **Internet Voting**

The rapid spread of Internet connections nationwide has fueled an equally rapid adoption of the medium as a means for gathering and disseminating information. Perhaps not surprisingly, ballot-casting on the Internet is gaining support as one solution for closing the gap between registration and participation. Should North Carolina consider Internet voting to encourage greater voter participation? A 2001 National Science Foundation (NSF) report concluded that. given the current state of technology, Internet voting presents too many risks to implement completely, but the NSF encouraged states to experiment with controlled Internet voting at polling sites where elections officials could oversee the process.<sup>28</sup> A handful of states are making preparations for just such an experiment. In 2002, the North Carolina legislature authorized a study committee to examine various issues concerning Internet voting, including cost, security, and accessibility for various demographic groups, and report to the 2003 General Assembly. However, the committee did not meet prior to the 2003 session, and whether it will be reauthorized is in question.

No state has converted exclusively to Internet voting, but two states—Arizona and Alaska—experimented with it in the 2000 presidential primaries by enlisting the aid of new companies that offer Internet voting products and systems. These companies are Election.com and Votehere.net. Arizona's 2000 Democratic primary and Alaska's 2000 Republican non-binding primary offered Internet voting as an option for participation, but results were mixed. Arizona, which in recent Democratic primaries saw turnout rates among registered Democrats between 1.5 percent (1996) and 4.3 percent (1992), experienced a significant increase to over 10.5 percent in 2000. Almost half the votes in Arizona's 2000 primary election were cast via the Internet.29 Though turnout did increase. the experiment drew criticism as providing greater access to affluent, white voters who are more likely to have Internet access in the home. Results were not as promising in terms of turnout in Alaska, where only 35 votes were cast via the Internet, several of which originated in the Alaska congressional offices in Washington, D.C.30

At least a dozen other states have requested studies of Internet voting,<sup>31</sup> and six states are examining or have examined the possibility (California, Florida, Iowa, Minnesota, New Mexico, and Washington). In one of the largest implementation



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studies, a task force sponsored by the California Secretary of State recommended that the state move forward cautiously with Internet voting by approaching it in four progressively less restrictive stages: (1) in the first stage, the state would provide an Internet voting option at every precinct, with voters registered at that precinct allowed to cast ballots; (2) next it would allow a voter to vote via the Internet at any polling station, regardless of whether the voter was registered at that precinct; (3) then the state would establish multiple-location voting kiosks outside the traditional polling site where persons could cast an Internet vote; and (4) in the final stage, it would allow voting via the Internet from home.<sup>32</sup>

Each stage would be followed by a full evaluation to gauge success and security. The California task force believes this progression would provide a secure path to voting via the Internet and would allow the state to solve most problems before the system went into full effect with at-home Internet voting. Also, it would allow the state to stop the process altogether if Internet voting became susceptible to fraud or otherwise untenable. Most significantly, it would allow time for the spread of Internet access to reach all strata of society before full implementation.

The North Carolina study commission—if it had convened—was charged to examine: (1) the state of technology regarding Internet voting; (2) the experience of other states and other jurisdictions in the use of on-line voting; (3) the comprehensibility of the process to the average voter; (4) accessibility issues that might affect different types of voters; (5) concerns about security and privacy; and (6) cost.<sup>33</sup>

Despite this range of issues, Bartlett predicts that the state will at some point turn to Internet voting. "Internet voting is going to be a way of life in our lifetime, but not in the immediate future," notes Bartlett.

Others strike a more pessimistic tone. "Internet voting is not likely to happen nor should it," says Curtis Gans of the Committee for the Study of the American Electorate. "Unless we reach the level of 100 percent security on software reliability, protection against viruses and hackers, and personal privacy, you cannot entrust... the future of the state and nation to the real uncertainties of computer technology."

Before fully implementing Internet voting, the state would need to attend to a number of concerns. Ultimately, Internet voting could offer the dual benefit of vote-from-home convenience and almost-instantaneous tabulation, but it also would present

many implementation challenges. Beyond the practical limitations of the expense of equipment upgrades, staff retraining, and hiring, the State Board of Elections would need to address four issues raised by the California Internet Voting Task Force and other similar studies:

(1) Accessibility: The disappointing usage rate in Alaska points out a major potential problem with Internet voting feared by critics: private Internet access is currently limited to a certain class of citizens who can afford the service and the equipment (mostly white middle- to upper-class voters). Internet-only voting would disenfranchise voters without access, and even voting in which the Internet is merely one of many options may still lead to a disproportionate representation from one stratum of the society, given that middle- to upper-class white voters will have more voting options on average than other groups. While Internet voting also could be offered from remote locations such as community centers and libraries, thus broadening accessibility for disadvantaged groups, this still would not match the convenience of voting from home. A 1999 U.S. Department of Commerce study reported that about 30 percent of white, non-Hispanic households have Internet access, compared to only 11 percent of African American households and 13 percent of Hispanic households.34 The report did not provide detailed analysis by state, but other studies have indicated broad variation in the percentage of households with Internet access and even home computers in North Carolina counties.35 A 1999 study by the North Carolina Board of Science and Technology, for example, found that 45 percent of households in the Southeastern North Carolina counties of Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland counties had home computers compared to 68 percent of households in Research Triangle Park area counties. In its research on infrastructure needs of Eastern North Carolina, the North Carolina Center for Public Policy Research found greater Internet access to be one such pressing need.36

(2) Variable acceptance of the security and reliability of the system by age group: This problem may be the most important in terms of how much of an effect Internet voting could have on election participation. Results from the Arizona primary may be somewhat misleading; while the increase in participation is impressive, it may not reflect an increase in all demographic categories. Voters who do not trust the safety and efficacy of the system are more likely to avoid voting, and that

subgroup is more likely to be older and less familiar with computer technology. Disenfranchisement of older voters may result.37 However, older voters already vote in higher numbers than younger voters. While they may not choose to vote over the Internet, they likely would continue to vote in high numbers through more traditional means. Thus, it would be necessary to continue to offer these traditional options for casting a ballot as well as the Internet option until a time in the future when the age differential in Internet usage disappeared.

(3) Ballot security and voting integrity: No voting system currently guarantees complete security or integrity, as Florida's 2000 election showed. Elections officials would need to guard against attacks on Internet voting machines and attacks on election computer systems. With no way to determine visually whether the person voting is the registered voter or someone else who has gained access to the registered voter's ballot, Internet voting also has the potential for vote fraud via multiple voting, vote-selling, vote solicitation, and voter coercion. "What's missing is the digitalized signature," says Bartlett. "There is a lot of controversy as to whether we have the ability to have a secure situation." There currently is little identity checking at North Carolina's polling places, but voting from remote locations could multiply the potential for abuse.

Of equal concern is the issue of recounts: remote Internet voting leaves no paper trail. One report even declares that, at this time, "[T]here is no way that a public election of any significance involving remote electronic voting could be carried out securely."38

Larry Leake, chairman of the State Board of Elections and an Asheville attorney, believes voting via the Internet opens the door to rampant voter fraud. "Please bear in mind there are two policy interests; to wit, to encourage voter participation and to frustrate fraud," notes Leake. "In my judgment, both same day registration, and in particular, Internet voting, leave us exposed for rampant voter fraud."

Bartlett, for one, does not believe North Carolina should embark on an Internet voting experiment until these concerns can be ironed out. Still, he says Internet voting ultimately will be a reality in North Carolina. "We want to be on the leading edge, not the bleeding edge," he says. "I don't think it's going to happen in this decade, but sooner or later."

(4) Computer glitches: The success in Arizona was tempered by this problem, which critics of Internet voting fear will always make such a system unstable. Untold numbers of voters were unable to cast ballots because of programming glitches. Joe Mohen, chief executive of Election.com, which carried out Arizona's primary, says the company worked "around the clock" to try to resolve problems, but was plagued by too many voters with very old versions of Netscape.39

Independent observers such as the Voting Integrity Project and R. Doug Lewis, executive director of the Election Center (both are national, non-partisan, organizations dedicated to voter rights and election integrity), also have voiced concerns about the process, as has the Washington state deputy director of elections. As the Alaska experiment demonstrated, it is not even certain that participation rates would climb after a switch to Internet voting. Even vendors of Internet voting systems have their doubts about the Internet's ability to raise participation rates. "I don't believe [Internet voting] will increase participation that much," says David Brady, a political scientist at Stanford University and a member of the Board of Directors for Election.com.40 Clearly, before attempting to adopt an Internet voting option, North Carolina would have to develop a plan and responses to these concerns.

# Voting by Mail

Toting by mail is another possibility for increasing voter participation in North Carolina. Although not a new voting concept and not uncommon in venues like corporate elections (for instance, stockholders typically vote by mail), voting by mail as a means to increase participation in statewide or national elections is a relatively new phenomenon.

Currently, only Oregon uses the mail as its primary means of casting a ballot. Extensive research and preparation went into Oregon's total conversion from polling-site voting. The process, begun in 1981, was not adopted statewide for fifteen years and was subjected to numerous tests along the way.41 The state's most highly publicized vote by mail experiment was its all-mail special U.S. senatorial election in 1996. In that contest, more than 1.2 million Oregonians cast a ballot by mail, a participation rate of 66 percent of registered voters. Though the participation rate has cooled in more recent elections (reaching a low of 38 percent of registered voters for a special statewide election in 1999,42 the lowest turnout for an election of that type since the introduction of voting by mail), pub-



lic response overall has been positive. The 2000 presidential election represented Oregon's first allmail general election, and the state's 60.5 percent turnout of the voting age population represented a small increase over the 57.1 percent turnout in 1996, and well above the national average of 51 percent.

An alternative to Oregon's mail-only voting is Washington's no-excuse absentee voting process, which essentially allows anyone to vote by mail without providing a reason, and North Carolina now has decided to allow this as well. Washington state introduced no-excuse absentee voting-by-mail in 1993, and the move was followed by a steady increase in the number of voters choosing this means to cast their ballots; in 2000, more than half of all ballots cast in Washington state were by mail.<sup>43</sup> California is yet another state that allows voters to cast a vote by mail without giving a reason or excuse, and voters may opt to have an absentee ballot sent to them for each election in which they are eligible to vote.

In Oregon's vote-by-mail elections, votes are placed in an envelope without any identifying documents. That envelope is then placed inside the mailing envelope. Election workers separate the addressed envelope and the envelope containing the ballot so that the voter's name and vote remain separate. Also, anyone who does not want to mail in the ballot can submit it at special booths across the state set up to collect ballots.

Some advocates see voting by mail as a steppingstone toward acceptance of voting from home via computer, television, or phone. In many ways the processes have benefits and problems similar to those for Internet voting.

Advocates of voting by mail suggest that it may close the gap between registered voters and participating voters, though the jury is still out on whether this is so. For example, 57.1 percent of Oregon's voting age population cast ballots in the 1996 presidential election, but in 2000—the first year Oregon operated an all vote-bymail system for a presidential election— Federal Election Commission statistics indicate that participation climbed to 60.5 percent, above the U.S. average of 51 percent. Yet Curtis Gans, executive director of the Committee for the Study of the American Electorate, argues that the turnout was not impressive for Or-

egon. "The turnout for the general election was the third lowest for presidential general election in Oregon's history," writes Gans. "And there were 18 states in the nation which had greater turnout increases than Oregon, none of which adopted allmail voting." Gans had categorized Oregon as a "battleground state" in which the presidential race was highly competitive, so he had anticipated that turnout would be above average. In the 2002 general election, 49.5 percent of Oregon's voting age population mailed in ballots—far better than the nation's 35 percent voter turnout though not particularly strong for an off-year election in civic-minded Oregon. 45

Another benefit of the process is the opportunity voting by mail gives voters to become well informed about all issues on the ballot. The ballot typically arrives weeks before election day, giving voters a chance to study the issues and candidates on the ballot and make more informed decisions. Voters also receive an issues pamphlet distributed to everyone who is registered and in multiple languages. The pamphlet includes biographies of candidates, their self-ascribed positions on the issues, and the pros and cons of any questions on the ballot to be decided by the voters. Similar pamphlets are distributed to voters in Alaska, California, and

Washington, and some parts of Minnesota, New York, and Texas, according to Curtis Gans of the Committee for the Study of the American Electorate. These can be a huge voter education tool, providing those who receive them the opportunity to be informed about the candidates and issues confronting them on the ballot.

Gary Bartlett, executive director of the North Carolina State Board of Elections, says a similar pamphlet providing information on candidates and issues could be distributed to every voter household in North Carolina for approximately \$1.5 million per election cycle. "Any information that could be provided by some source that would be party or candidate neutral can be beneficial," says Bartlett. Such a pamphlet ultimately could be coupled with vote by mail ballots if the state broadened its reliance on such a system.

One of the biggest draws of voting by mail is that it eliminates long lines at the polls, something many non-voters say is a major disincentive. Administrative costs also are cheaper than traditional polling-site elections.

A 1996 study sponsored by the Oregon Survey Research Laboratory at the University of Oregon identified the following additional positive results from that state's by-mail election for the U.S. Senate:

- 77 percent of voters preferred voting by mail to polling place elections;
- Fewer than 1 percent felt their vote was coerced by those around them;
- In general, the demographics of vote by mail were the same as that of polling place voters. Any differences tended to favor traditionally underrepresented voters (such as minorities, younger voters, and voters of lower socio-economic status); and
- Requiring the voter to supply the postage had little or no adverse effect on participation.<sup>46</sup>

Voting by mail is not without drawbacks. Concerns with voting by mail include increased potential for fraud—though protections are in place to assure that the voter's signature matches the one on file at the board of elections office, risk of influence of the voter by third parties, and disproportionate effects in voting patterns on different subgroups of the population. Another concern is the time it takes to count mail-in votes. In the 2000 election, Oregonians voted in high numbers, but many of them waited until the last minute (8 p.m.

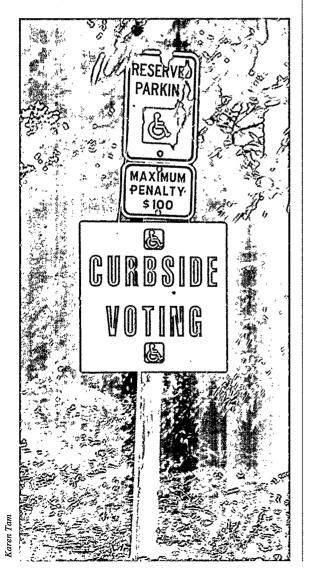
on election day) to submit their votes, leading to a rush that overwhelmed elections officials.<sup>47</sup> This problem has been growing worse with each election conducted by mail.<sup>48</sup> Last-minute ballot-casting might not seem like a problem given that paper ballots all across the country are tallied overnight, but for mail-in voting systems, each signature must be checked against one already on file. As a result, Oregon tallies were not finalized until a full three days after the election.<sup>49</sup>

While Oregon has the most extensive vote-bymail program in the nation, it is not the only state faced with challenges in tallying the vote. "I was in Los Angeles County and observed the counting of the votes by mail," says Robert Hunter, the former State Board of Elections chairman. "It requires a great deal of infrastructure and the decision-making on whose vote is counted would be unbelievable to N.C. election officials and politicians. Essentially, the signatures are checked against computer file signatures and a decision is made by an hourly employee of the board. There are no reliable standards. An all mail system would be a nightmare to administer or to verify for the parties and candidates. It would increase the lack of confidence in the election process, not increase confidence."

# Voting Holidays, Time-Off Arrangements, and Extended Voting Hours

Long lines at polling places can make it diffi-cult for workers to find the time to vote during the workday. For those with early work hours or children to get to school, the polls may not yet be open, while workers with limited lunch breaks may not be able to cast a ballot and return to work on time. Even with polling places open as late as 7:30 p.m., there is often a crush of voters at the polls after working hours, which may make voting less appealing. Three possible responses to this dilemma are: (1) to make election day a state or national holiday, (2) to encourage employers to allow workers to take time off from work without penalty on election day to cast their votes, or (3) to extend voting hours. These ideas are not new in North Carolina-two statewide races were held on the weekend in 1964—but the state does not provide any of these options currently.<sup>50</sup> One nonpartisan, nonprofit group, Vote for America N.C., is seeking voluntary agreements from businesses to provide their employees compensatory time for voting, according to Executive Director Susan Hansell, but so far the group has found few takers.

Proposals at the national level have called for everything from making election day a new holiday to moving President's Day to the first Tuesday in November during presidential election years. Twelve states already recognize election day as a holiday. Thirty-one states allow some time off for voting for state employees; 27 states have legislation about the maximum amount of time an employee in the private sector can take off without penalty (see Table 7 for a list of holiday voting and time-off-with-pay laws, by state). In North Carolina, polls are open from 6:30 a.m. until 7:30 p.m., though counties have the authority to remain open longer to accommodate lines at closing time. Senate Bill 122, sponsored by Sen. Hugh Webster (R-Caswell) in the 2001-2002 session of the General Assembly, would have extended voting hours to 9 p.m., but the bill died in the N.C. Senate Judiciary II Committee.



It is difficult to determine the effectiveness of measures such as paid time off and extended voting hours in improving voter participation. Since most of these reforms were implemented before participation records were kept, it is often not possible to calculate changes in voter turnout after implementation. It is worth noting that North Carolina is one of only 14 states that has no voting holiday or time-off arrangement. However, of the top five states in participation in the 2000 presidential election as a percentage of the voting-age population-Minnesota, Maine, Wisconsin, Alaska, and Vermont, none observed election day as a holiday, two of five (Minnesota and Alaska) provided state employees time off to vote, and three of five (Minnesota, Wisconsin, and Alaska) required private employers to provide time off for voting.

Politics, of course, play a role in decisions such as whether to grant time off for voting. For example, Republican legislators in North Carolina might object to time off for state employees to vote since they are thought to vote predominantly Democratic. Democratic legislators might object to time off just for the private sector since Republicans poll well with this group of voters.

Sen. Phil Berger (R-Rockingham) is among those lawmakers who oppose mandatory paid time off for voting for either group. "Most employers make sure their employees are able to vote," says Berger. "Philosophically, I would have a little bit of a problem with mandating private business to do that sort of thing. There may be some people who work from 6:30 a.m. to 8 p.m., but I can't believe they don't get a lunch hour." Berger says those who absolutely can't get to the polls on election day can vote early or absentee.

Sen. Wib Gulley (D-Durham) takes the opposite tack. "I think time off for voting is a fine concept," says Gulley. "Voting is such a vital part of democracy that no one should be penalized at their workplace for participating." While employers have a natural concern that mandated time off could have an impact on workplace efficiency, Gulley says it is not necessarily the case that everyone has the time to vote. "Some people work overtime, and just because they're not at work doesn't mean their time is free," says Gulley. "It's a clash of priorities, but democracy should take precedence."

Gary Bartlett, director of the N.C. State Board of Elections, says he does not see the need for a state holiday for voting, as casting a ballot usually does not take that long. Bartlett would like to see election day declared a teacher workday, with teachers receiving credit for helping out at the polls.

Table 7. Holiday Voting and Time-Off-With-Pay, by State, 2000

Rank	State	% VAP Voted 2000	Election Day Holiday? <sup>1</sup>	Give State Employees Time Off To Vote?	Give Private Employees Time Off To Vote?
1	Minnesota	68.8	N N	Y	before noon
2	Maine	67.4	N	N	N
3	Wisconsin	66.1	N	N	max 3 hrs
4	Alaska	64.4	N	Y	as needed
5	Vermont	63.7	N	N	N
6	New Hampshire	62.3	N	N	N
7	Montana	61.5	Y	Y	N
8	Iowa	60.7	N	max 3 hrs	max 3 hrs
9	Oregon	60.5	N	reasonable amount	reasonable amount
10	North Dakota	60.4	N	Y	employers encouraged
11	Wyoming	59.7	N	max 1 hr	max 1 hr
12	Connecticut	58.3	N	N	N
13	South Dakota	58.2	N	max 2 hrs	max 2 hrs
14	Missouri	57.5	N	N	max 3 hrs
15	Michigan	57.4	N	N	N.
16	Washington	56.9	N	N	N
17	Colorado	56.8	N	max 2 hrs	max 2 hrs
tie	Massachusetts	56.8	N	N	N
19	Delaware	56.3	Y	N	max 2 hrs
tie	Nebraska	56.3	Y	Y	N
21	Ohio	55.7	Y	N	N
22	Louisiana	54.2	Y	Y	N
tie	Rhode Island	54.2	N	Y	N
24	Kansas	54.0	N	Y	max 2 hrs
25	Idaho	53.7	N	N	N
tie	Pennsylvania	53.7	N	N	N
27	Illinois	52.8	N	Y	max 2 hrs
28	Utah	52.7	N	Y	max 2 hrs
29	Virginia	52.0	N	N	N
30	Kentucky	51.7	N	max 4 hrs	max 4 hrs
31	Maryland	51.4	Y	Y	max 2 hrs
	National Average	51.0			

Table 7, continued

Rank	State	% VAP Voted 2000	Election Day Holiday?¹	Give State Employees Time Off To Vote?	Give Private Employees Time Off To Vote?
32	New Jersey	51.0	N	Y	N
33	Florida	50.6	N	Y	N
34	North Carolina	50.2	N	N	N
35	Alabama	50.0	N	N	N
36	New York	49.3	Y	Y	max 2 hrs
37	Tennessee	49.2	N	max 3 hrs	max 3 hrs
38	Indiana	49.1	Y	Y	N
39	Oklahoma	48.8	N	Y	max 2 hrs
40	Mississippi	48.6	N	N	N
41	Arkansas	47.8	N	Y	max 3 hrs
42	New Mexico	47.4	N	Y	max 2 hrs
43	South Carolina	46.5	Y	Y	N
44	West Virginia	45.7	Y	Y	max 3 hrs
45	California	44.0	N	max 2 hrs	max 2 hrs
46	Georgia	43.8	N	N	max 2 hrs
tie	Nevada	43.8	N	max 3 hrs	max 3 hrs
48	Texas	43.1	Y	max 2 hrs	max 2 hrs
49	Arizona	42.1	N	N	N
50	Hawaii	41.0	Y	Y	max 2 hrs
	Total Number of States		11	31	27

<sup>&</sup>lt;sup>1</sup> No state has a holiday that requires public and private employers to grant a full paid day off, and observation requirements for state and private employers vary. For example, Texas allows a state or private employee two hours to cast a ballot and return to work, though election day is a state holiday.

Source: Federal Election Commission

That would help with two problems—the need for precinct workers and conflicts between the operation of polling places and the operation of public schools where many polling places are located. "There are space, parking, and safety issues," says Bartlett of the many North Carolina schools that double as polling places.

Another possibility might be weekend voting—an option the state has tried before. The 1964 gubernatorial primary and runoff primary,

for example, were held on weekends. Weekend voting may conflict with travel plans or other leisure activities, and moving the federal voting day to the weekend would require an amendment to the U.S. Constitution.<sup>51</sup> Still, Rep. Martha Alexander (D-Mecklenburg) believes it might be time to experiment with weekend voting once again. "Sunday voting? Maybe not, because this is the Bible Belt," says Alexander, "but what about Saturdays?"

# **Absentee Voting**

significant number of votes in each election are cast by absentee voters, so access to this voting option can directly affect a state's participation rate. North Carolina's absentee voting system is not markedly different from other systems across the country, nor is it particularly burdensome. The 2001 General Assembly amended the law to remove a requirement that voters provide an excuse if they wished to vote absentee by mail.<sup>52</sup> The law previously had allowed absentee voting by mail for any of five reasons: 1) being sick or disabled and unable to enter a voting place; 2) expecting to be away from one's home county during the voting hours; 3) observing a religious holiday; 4) being incarcerated but not a convicted felon; or 5) being a voting precinct employee or officer.

In many ways, the absentee system is very accommodating. The absentee ballot application form is not onerous, and, if the voter is already registered to vote non-absentee, the form can be filed as late as the Tuesday before the election. It is one page and requires minimal information. The absentee ballot must *arrive* at the local board of elections by the day before elections—a postmark is not good enough. North Carolina also offers absentee one-stop voting, which does not require a mailed-in ballot, but allows the voter to cast a vote at the county board of elections or a designated county polling site any time between four and 25 days before the election.

One-stop voting is also no-excuse, which means a voter does not have to give a reason for voting early. According to the N.C. State Board of Elections, approximately 393,000 North Carolina voters (13.5 percent of all voters) used the one-stop option in the November 2000 elections, the first time it was available. While it is not possible to say how many of these were voters who would not have otherwise cast a ballot on Election Day, such high numbers suggest that the program's popularity might have increased the total number of voters. The numbers decreased in the 2002 non-presidential general election, with 7.1 percent of North Carolinians who went to the polls voting no-excuse, one-stop and the total rising to 9.1 percent when all mail-in ballots were included.

As is often the case when changes are made in the elections process, adoption of one-stop voting was viewed through a partisan lens. Republicans demonstrated on the floor of the House when the bill was put in, saying it was a partisan attempt to help Democrats. However, there is evidence that Republicans have not been harmed, with GOP voters using one-stop at least as frequently as Democrats as a percentage of their registration. Analysts for North Carolina Public Television's "Legislative Week in Review" said in the program's Sept. 20, 2002, broadcast that more Republican votes were cast in the Sept. 10, 2002, primary election than Democratic votes. Rep. Joe Kiser (R-Lincoln) is among those who see one-stop voting as a net gain for Republicans. "We fought it, and it turned out to be a bonanza for us," says Kiser.

State Board of Elections Executive Director Gary Bartlett agrees that a higher percentage of Republicans than Democrats used early voting in the 2002 general election. In 2000, Bartlett says the numbers were about in line with Democratic and Republican registration in the state. But in the 2002 general election, Republicans edged ahead, with 3.8 percent of all registered Republicans going to the polls early compared to 3.6 percent of all registered Democrats. "They really worked it," says Bartlett.

The North Carolina absentee process seems to work well. Overall, the system is accessible and easy to use and the addition of one-stop absentee voting provides a popular option that may increase turnout. Other changes to this system that may increase voter turnout are not specific to the absentee process; they include extending the registration window and closing the required time (25 days) between registration and voting. Again, there is broad disagreement over whether this would be a good idea, though it doesn't necessarily divide along partisan lines. "The more convenience we offer people, the more we're working our elections people to death," says Kiser. "They've got to prepare for the election and run the early voting. It's real time-consuming for them. It's a wonderful thing, but we're going to have to provide some money for this somewhere down the line."

Nonetheless, Bartlett sees increased convenience as the wave of the future in the conduct of elections—and a key to increased voter turnout. "I think in time these early additional voting sites will take the place of the [conventional] polling place and stay open through the election. People will go to a big voting center or do a mail ballot or eventually will have the opportunity to vote by Internet." Already, he says, overseas military personnel are taking advantage of the opportunity to vote using a combination of fax and email correspondence as opposed to traditional mail-in ballots. Bartlett sees such convenience voting as taking over an increasingly large share of the electorate until it takes over altogether.

# VOTER ACCURACY IN NORTH CAROLINA

# **Ensuring Accuracy of the Count in North Carolina Elections**

he accuracy of election processes is safeguarded in two ways. One involves human oversight of the voting process. The elections administrators who are closest to the voting process have the greatest degree of direct contact with voting equipment and the voting public and actually count the ballots after they are cast. Assuring that they are competent helps to ensure an accurate count. The other way to promote accuracy is by using up-to-date voting equipment. The various types of equipment operate in different manners, have different inherent error rates, and require different means of casting ballots. Some types of equipment are considered to be more user-friendly than others. These dissimilarities result in the inevitable fact that some methods of voting will produce more accurate tabulation of results than others. "Each type of voting equipment has its pluses and minuses," says Bartlett. And, each of these essential components of the voting process-elections administrators and voting equipment—raise concerns when evaluating the accuracy of elections, requiring that each be evaluated independently.

# Elections Administrators and Their Levels of Oversight

Like all states, North Carolina has two layers of oversight of election administration. These are the state and county level.

# North Carolina State Board of Elections

The State Board of Elections is the highest level of election oversight in North Carolina. This body is composed of five members appointed by the Governor to serve four-year terms. Appointees are chosen from nominations submitted by the state party chairman for each of the two major political parties, with no more than three members from the same political party. The party of the sitting governor holds the majority of the seats. The State Board of Elections appoints an executive director of elections who carries out administrative duties established by Board members. This individual serves a four-year term. Gary Bartlett, the current director, was appointed in August 1993, and his current term expires May 15, 2005.

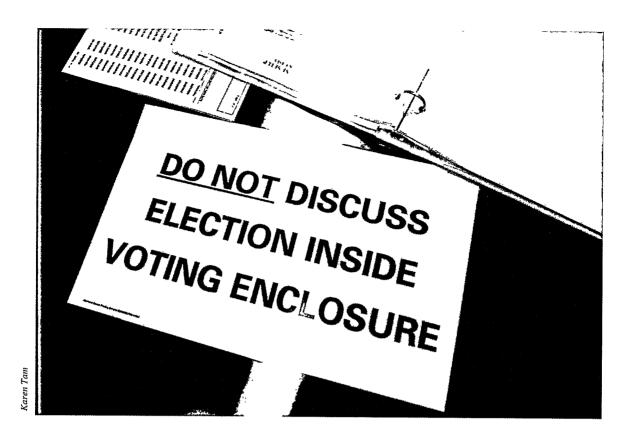
# County Boards of Elections

Individual county boards of elections represent the next level of oversight. Each of the state's 100 counties has a three-member county board of elections. The political parties nominate and the State Board of Elections appoints these members to two-year terms, with no more than two members of the same political party. Additionally, the state executive director appoints a director of elections for each county after receiving a recommended candidate from the county board of elections.

# Precinct Election Judges

Each county board of elections appoints one chief judge and two assistant judges for every precinct in the county. With 2,810 precincts statewide, this means nearly 10,000 precinct officials are at work on a typical election day. The chairs of the two main political parties in each county can recommend qualified individuals to fill these positions. However, no more than one judge in each precinct can belong to the same political party as the chief judge. These precinct officials serve two-year terms and have the highest level of direct contact with voters, voting equipment, and the actual ballots. In short, these officials run the precincts, from matching voters to their names on registration lists, to keeping order, to actually counting ballots.

Local boards of elections and precinct officials must learn the ins-and-outs of election procedure and administration while serving a brief twoyear term. At times, it may seem that election officials are just getting on their feet when their terms expire. Accordingly, some have argued that these local officials should receive four-year terms. While Bartlett doesn't object to this idea, he also notes, "It's not our biggest problem. They are usually reappointed-unless it's an issue of competency. The biggest problem we have is age. We've got to have a better cross section." Retirees are the greatest source of campaign workers, says Bartlett, and while retirees make a good pool for drawing precinct workers, Bartlett says he does not believe all of the workers should come from that source. He says 60 to 65 percent of precinct officials stick with the task for a considerable period of time, so length of term is not an issue. "For the other 30-40 percent, it's constant change," Bartlett says.



Strengthening training requirements of elections officials is another means of improving local administration of elections. The State Board of Elections could, for example, require completion of its Certification in Elections Program for all members of county boards of elections. As elections expert R. Doug Lewis puts it, "One clear lesson of Election 2000 is that states must have a stronger hand in oversight and training of local elected officials."53 Bartlett, however, opposes such a change. "We'd lose half the board members." Instead, the state board is considering offering a program of "training the trainer" in which an instructional program would be provided for community college instructors, who in turn would provide training to local elections officials. Currently, the State Board of Elections trains the county boards, who train the precinct officials.

Human interaction with the voting process naturally introduces the potential for error, and it is unlikely that solutions will ever be developed to completely eliminate this source of inaccuracy. As one researcher of election equipment put it, "Talking with election officials, one discovers that one of the issues that they grapple with is the inability of many people to follow simple directions." State law restricts the degree of assistance voters can request when casting their ballots. 55 Indeed,

federal and state laws carry criminal penalties for officials who coerce voters during the voting process, so they are naturally hesitant about offering assistance.

## **Voting Irregularities and Fraud**

Voting irregularities and fraud are significant concerns when evaluating the role of voters and election officials in the voting process. While election fraud involves criminal activity, voting irregularities can result from negligence or incompetence on the part of a voter or election administrator. Nationally, there have been significant incidents of both phenomena in recent years, with the outcomes of elections contested in Alabama, Florida, Louisiana, and Pennsylvania.<sup>56</sup>

Several recent North Carolina elections have involved accusations of fraud. In 1994, Robert C. Anderson, a Republican who lost his bid for the state's 7th Congressional District, raised accusations of fraud against his opponent, Democratic U.S. Representative Charlie Rose. District Attorney Johnson Britt determined that local officials did make "some human errors, or clerical mistakes," but cleared Rose and officials in the Robeson County Board of Elections of any criminal charges. Anderson ultimately presented his alle-

gations to a congressional task force investigating voter fraud. The committee ultimately determined that Rose had legitimately won the election, but the allegations did raise concerns about the vulnerability of the state's voting process.<sup>58</sup> Bartlett notes that in the Rose investigation, no evidence was uncovered of a single illegal vote.

However, state audits of the 1998 elections in Duplin County revealed numerous irregularities in the voting records. One record indicated that a 75-year-old woman voted twice. The Duplin County Board of Elections initially declined the state's recommendation to investigate the inconsistencies. Further investigation by the State Board revealed that the county board of elections office changed people's voting records without their authorization. 60

Continued state investigations caused all three members of the Duplin County Board of Elections to resign.61 Ultimately, no criminal charges were filed as District Attorney Dewey Hudson determined that "the investigation did not reveal any credible evidence of any conspiracy to fraudulently or corruptly affect the election process in Duplin County.... What the investigation did reveal was many instances of gross incompetence." It was determined that the county suffered from severe mismanagement and years of failure to comply with state and federal election law. Among the allegations were forged, discarded, and destroyed voter registration cards, fraudulent signatures on absentee ballots, and unauthorized persons gaining access to ballot boxes.62 In this instance, the State Board of Elections asked for and received the resignations of the entire county board of elections and restructured the operations of the county's elections office. The county board has since performed well in administering elections.

Competence of elections officials may also have come into play in the State Board of Elections' ordering of new elections in two county commissioners' races in Robeson County following the Sept. 10, 2002, primary.63 Among the irregularities were voting machines that were not programmed properly and did not work in 75 percent of Robeson County's polling places. Voters were given paper ballots and in some cases were handed the wrong ballot or were directed to the wrong precinct. In one instance, a precinct judge closed a voting place for two hours while she went to get ballots. The episode resulted in the firing of the county elections director and a much smoother operation during the November 2002 general election.

These recent investigations concluded that incompetence rather than criminal wrongdoing was the major source of voting irregularities. "There's been very little fraud," says Bartlett. "It's not wholesale.... North Carolina can be proud. I cannot think of any race where there has been a cloud of suspicion that the person who received the most votes didn't win, and we've had some close races." However, allegations of rampant vote buying were confirmed in the 2002 Caldwell County Sheriff's election. Dozens and perhaps as many as 300 votes are thought to have been purchased at prices ranging from \$10-\$25 in a scandal labeled "outrageous" by Senior Resident Superior Court Judge Donald Stephens of Wake County and "dishonest and unfair" by the State Board of Elections.64 Democratic Sheriff Roger Hutchings was ousted by Republican Gary Clark by a 746-vote margin. Stephens ruled that the vote buying did not affect the outcome of the election, and the results were certified. Proper training of officials is crucial to ensuring that elections follow legally sound protocol and generate accurate results.

#### **Current Training Requirements**

A s duties and responsibilities vary at each level of election oversight, differences exist in the extent and content of training for each level.

# County Board Members and Election Directors

The State Board of Elections created a Certification in Elections program in 1995, but this program is voluntary for most election officials. County directors of elections hired after May 1995 *must* complete this training process. Other county board of elections members and their staff have the option of becoming certified. Every member of a county board must attend two basic, less intensive training sessions offered by the State Board during their first two years of service (one session must be completed during the first six months after initial appointment).

#### Precinct Election Judges

The state mandates training of all precinct election judges prior to each primary and general election, but the specific details are largely left to the discretion of individual county boards. Unless the county board chairman excuses them, all election judges must attend training sessions developed by their county. The current role of the State Board of Elections is to "train the trainers," according to Bartlett.



Paper ballots have been in use in North Carolina precincts since the early days of voting. They are still used in two rural counties.

Resources provided by the state include seven training videos and precinct training manuals that are broadly used and customized to meet local training requirements. By statute, judges are compensated for attending these training sessions.<sup>65</sup> The state board recommends that each county develop training manuals and consider testing to evaluate the abilities of precinct officials. Testing is suggested with the caveat that "this may work well in your county—you know your precinct officials."<sup>66</sup>

Surveys are conducted every two years to assess training efforts in each individual county. However, two counties using the same election equipment could be operating with very different methods for training their election judges. There is no guarantee that equipment is tested, and voter intent is evaluated following the same guidelines

in all counties. This lack of consistency introduces many potential sources of error.

In its 1999–2000 Elections Executive Report, the State Board of Elections acknowledged that "precinct officials continue to be the weak link in the elections process." As voting system technology progresses and election laws are amended, this concern becomes increasingly significant. Individuals working closest to the voting process must be aware of current legal standards and must be properly trained to maintain and operate new equipment. In the past 10 years, the number of North Carolina counties using direct recording electronic technology (DREs) has increased from 8 to 33. New equipment technology creates a potential problem, as voters may have difficulty using the equipment. Many individuals "are unaccustomed

to using an automated teller machine or similar electronic devices with key pads or touch screens, and as a result DREs might produce more undervoting," according to the Caltech/MIT Voting Project, which assessed the accuracy of various voting technologies following the 2000 presidential election. Properly trained officials will be better prepared to aid voters in casting their ballots without overstepping procedural restrictions on voter assistance.

## **Voting Equipment**

A second concern directly affecting accuracy involves the voting equipment which individuals use to cast their votes. The voting precincts across North Carolina use a patchwork of systems, ranging from complex electronic technology to simple paper and pencil. Indeed, North Carolinians cast their ballots on Election Day using five types of equipment (see Table 8, p. 45).

#### (1) Paper Ballots

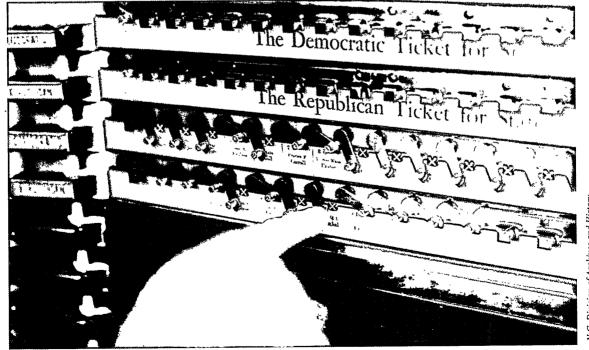
Used by two of North Carolina's most rural counties—Hyde and Tyrrell—the paper ballot is the most elementary and least expensive of all voting systems. Candidates' names and other ballot questions are printed on a piece of paper; voters cast their votes by checking or circling those names di-

rectly on the paper. Election officials count ballots by hand. Paper balloting also is used in many counties for absentee voting. State Board of Elections officials say paper ballots present two negatives: more opportunity for human error and a longer wait for the results. But they also represent the cheapest of election technology. Thus, it's no surprise that the two counties still counting ballots by hand are among the poorest and least populated in the state.

#### (2) Mechanical Lever Machines

Used by four counties in North Carolina (Chowan, Hoke, Scotland, and Swain)-or less than 2 percent of the state's voters, mechanical lever machines allow voters to cast their votes by adjusting a series of levers corresponding to candidates' names or other ballot questions. To lock in their vote, voters pull a large lever which activates a series of gears on a number counter. If all 27,000 parts of the voting machine work properly, election officials simply read the counter to tally the vote for each individual candidate. Lever machines are no longer manufactured, forcing counties to be creative in replacing parts. Reports from around the state and nation tell of lever machines being held together by Q-Tips, toothpicks, and garbage bag twist ties. Such measures make the machines vulnerable to tampering and other fraudulent activity.

Mechanical lever machines are no longer manufactured, but some are still in use.



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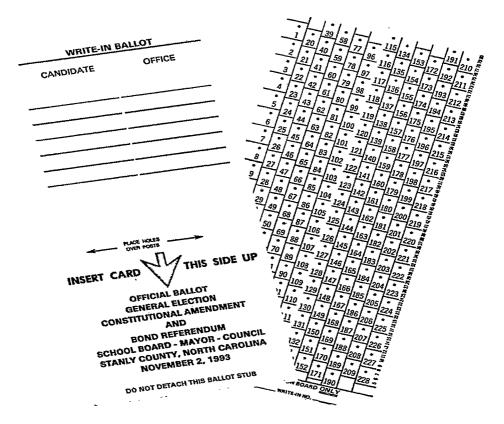
#### (3) Punch Cards

Used by eight counties in North Carolina (Cabarrus, Duplin, Forsyth, McDowell, Mitchell, Onslow, Vance, and Watauga)-or 9 percent of the state's voters,69 punch cards come in two varieties: the "Datavote" and the "Votomatic." The latter is the more popular of the two and is the variety used by the majority of Florida counties involved in the presidential election dispute of 2000. The Votomatic requires voters to place a punch card behind a voting booklet. A series of punch holes lines the spine of the booklet. And because of its shape and pronounced spine, the booklet, when opened, looks much like a butterfly. Accordingly, the punch card is referred to as the "butterfly ballot." Using a stylus, voters punch the hole corresponding to their candidate's name. The stylus, if used properly, punches a small piece of paper (referred to as a "chad") out of the punch card. A computer tallies the votes by reading the holes produced by the absent chad. It was the presence of chads—hanging, swinging, pregnant, dimpled, and all other permutationson thousands of punch card ballots that started Florida's 2000 presidential election dispute.

Most of the cost for the punch card system lies in the creation of the butterfly booklet, the ballot itself (the most expensive of all ballot types due to its unique construction), and the optical scanners needed to read the butterfly ballots.

# (4) Direct Recording Electronic Devices (DREs)

Used by 35 counties in North Carolina, 70 or roughly 40 percent of the state's registered voters, direct recording electronic devices (DREs) look like, and are electronically configured similarly to, banks' automated teller machines. Contained in a free-standing unit equipped with a computer monitor, keyboard, and touch-sensitive buttons or screens, DREs allow voters to cast their votes by pushing buttons which correspond to candidates' names or other ballot issues. The keyboard allows voters to write in a candidate's name. Votes are tallied and stored on a memory cartridge or diskette. To allow voters the federally mandated five



Punch Cards are used by eight counties in North Carolina.



minutes at each unit to vote, there must be one DRE unit per 300 registered voters in each precinct, according to State Board of Elections director Gary Bartlett. That means most counties must purchase multiple units in each precinct.

## (5) Optical Scanners Using Marksense Technology

Used by 51 counties in North Carolina, or 48 percent of the state's registered voters, optical scanners using Marksense technology require voters to darken with a pencil or pen an oval or arrow beside a candidate's name. Votes are tallied by manually feeding the ballots into an optical scanner, which uses a series of lasers to recognize and count darkened ovals or arrows. Generally, precincts need only one optical scanner to read all ballots cast at the polling place. Several of the state's more urban counties (Durham, New Hanover, and Wake) use Marksense technology, as do many counties with smaller numbers of registered voters (Camden, Graham, and Jones, for example). Marksense technology also is used widely in standardized testing such as the SATs and in lotteries in Virginia and South Carolina.

Modern voting equipment: (left) direct recording electronic device and (below) optical scan ballot



Karen Tam

## **Costs of Electronic Technologies**

In the wake of the Florida election debacle, there has been a monumental effort on a nationwide scale to update the country's ailing and aged voting equipment. The two technologies at the top of most revision lists are DREs and Marksense. But in a time of budget crises in 45 states and downsizing and spending restraints, the cost of these technologies brings to a halt many legislative debates concerning electronic election systems.

In North Carolina, the counties—not the state—are responsible for purchasing voting equipment. One implication of this arrangement is that less-wealthy counties face greater financial obstacles to changing their voting systems. Taking this a step further, Washington Post columnist William Raspberry observes that the cheapest, "most error-prone machines tend to be in the poorest counties."

An Illinois study confirmed Raspberry's supposition, finding that the poorest, least educated segments of the state's population were most likely to live in precincts with the most error-prone system of counting votes—the punch card system. The study placed the estimated increase in miscounted ballots at 2 percent in presidential election compared to use of more reliable systems. As the authors put it, "That strikes us as too many votes to throw away because of voting problems in a wealthy, technologically advanced democracy." The authors recommended statewide, or even national adoption of more reliable voting equipment, rather than relying on individual counties to foot the bill for whatever system they could afford.

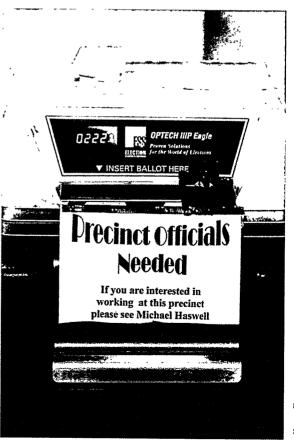
However, in the post-Florida rush to replace faulty, cheap equipment with all things electronic, state legislators and county officials in North Carolina also have found cost to be an issue. Watauga County, for example, still relies on the punch card machine and will continue to do so for a least another year. The reason? Money. County elections supervisor Jane Ann Hodges says it would cost the county some \$500,000 to purchase such a system. County commissioners are waiting to see if the federal government will pitch in to help with the cost, but that kind of help is not on the horizon.

Nonetheless, Bartlett says the State Board of Elections considers voting machines in 18 counties—including Watauga, to be facing immediate risk of failure and in need of replacement. These counties include six of the 51 optical scan counties using outmoded technology (Camden, Currituck, Granville, Jones, Lee, and New Hanover), all of the

eight counties on the punch card system (Cabarrus, Duplin, Forsyth, McDowell, Mitchell, Onslow, Vance, and Watauga), and the four counties using lever-operated machines (Chowan, Hoke, Scotland, and Swain).

DREs and Optical Scan/Marksense are the two most expensive voting systems today, due in no small part to their novelty and the electronic devices used in each. While there are a variety of equipment manufacturers around the country, and thus price competition, the average base price of a DRE unit ranges from \$3,000 to \$5,000, excluding equipment testing and any required system training. Because the DRE is a voting system that does not use a paper ballot, counties save the costs they otherwise would incur in producing and printing election ballots. Bartlett estimates that outfitting all counties currently not using DRE technology with the systems would cost in excess of \$80 million.

Bartlett believes the state could save a lot of money by choosing a uniform system of voting. "Piecemealing it would cost \$80 to \$100 million," says Bartlett. "If we went uniform throughout—from top to bottom, we could save \$20 to \$30 million." That's based on the Georgia experience in



# Table 8. Voting Equipment Used in 2000 Elections in North Carolina by County

Optical Scanner (51) <sup>1</sup> 48%	Direct Recording Electronic Devices or DREs (35) 40%	Punch Card (8) 9%	Mechanical Lever Device (4) <2%	Paper Ballot (2) 0.3%
Alexander	Alamance	Cabarrus	Chowan	Hyde
Anson	Alleghany	Duplin	Hoke	Tyrrell
Ashe	Bertie	Forsyth	Scotland	-
Avery	Bladen	McDowell	Swain	
Beaufort	Brunswick	Mitchell		
Caldwell	Buncombe	Onslow		
Camden	Burke	Vance		
Catawba	Carteret	Watauga		
Chatham	Caswell	J		
Clay	Cherokee			
Cleveland	Craven			
Columbus	Davidson			
Cumberland	Davie			
Currituck	Gaston			
Dare	Greene			
Durham	Guilford			
Edgecombe	Henderson			
Franklin	Jackson			
Gates	Lenoir			
Graham	Macon			
Granville	Madison			
Halifax	Mecklenburg			
Harnett	Moore			
Haywood	Pamlico			
Hertford	Pasquotank			
Iredell	Pender			
Johnston	Perquimans			
Jones	Pitt			
Lee	Polk			
Lincoln	Rutherford			
Martin	Stanly			
Montgomery	Surry			
Nash	Transylvania			
New Hanover	Union			
Northampton	Wilson			
Orange				
Person				
Randolph				
Richmond				
Robeson				
Rockingham				
Rowan				
Sampson				
Stokes	1 V mc			•
Wake	<sup>1</sup> Key:			
Warren	Number of countie	es using the specified	voting system in parent	heses.
Washington	Percent of total re	gistered voters (state	wide) using the system	listed
Wayne			o not add up to 100 d	
Wilkes	rounding.		*	
Yadkin	Source: State Box	ard of Flactions		
Yancey	Source. State Do	ara or Escotions.		

Table 9. Average Residual Votes\* by Machine Type in U.S. Counties, 1988–2000 Presidential Elections

Type of Machine	Average Percent Residual Vote by County		
Optical Scan	2.1%		
Direct Record Electronic (DRE)	2.9		
Punch Card Machines	2.9–3.0		
Lever Operated Machines	1.9		
Paper Ballots	1.9		

Source: "Residual Votes Attributable to Technology," CALTECH/MIT Voter Technology Project, March 30, 2001, p. 10. On the Internet at http://www.hss.caltech.edu/%7Evoting/CalTech\_MIT\_Report\_Version2.pdf

\* Residual votes are votes that cannot be counted due to over-voting or under-voting. Under-voting can be an intentional act on the part of a voter who does not wish to cast a ballot in a particular race. Over-voting is always a mistake.

which a state similar in population to North Carolina's outfitted all of its precincts with direct record electronic voting equipment in 2002 for \$52.3 million. While Bartlett believes the state purchased too few machines for the size of its electorate, he was impressed with the cost savings Georgia was able to realize by equipping the entire state through a single vendor. Maryland and Oklahoma have taken the same approach, says Bartlett.

The Optical Scan/Marksense technology system starts at a price of \$5,200 per unit, with the laser optical scanners used to read each ballot accounting for most of the cost, says Bartlett. Not included is the production and printing of the ballot needed to use Marksense. State statutes require that each county print one ballot for every registered voter on the county voting rolls. While each precinct needs only one optical scanner, a county may have between 20 and 200 precincts. With several back-up machines, a county with only 25 pre-

cincts may have to purchase 30 scanners at a base cost as high as \$160,000. Such a cost could be a significant burden on counties with limited budgets.

#### **Margins of Error**

In response to the Florida recount affair, the Carnegie Corporation commissioned faculty at the California Institute of Technology and the Massachusetts Institute of Technology to devise the "ultimate voting machine." This group, called The Voting Project, seeks to create a machine that is user-friendly, accurate, and secure and one that utilizes current DRE technology. But before such a device could be designed, a fundamental question had to be posed: "Is such a dream electronic device more accurate than current technology?"

Preliminary reports based on the accuracy of current DRE technology say "yes." The Voting Project examined the presidential residual votes—or ballots that cannot be counted due to over-voting or under-voting—for all U.S. counties in elections since 1988. The study's preliminary findings are that, of the new technologies, optical scanners produced the lowest rate of residual votes—2.1 percent compared to 2.9 percent for DREs nationwide (see Table 9). A range of 2.9–3.0 percent of all votes cast on punch cards, the most advanced technology other than scanners and DREs, could not be counted because of residual voting.

By comparison, in the 2000 election, N.C. State Board of Elections data indicate Durham County's optical scanning system produced just 1.5 percent to 2 percent uncounted ballots. And, State Board of Elections officials do not believe that optical scan/Marksense technology produces a more reliable vote count than DREs. "Optical scan is not more accurate," says Michelle Mrozkowski, former SBE information director. Mrozkowski says "problems with ink, paper thickness, and moisture cause problems with optical scan/Marksense." Statewide, according to North Carolina election officials, 3 percent of all votes cast could not be counted due to either over-voting or under-voting. Undervotes are ballots without votes cast in a particular race; overvotes are ballots with more votes cast in a particular race than are allowed. Undervoting can reflect the intent of a voter who does not wish to choose in a particular race, while overvoting is always a mistake. Some voting machines can be programmed to offer voters a second chance when they overvote.

The Voting Project report concludes that simply changing outdated, inaccurate voting equipment

for newer technologies "could lower the incidence of [residual voting] substantially," though the importance of training both the voter and the election official on how to use the latest equipment should not be underestimated.<sup>73</sup>

North Carolina election officials are somewhat skeptical of the Voting Project Report. They indicate that the credibility of the report was damaged by the intent of the study sponsors to create their own voting machine and the necessity of proving existing systems flawed to justify the creation of this new product. And, Bartlett notes that new voting technology is not a cure-all—a fact that was underscored when new voting equipment designed to address previous problems failed across Florida in September 2002 primary elections.74 Closer to home in North Carolina, Robeson County officials found their optical scan vote tabulating equipment was not programmed properly and did not get it repaired in time for the election. County elections officials had to count ballots by hand.

Nonetheless, the margins of error and rate of residual votes for each voting system are critical in any election, especially one as close as the 2000

presidential election. An advantage of DREs is that they could be programmed to allow second-chance voting when a voter votes for too many or too few candidates for a given office. Equipping counties with the most accurate technologies available and teaching voters how to use the systems should be a goal of the state's election officials, because, as Kimball Brace of the Election Data Systems emphatically states, "Nobody wants to be the next Palm Beach."

#### **Voting System Standards and Testing**

In 1990, the U.S. Congress charged the Federal Election Commission with devising national voting system standards. The call for standards came after Congress received pressure from a 1975 General Accounting Office report and a 1988 National Bureau of Standards project, both recommending closer regulation of computerized election equipment.

While voluntary, the guidelines laid down specific procedures to deal with both the accuracy and security of the nation's computerized voting

## New Federal Law May Provide Additional Dollars for Voting Reforms

Congress has passed a new law aimed at avoiding a repeat of the 2000 election debacle in Florida. Called the Help America Vote Act of 2002, the law authorizes up to \$3.9 billion for such purposes as purchase of new voting equipment by the states, upgrading computer systems, and improving election administration.

The legislation creates a range of requirements for state voting systems used in federal elections. The systems must allow voters to: verify votes before a ballot is cast; make changes or corrections before casting a ballot; produce a permanent paper record of a vote with a manual audit capacity; be accessible to individuals with disabilities so that they have the same opportunity to participate as other voters; and provide access to voting in other languages where necessary.

The Congressional Budget Office estimates

that it will cost the state and local governments \$1.7 to \$3.5 billion dollars over the next five years to comply with the legislation. If the full authorization were appropriated, North Carolina would be in line to receive \$88.3 million. The state is expected to receive some \$31 million already appropriated by Congress for the current federal fiscal year.

Besides mandating changes in the voting process, the law requires states to implement a statewide database that contains registration information about every voter in the state. North Carolina has its State Election Information Management System (SEIMS), but the system will need to be upgraded to comply with the new law.

-Mike McLaughlin

Source: "Election Reform at a Price," State Policy Reports, Alexandria, Va., Vol. 20, Issue 20 (Fall 2002), pp. 5–9.

equipment. The standards establish "three levels of tests to be performed on voting systems (DREs, Marksense, and punch cards read by optical scanners) to ensure that the end product works accurately, reliably, and appropriately. These are:

- Qualification tests to be performed by independent testing authorities designated by the National Association of State Election Directors (NASED),
- Certification tests to be performed by the state, and
- Acceptance tests to be performed by the end user."<sup>77</sup>

To date, at least 22 states have adopted the FEC's voluntary voting standards, including North Carolina. Some states, however, are requiring that all voting machines be tested extensively three days prior to an election before an audience of election officials, the public, and the media. For example, South Carolina has established strict guidelines on how county equipment should be tested.<sup>78</sup>

Some states, too, are adopting standards to address the possibility of programmed machine fraud, a process by which the electronic equipment used in voting is coded improperly by election officials or manufacturers in order to "throw" an election. Many computer programmers are concerned about the rush to computerize voting procedures, a rush that is often unaccompanied by guidelines for independent verification of DRE software. "Any computer scientist will tell you that unintentional errors or even a Trojan horse could be hidden in thousands of lines of code. Without the ability to inspect the code, there is no way to verify the results of [elections]," says Eva Waskell of the Washington, D.C. chapter of Computer Professionals for Social Responsibility.79

North Carolina requires that all voting equipment be tested before any election. 80 Newly revised rules give the State Board of Elections power to disapprove voting systems currently used in a county or proposed for use. The rules also require testing of voting equipment. 81

Table 10. Participation in Presidential Elections, North Carolina, and 10 Top Voter Participation States in 2000 by Voting Age Population, 1988–2000

State	1988	1992	1996	2000	Average 1988–2000
Minnesota	66.3	71.6	64.1	68.8	67.7
Maine	62.2	72.0	71.9	67.4	68.4
Wisconsin	62.0	69.0	57.4	66.1	63.6
Alaska	52.0	63.8	56.9	64.4	59.3
Vermont	59.1	67.5	58.1	63.7	62.1
New Hampshire	54.8	63.1	57.3	62.3	59.4
Montana	62.4	70.1	62.1	61.5	64.0
Iowa	59.3	65.3	57.7	60.7	60.75
Oregon	58.6	65.7	57.1	60.5	60.5
North Dakota	61.5	67.3	56.0	60.4	61.3
National Average	50.1	55.1	49.1	51.0	51.3
North Carolina	43.4	50.1	45.6	50.2	47.3

Source: Federal Election Commission.

#### Conclusions and Recommendations

Torth Carolina's record in participating in elections is lackluster at best. While progress has been made in recent years, the state still ranks among the bottom third in voter turnout (34th) for presidential elections. This is no laurel upon which to rest. Yet the state has shown peculiar complacency when it comes to increasing voter participation—as though the right to vote were to be taken lightly—even placed on par with the right not to vote. But in reality, voting is both a right and a responsibility, whereas not voting is simply irresponsible. The North Carolina Center for Public Policy Research believes the state must do everything in its power to encourage its citizens to exercise their civic responsibility and vote on election day.

The Center isn't the only group pressing for greater participation in the state's elections. Nonprofit organizations such as the North Carolina Center for Voter Education have sought to encourage both voter turnout and campaign finance reform. Kids Voting North Carolina provides children the opportunity to cast an unofficial ballot on election day, underscoring the importance of voting. Vote for America N.C. has initiated an intergenerational drive to encourage North Carolina citizens to pledge to vote. The League of Women Voters of North Carolina continually works the vineyards to encourage more people to register to vote, as does the NAACP. The national organization Youth Vote works hard on the state's college campuses to get students to exercise their franchise. Local precinct workers offer red, white, and blue "I Voted" stickers that voters can place on their lapels in hopes that others will go and do likewise.

Advocating for improvements in the state's conduct of elections, the Institute for Southern Studies gave North Carolina an overall grade of C on such issues as registration rate, registration deadline, voter turnout, and uncounted votes. Only one state in the South, Louisiana, received a B, and Mississippi got an F.82 The North Carolina Progress Board, in its North Carolina 2020 report, called on the state to improve its voter turnout to 85 percent of registered voters by the year 2020.83 That's a huge jump from the 58.2 percent of North Carolina's registered voters who cast ballots in the 2000 presidential election or the 46.2 percent of registered voters who cast ballots in the 2002 general election. While the Center considers percentage of the voting age population that votes to be a

North Carolina has made large strides in getting citizens registered and now exceeds the national average in percentage of eligible voters registered, but the act of registering is meaningless if the would-be voter never casts a ballot.

better benchmark than percentage of registered voters, the sentiment is the same. More Tar Heels must go to the polls and make their voices heard in order to ensure a healthy democracy.

It will take leadership and more resources from the state to make this happen. As Bartlett puts it, "For the most part, county boards of elections have been underfunded and undermanned. Everybody understands this, from the local level to the state level to the federal level, but when choices are made, we kind of go to the bottom." The Florida election debacle provided a window of opportunity for devoting more dollars to the elections process, says Bartlett, "but the economy tanked, and that opportunity went by the wayside." Nonetheless, the problems did not disappear with the economic downturn.

Improving the performance of North Carolina's election systems requires attention to three major components of the elections process: (1) voter registration, (2) voter participation, and (3) the counting of the votes. North Carolina has made large strides in getting citizens registered and now exceeds the national average in percentage of eligible voters registered, but the act of registering is meaningless if the would-be voter never casts a ballot. North Carolina must achieve better voter turnout. In addition, the state needs to address its antiquated equipment and fine-tune its training requirements to ensure an accurate count. Thus, the N.C. Center for Public Policy Research focuses its recommendations for improving the state's election process on two broad areas: (1) voter participation, and (2) accuracy of the count.

# **Recommendations To Increase Voter Participation**

A lthough the state has made strides in getting its citizens registered to vote, there is still room for some improvement. And, once registered,

it appears that many Tar Heels need a further nudge to actually cast a ballot. As Curtis Gans of the Committee for the Study of the American Electorate puts it, "The root of the turnout problem is motivational and not procedural." Adjustments to the process of registering and voting will only carry North Carolina so far. The state needs improvement both in fine-tuning the process of registering and voting and in civic aptitude and civic engagement. Thus, the Center recommends that the state pursue the following strategies for encouraging increased voter registration and participation:

1. The State Board of Elections should (a) undertake and lead a voter registration education campaign to stimulate interest in registering and voting in North Carolina, including publishing a Voter's Information Guide to educate voters, and (b) the Board should adopt a goal of registering 90 percent of North Carolina's voting age population. The Center initially offered this recommendation in 1991, suggesting then that the campaign be housed either in the Secretary of State's office or in the State Board of Elections. The Center has since decided that the nonpartisan State Board of Elections would provide the best home for this operation, with a strong boost from the Governor's Office. As Gary Bartlett, director of the State Board of Elections, puts it, "What we lack top to bottom in North Carolina is any vehicle to provide voter education. It's a void that needs to be filled in this state." The campaign would be aimed at increasing awareness of the need to register, deadlines for registration, and the crucial connection between registering and actually casting a ballot. This second step is critical in North Carolina, which has long lagged the nation in terms of voter turnout-more likely to lurk in the bottom third than in the top 10 where the state belongs.

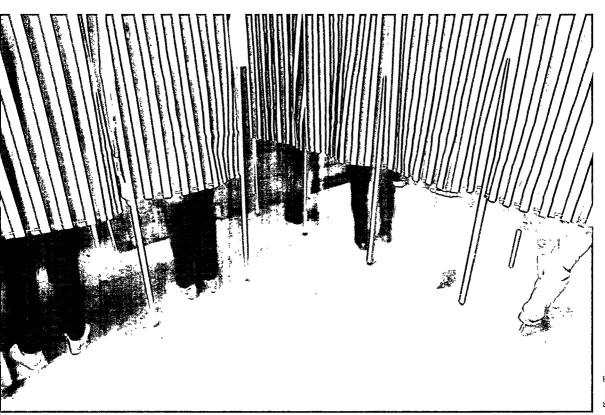
The campaign should focus on increasing voter awareness of the National Voter Registration Form and of all other avenues of voter registration. Since Motor Voter was instituted, the FEC has produced a universal voter registration form, available on its Internet website, that citizens can print out and mail to their state elections offices. North Carolina accepts the form, but this fact is not broadly publicized.

In addition, other avenues of voter registration should be emphasized in an awareness campaign, which should be coordinated through both local boards of elections and the statewide network of community colleges. The Governor's Office must be active in such a campaign, which should use a full array of publicity generating tools for encouraging voter participation, including public service announcements by the Agency for Public Telecommunications for the broadcast media, and pamphlets and other print materials created by the State Board of Elections for distribution to the public. North Carolina civic groups already engaged in encouraging people to register and vote must continue and even intensify those efforts. The public schools must consider how they can rejuvenate the civic spirit in young people, whether through curriculum reform or increased community experience through service learning.

It is also important to emphasize registration deadlines—that is, until the state takes the necessary step of allowing election day registration. Registering more voters should be a high priority as the first step toward actually casting a ballot. Many new registrants are going to need a nudge before they take the second step—voting. The campaign should link these two activities so that the percentage of voters more closely resembles the percentage of registered, would-be voters. At the time of the 2002 election, the percentage of the state's voting age population actually registered stood at 80.0 percent, while only 36.41 percent of the voting age population actually cast ballots—a gap of 43.6 percent.

To help close this yawning gap, each registered voter should receive a Voter's Information Guide that lists the candidates on the ballot and statements of their positions on the issues, as well as information about various options for voting. Such voter education pamphlets are used to good end in a number of states, including Alaska, California, Oregon, Washington, and some parts of Minnesota, New York, and Texas. State Board of Elections Executive Director Gary Bartlett says a voter education pamphlet providing nonpartisan information on candidates and issues could be prepared and mailed

-United Nations Development Programme, Human Development Report 2000



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to every voter household in North Carolina for approximately \$1.5 million. That would be money well spent.

Registration is the obvious first step toward voting, and having a high percentage of registered voters will help elections officials avoid confusion when the state moves to election day registration. North Carolina already has made a good start toward a goal recommended by the North Carolina Center for Public Policy Research in 1991 of having 90 percent of the voting age population registered to vote. The state's registration numbers reached 81 percent of the voting age population in 2000 and now stand at about 80 percent.

2. The State Board of Elections and the N.C. General Assembly should take steps to close the gap between the close of registration and election day—with the ultimate goal of adopting election-day voter registration by 2006. The evidence suggests that election-day registration holds great potential to increase voter turnout. It allows would-be voters who become interested in elections late—when excitement about political campaigns is at its height, to register and cast a ballot. With the advent of the State Election Information Management System (SEIMS), the state has the data network in place ultimately to allow election-day registration.

State Board of Elections director Gary Bartlett notes that with adequate resources, election-day registration can be a reality for North Carolina. "Give me a little time, give me a little more money and people to provide the necessary infrastructure, and election day registration can work," says Bartlett. To assure eligibility and to prevent fraud, the state may need to require a showing of an address on a driver's license or other strong proof of residence, but election-day registration should be implemented in North Carolina. It's no accident that most of the highest turnout states allow registration on or near election day. Indeed, five of the top 10 states in terms of voter turnout for the 2000 presidential election allow election-day registration in some form. If North Carolina hopes to join these states, the state must shorten the time between close of registration and election day and adopt electionday registration by 2006. Bartlett should prepare a plan for implementing election-day registration with a firm estimate of cost, and the General Assembly should provide the necessary appropriation of funds.

3. The State Board of Elections and county election officials should set a goal of surpassing the national average for voter participation in the 2006 election and ranking among the top 10

states in voter turnout by voting age population by 2008, with at least 65 percent of the state's voting age population casting ballots. If North Carolina can aspire to have the nation's best public schools, universities, and even collegiate basketball teams, why not shoot for the top 10 in terms of voter participation? For too long, the state's governors, State Board of Elections, and its executive directors have been satisfied with lingering below the national average in terms of voter turnout. North Carolina can and must do better. The North Carolina Progress Board has called on the state to improve voter turnout to 85 percent of registered voters by the year 2020. While this represents a huge leap forward, it is an attainable goal if everyone works together to accomplish it. State and local governments, led by Governor Mike Easley, state elections director Gary Bartlett, the State Board of Elections itself, and local elections officers, should use every means at their disposal to engage citizens in the elections process and encourage them to vote. The national average should be the initial measure of accountability, but in the end, average isn't good enough. North Carolina should shoot for the top 10.

4. The North Carolina General Assembly should require the State Board of Elections to prepare a public report for each election showing statistics on voter turnout as a percentage of both registered voters and of the voting age population. The greatest long-term problem with the elections process in North Carolina is voter turnout on election day. Somehow, the state must eliminate the disconnect between registering to vote and actually casting a ballot and strengthen its effort to get citizens to the polls on election day. The State Board of Elections currently reports voter turnout as a percentage of registered voters. This results in a higher figure for percentage voting and obscures the fact that many people of voting-age population are not registered. And, it highlights the wrong goal. The correct goal is to have informed citizens and to have everyone of voting age cast a ballot. In the 2002 election, 46 percent of North Carolina's registered voters voted, but only 36.4 percent of the state's voting age population actually voted. The latest election for which comparative statistics are available shows North Carolina ranks 34th in the nation in voter turnout. North Carolina can and must do better. Highlighting the percentage of voting age



Karen Tam

population who casts a ballot will provide a clearer picture of how North Carolina really stands regarding voter turnout. Every other year, the State Board of Elections should issue a report on voter turnout that includes statistics on turnout as a percentage of voting age population and as a percentage of registered voters.

5. The State Board of Elections and local election boards should promote the availability of one-stop, no-excuse voting and mail-in voting as two vehicles for making voting more convenient and possibly increasing turnout. Experience with mail voting in Oregon and Washington State provides strong evidence that voting by mail has great potential to boost election turnout. Oregon saw a turnout of 66 percent of its voting age population in 1996 for a special U.S. Senate race-even with only one race on the ballot. Oregon's turnout in presidential races also improved from 57.1 percent in 1996 to 60.5 percent in 2000 in its first experiment with an all-mail presidential election ballot. Washington state, where voters have the option of casting ballots by mail, has seen the share of participants choosing this method of voting increase to more than half the electorate. North Carolina's own experience with one-stop no-excuse absentee voting in the 2000 presidential election—a voting method chosen by 13.5 percent of the state's voters—also holds potential for improving turnout. In the 2002 general election, 7.1 percent of voters chose one-stop, no-excuse absentee voting-a decrease in the percentage of voters using this method but still a significant proportion of the state's electorate. When mail-in ballots were included, the total for absentee ballots cast in 2002 rose to 9 percent.

These methods decrease lines and waiting for those who choose to vote on traditional election day. With further promotion as to the availability of both of these options, the state can expect more people to choose to cast their ballots in alternative ways. With expanded choice and convenience, it stands to reason that the electorate will expand as well. As the percentage of persons choosing alternatives to traditional election day voting swells, the state can get a better sense of the demand for these options and perhaps ultimately lessen its reliance on the vast network of retail outlets for voting that today's polling places represent.

6. North Carolina should encourage local experimentation with all-mail elections to determine if this method holds promise for boosting turnout—as may have been the case in Oregon. All-mail elections hold the potential to solve a range of

problems plaguing the state's elections system, including the difficulty of finding 10,000 poll workers willing to staff local polling places across North Carolina. Any issues concerning convenience of voting could be laid to rest, be they work schedules or long lines at polling places. Voting could be as convenient as paying the power bill. A further benefit would be that the state would have to do more to educate voters, which would increase the odds of a better turnout. In the 2002 general election, Oregon experienced turnout of 69 percent of registered voters compared to North Carolina's turnout of 46 percent of registered voters (36.4 percent of the state's voting age population). Of great encouragement in Oregon was that the demographics of vote by mail were the same as that of polling place voters. Any differences tended to favor traditionally underrepresented voters (such as minorities, younger voters, and voters of lower socio-economic status). Of further encouragement to Oregon officials were the facts that (a) 77 percent of voters preferred voting by mail to traditional polling place elections, (b) less than 1 percent felt their vote was coerced by those around them, and (c) requiring the voter to provide the postage had little or no adverse effect on participation. Oregon has a long history of voter turnout that exceeds North Carolina's. It may be the state that has the most lessons to teach. North Carolina should experiment with all-mail elections either through financing a series of local elections or through a statewide special election. Through such experimentation, the state can find its own formula for boosting turnout.

7. The North Carolina General Assembly should mandate experiments on the potential of Internet voting and casting ballots via cyberspace. Advocates of Internet voting say it isn't a matter of whether Tar Heels ultimately will be casting ballots via home computer, but when. The consensus seems to be that security concerns such as the lack of an adequate digital signature and concerns about a technological divide between haves and have-nots and young and old make this option less feasible for the immediate future. But these kinds of issues may well prove to be of short duration, and experiments with Internet voting would dovetail nicely with voting by mail. Voters could have the option of casting their ballot via the Internet or by mail, and staff intensive, precinct-level polling places could be phased out at some point in the not-toodistant future. California has outlined an approach that would ease the state into cyber-voting in four progressively less restrictive stages. California would: (1) begin with the option of allowing the voter to cast a ballot via the Internet at the precinct where the voter is actually registered, and follow that step with (2) Internet voting at any polling site, regardless of whether the voter is registered at that particular precinct; (3) move to multiple-location voting kiosks outside the traditional polling site where persons could cast an Internet vote; and finally, (4) allow the option of voting via the Internet from home.

North Carolina would do well to emulate this approach. As State Board of Elections director Gary Bartlett, Rep. Martin Nesbitt (D-Buncombe), and others believe, it's not a question of whether North Carolina voters will cast their ballot over the Internet but when. To account for the uneven distribution of home computers and computer skills, voters could be provided a package of information on candidates and issues on the ballot as well as voting procedure (see recommendation 1(a)) and could choose to vote via the Internet or mail back their ballot in an envelope provided.

8. The General Assembly should enact legislation to grant state and private sector employees time off without penalty to vote. Of the top 10 states in voter participation in the 2000 presidential election, seven offer some amount of time off for state employees, private sector employees, or both to vote without penalty of losing their pay or job. Iowa, for example, provides state and private sector employees up to three hours to cast their ballots. Oregon offers "a reasonable amount of time," according to the Federal Election Commission. Granting time off with pay for employees to vote would send a strong signal as to the importance our state places on its citizens' casting a ballot. An added bonus is spreading the demand for services at polling places more evenly across the day, compared to the swell of voters who cast their ballot before or after typical working hours. North Carolina is one of only 14 states that has no voting holiday or time-off arrangement.

## Recommendations To Ensure Accuracy of the Count

If North Carolina is to increase drastically the numbers of its citizens going to the polls, it must also ensure that these voters can be accommodated and that their ballots actually will be counted and counted accurately. Nothing can be more discouraging to a newcomer to the polls than to be made to feel unwelcome through administrative mix-ups or problems with voting machines. And even more devastating to democracy—as

Florida residents learned along with the rest of the nation—is the notion that a vote cast was never counted. Except for isolated incidents such as the recent machine failure in Robeson County, North Carolina has generally done well in this regard. The state has been cautious about testing machinery in advance of elections, and in close races, North Carolina has a solid system for recounts and appeals. But the state could be headed toward a decade of parity between the two political parties, which would mean a lot of close elections. This will require better voting machinery and increased training of local elections officials.

9. The General Assembly should move all counties toward a uniform system of voting by direct record electronic devices by 2008. The cost should be spread out by providing full funding by 2005 to the two counties using paper ballots, four counties using mechanical lever devices, and eight counties using punch card systems to replace these outmoded technologies. By 2007, the state should provide full funding to pay for direct record electronic voting equipment in the 51 counties currently relying on optical scanning to count ballots. This course of action would require a twophased approach. In phase one, the General Assembly should provide full funding to the total of 14 counties using paper ballots, mechanical lever devices, and punch cards to upgrade to more technologically advanced and accurate systems. There are two technology options for moving the state to a uniform system of voting: optical scanners using Marksense technology or direct record electronic devices (DREs). Upgrading to optical scanners using Marksense in 14 counties is the less costly option at about \$2 million. Moving the state to DRE technology would cost substantially more, about \$8.2 million, but it is a bargain for democracy within a \$14 billion state budget at less than five one-hundredths of a percent and in keeping with the longer-term goal of moving the entire state to one uniform system using direct record electronic devices.

Phase two would require the state to convert all 100 counties to a mixed system of direct record electronic devices. A mixed system would standardize system types across the state while allowing for various equipment manufacturers to compete for individual markets, preventing monopoly while guaranteeing high levels of service and maintenance. Alternatively, the state could consider outfitting the entire state from a single vendor if public bidding offered substantial savings and issues concerning maintenance and ser-

vice could be satisfied. Optical Scan/Marksense should be reserved for absentee voting by mail.

Direct record electronic devices using touchscreen or keypad voting provide the latest available technology in conducting modern elections. In the long run, elections will be cheaper to administer due to the necessity of printing fewer paper ballots. Machines can be reprogrammed to account for new elections and candidates and voter intent can be recorded on tape similar to cash register receipts that can be reviewed in the event of a machine malfunction. Georgia outfitted its entire state with direct record electronic devices for the 2002 general election for \$52.3 million—a relative bargain in terms of converting an entire state with a population slightly larger than North Carolina's to the latest in electronic voting technology. Maryland and Oklahoma have taken the same approach. State Board of Elections director Gary Bartlett believes it would cost \$80 million to \$100 million to outfit the entire state with a uniform system of direct record electronic voting devices on a piecemeal basis. But Bartlett estimates the state could save \$20 to \$30 million by purchasing a uniform system from the same vendor—as was the experience in Georgia.

10. The General Assembly should establish a four-year term for members of county boards of elections and precinct election judges. Instituting longer terms of office would allow these individuals, who work closest to the actual voting process, to benefit from greater expertise in working elections and would provide them more opportunities for training. Capitalizing on the heightened skills gained only through experience would minimize the need for retraining and increase the efficiency of the voting process. A four-year commitment up front will lessen turnover among precinct workers who do not stick with the task long-term and help to ensure a solid performance among precinct workers.

11. The State Board of Elections should take steps to more strongly encourage completion of its Certification in Elections Program for all members of county boards of elections. Completion of this existing program designates boards of elections members as "Certified Elections Officials." County election directors currently are required to complete the program, but not the rest of local board members. The training incorporates courses in election budget preparation, voter registration, and election law. Making



Dwane Powell, The News & Observer, Raleigh, N.C.

this program mandatory would guarantee that board of elections members in all 100 counties successfully complete a common, uniform training curriculum. However, State Board of Elections Director Gary Bartlett points out that many election board members would resign if faced with a requirement to take such training. Thus, the Center recommends that the state find a way to more strongly encourage all local elections workers to complete the training necessary to conduct error-free elections.

12. The State Board of Elections should develop uniform mandatory training programs and materials for election judges in all counties. Currently, precinct election judges must attend instructional sessions for which they are minimally compensated. Since training programs are designed by county boards of elections, there is no assurance of uniformity statewide. The state should take a more active role in establishing basic training guidelines that apply in all 100 counties. Training should include sessions on law and procedures, the operation of new technology, machine-testing methodology, and handling equipment breakdowns and other potential problem situations at polling places.

Changing the way North Carolina conducts elections is no easy task. There are many players and many layers of government involved. Nonetheless, the Center believes it is time for change. The 2000 Florida presidential election awakened us to what can happen when the closeness of an election overwhelms the system's ability to produce an accurate count. And, North Carolina's own history informs us of our lethargy and poor record when it comes to voter turnout on election day. Such complacency can be lethal to the democratic process. Thus, the Center believes it necessary to jump start the state's participation in the Democratic process. With memories of the Florida debacle receding, now is the time to act, lest the state—like Rip Van Winkle of yore—sink even deeper into its civic slumber.

#### **FOOTNOTES**

R. Doug Lewis, "Election Reform: Future Policy Considerations," in The Book of the States, The Council of State Governments, Lexington, Ky., 2002 edition, volume 34, p. 228.

<sup>2</sup>Gary Bartlett, Executive Director, N.C. State Board of Elections, Speech to the American Society for Public Administration, Winter 2001 meeting, Research Triangle Park, N.C.,

February 16, 2001.

- <sup>3</sup> North Carolina General Statute 163-22.1
- <sup>4</sup>N.C.G.S. 163-33.2
- <sup>5</sup>N.C.G.S. 163-82.19.
- <sup>6</sup> Chapter 762 (House Bill 17976) of the 1993 Session.
- <sup>7</sup>N.C.G.S. 163-165.4A.
- 8 N.C.G.S. 163-165.4B.
- <sup>9</sup> Senate Bill 568 of the 1999 Session, now codified as N.C.G.S. 163-227.2.
- 10 Curtis Gans, "Mobilization Propels Modest Turnout Increase, GOP Outorganizes Democrats, Registration Lower, Parties in Trouble, Reforms Fail To Boost Turnout," news release by the Committee for the Study of the American Electorate, Washington, D.C., August 30, 2002, p. 9.

11 These data are taken from the Federal Election Com-

mission's website at www.fec.gov.

- <sup>12</sup> For more on this topic, see Jack Betts, "Voting in North Carolina: Can We Make It Easier? North Carolina Insight, Vol. 13, No. 2 (June 1991), pp. 20-53.
- 13 Marston v. Lewis, 410 U.S. 679 (1973); Burns v. Fortson, 410 U.S. 686 (1973).
- 14 Frances Fox Piven and Richard A. Cloward, Why Americans Still Don't Vote and Why Politicians Want It That Way, Beacon Press (Boston, Mass.: 2000), p. 82.
  - 15 Federal Election Commission Data, note 10 above.
- <sup>16</sup>R.E. Wolfinger and S.J. Rosenstone, Who Votes? Yale University Press, (New Haven, Conn.: 1980), p. 88.
  - <sup>17</sup> *Ibid.*, Table 4.2, p. 74.
  - 18 Ibid., p. 88.
  - <sup>19</sup> Piven and Cloward, note 14 above, p. 188.
- <sup>21</sup> David Hill, The Impact of the National Voter Registration Act on the Social Composition of the States' Electorates, 1998. http://www.clas.ufl.edu/users/martinez/pos4936/hill\_ mw98.html.
  - <sup>22</sup> Betts, note 12 above, p. 27.
- <sup>23</sup> For more on the phenomenon of declining social and civic engagement in the United States, see Robert Putnam, Bowling Alone, Simon & Schuster (New York, NY, 2000).
  - <sup>24</sup> Piven and Cloward, note 14 above, p. 267.
  - <sup>25</sup> Ibid., p. 72.
- <sup>26</sup> Gary O. Bartlett and Robert P. Joyce, "Would North Carolina Have Looked as Bad as Florida on Election Night 2000?" Popular Government, Institute of Government, University of North Carolina at Chapel Hill, Chapel Hill, N.C., Fall 2002, p. 13.
  - <sup>27</sup> Ibid., p. 266.
- <sup>28</sup> C.D. Mote Jr. et al., Report of the National Workshop on Internet Voting: Issues and Research Agenda, Internet Policy Institute, Washington, D.C., March 2001.
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<sup>34</sup> Leahy and Goodlatte, note 29 above.

<sup>35</sup> See, for example, Leslie Boney III, "Does Eastern North Carolina Have the Infrastructure Needed to Grow?" *North Carolina Insight*, Vol. 19, Nos. 2–3 (December 2001), pp. 62–67 and pp. 74–75.

36 Ibid.

<sup>37</sup> Jones, note 32 above, pp. 28–29.

<sup>38</sup> Avi Rubin, "Security Considerations for Remote Electronic Voting Over the Internet," unpublished. http://avirubin.com/e-voting.security.html. Rubin is an expert on security considerations and the Internet.

<sup>36</sup> Patricia Jacobus, "Arizona Net Primary Draws Record Turnout, Gets Bugged by Y2K," Cnet News.com March 8, 2000, on the Internet at http://news.cnet.com/news/0-1005-200-

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<sup>40</sup> As quoted in Leahy and Goodlatte, note 29 above.

<sup>41</sup> Oregon Secretary of State, "A Brief History of Vote by Mail," 2000. On the Internet at http://www.sos.state.or.us/executive/policy-initiatives/vbm/history.html.

<sup>42</sup> Tomoko Hosaka, "Mail-Vote Participation Hits Record Low," *The Oregonian*, Portland, Ore., November 4, 1999, p. 1A. On the Internet at http://www.oregonlive.com/news/99/11/st110422.html.

<sup>43</sup> "Record-Setting General Election Certified," news release, Office of the Secretary of State, Olympia, Wash., December 7, 2000

44 Gans, note 10 above, p. 10.

<sup>45</sup> William McCall, "Oregon voter turnout at 68%," Associated Press, KGW.Com Northwest Newschannel 8, Nov. 6, 2002, on the Internet at http://www.kgw.com/election2002/stories/kgw\_1106\_election\_voter\_turnout.23bd9069.html

<sup>46</sup> Priscilla Southwell, Final Report: Survey of Vote-by-Mail Senate Election, Oregon Survey Research Laboratory, University of Oregon, Eugene, Ore., Telephone survey of 1,225 Oregon residents conducted between Jan. 30, 1996, and Feb. 11, 1996. Margin of sampling error 2.8 percent. On the Internet at http://www.uoregon.edu/~osrl/vbm.html.

<sup>47</sup> "Oregon Voters Tested Limits," unsigned article, Associated Press, Seattle Post-Intelligencer, Seattle, Wash., November 13, 2000. On the Internet at http://seattlepi.nwsource.com/

local/oreg 13. shtml.

<sup>48</sup> McCall, note 39 above.

<sup>49</sup> "Oregon Voters Tested Limits," note 42 above.

<sup>50</sup> The recommendations of the Commission on Election and Voting Abuses, dated Feb. 16, 1973, and adopted by the State Board of Elections that same day, can be found in *Popular Government* magazine, Institute of Government, University of North Carolina at Chapel Hill, Chapel Hill, N.C., May 1973, pp. 26–27. The commission recommended against any further weekend voting.

<sup>51</sup> For more on weekend voting, see Betts, note 12 above, p. 49.

<sup>52</sup>Chapter 337 (H.B. 977 of the 2001 Session), now codified as N.C.G.S. 163-226 and 163-230.1.

53 Lewis, note 1 above, p. 229.

<sup>54</sup> Avi Rubin, note 38 above.

55 N.C.G.S. 163-152.

<sup>56</sup> Larry Sabato and Glenn Simpson, "Vote Fraud," Campaigns and Elections, Washington, D.C., June 1996, p. 22. See also "No Reform for Fraud," The Wall Street Journal, New York, N.Y., August 11, 1998, p. 18A.

<sup>57</sup> "Rep. Charlie Rose Cleared in Alleged Election Fraud," News & Record, Greensboro, N.C., April 14, 1995, p. 2B.

<sup>58</sup> Dennis Patterson, Associated Press, "Rose Victory Valid, House Panel Rules," *News & Record*, Greensboro, N.C., April 14, 1995, p. 2B.

<sup>59</sup> Victoria Rouch, "Book Is Closed on Duplin Inquiry; No One Charged in Voting Violations," *Morning Star*, Wilmington, N.C., April 8, 2000, p. 1B.

60 "Something Is Rotten in Kenansville," *Morning Star*, Wilmington, N.C., April 22, 1999, p. 6A.

<sup>61</sup> "The Region/State Probe Yields Changes; Duplin Election Board's Last Two Members Resign," *Morning Star*, Wilmington, N.C., May 11, 1999, p. 2B.

62 Rouch, note 59 above, p. 1B.

<sup>63</sup> Associated Press, "Board orders new voting for seats—2 primary results invalid in Robeson," *The News & Observer*, Raleigh, N.C., Sept. 19, 2002, p. 5B.

<sup>64</sup> Rob Christensen, "In the foothills, votes were for sale—cheap," *The News & Observer*, Raleigh, N.C., March 9, 2003, p. 1A.

<sup>65</sup> N.C.G.S. 163-46. Each election judge is paid \$15 for attending required instructional sessions.

66 Good Ideas and Practices: Recruiting Precinct Officials, Precinct Organization and Management Training, State Board of Elections, Raleigh, N.C., 1999.

<sup>67</sup> State Board of Elections, 1999-2000 Elections Executive Report, Raleigh, N.C., 2001.

68 "A Preliminary Assessment of the Reliability of Existing Voting Equipment," *The Caltech/MIT Voting Project*, February 1, 2001. Undervotes are ballots without votes cast in a particular race; overvotes are ballots with more than one vote cast in a particular race.

<sup>69</sup> Forsyth County, with 191,000 registered voters, is the most populous county still using the punch card system. N.C.

State Board of Elections data, 2001.

<sup>70</sup> Guilford and Mecklenburg are the two most populous counties using direct recording electronic devices. N.C. State Board of Elections data, 2001.

<sup>71</sup> William Raspberry, "Post-Traumatic Suggestions," *The Washington Post*, Jan. 1, 2001, p. A23.

<sup>72</sup> Paul J. Quirk *et al.*, "The Machinery of Democracy: Voting Systems and Ballot Miscounts in Illinois," Institute of Government and Public Affairs, University of Illinois, Springfield, Ill., 2002, pp. 15–16.

73 Caltech/MIT Voting Project, note 68 above, Table 2.

<sup>74</sup> Steven Thomma and Martin Merzer, "Problems frustrate Florida voters," *The Charlotte Observer*, Charlotte, N.C., Sept. 11, 2002, p. 9A.

75 Lewis, note 1 above, p. 230.

<sup>76</sup> Katherine Q. Seeyle, "Nation Awash in Ideas for Changing Voting," *The New York Times*, January 28, 2001, p. 12. It should be noted that the design of the ballot itself is a growing concern of many election officials and reform advocates. Few empirical studies examining the usability of the ballot (the interaction between voter and ballot) exist today. However, issues dealing with ballot layout, straight-ticket voting, language of ballot instructions, and ballot fatigue are beginning to be discussed in both academic and legislative circles.

<sup>77</sup> Frequently Asked Questions about Voting System Standards, Federal Election Commission, Washington, D.C., 2001. On the Internet at www.fec.gov.

<sup>78</sup> South Carolina General Statute 7-13-1390 (c).

<sup>79</sup> Kelly O'Meara, "The Fast Count Can Be Crooked," *Insight on the News*, Washington Times Corp., Washington, D.C. November 9, 1998, pp. 18–20. On the Internet at *insightmag.com/news/208873.html* 

80 N.C.G.S. 163-165.7 through 165.10.

81 08 North Carolina Administrative Code 04 .0307.

<sup>82</sup> "The State of Voting," *Southern Exposure*, Institute for Southern Studies, Vol. XXX, election 2002 edition, November 2002, p. 13.

<sup>83</sup> Tom Covington et al., North Carolina 2020: Report of the North Carolina Progress Board, Raleigh, N.C., January 2001, p. 156.

84 Gans, note 10 above, p. 11.