

So You Think You Have the Right to Vote?

By Janey George, Diane Lowenthal, Karole McKalip, Diehl McKalip, Therese Martin, Lois Page, and Beverly Schlotterbeck

Yes, most likely you do have the right to vote but that doesn't mean that you will be able to exercise that right readily or that your vote will be counted. Ever since the election of 2000, Americans have had varying degrees of uneasiness about the electoral process. The Help American Vote Act (HAVA), signed into law in October of 2002, was designed in part to address some of this uneasiness. The Election Assistance Commission, established by HAVA, was created to assist in the administration of Federal elections, and minimum election administration standards were established. Most will admit that the law has shortcomings, both in the language of the law and in its implementation.

This month's study takes a look at what gets in the way of voting and what could be done to improve the election process, especially in Virginia.

How Can We Improve the Voter Registration Process?

Getting citizens registered to vote has been identified as critical to increasing voter turnout at the polls. Despite federal laws that address voter registration, the processes and procedures for registering to vote have continued to be among the most common complaints of voters and have been identified as some of the biggest barriers to voting. (see www.tcf.org and *Choosing the President 2004*, LWV, 2003, p.7.) The registration of particular groups has been problematic in spite of periodic mobilization efforts: the young voters, newly naturalized citizens, low-income, minorities, the homeless, overseas military, and other overseas citizens. Voters who relocate from one state to another may find guidelines for registration vary from state to state.

Increasing Registration

Voting rights advocates have suggested various methods to increase registration.

"...the United States...(should) follow many other democracies and adopt universal voter registration...(this) would eliminate concerns about fraud by voter registration groups, and it would have the impact of increasing voter participation...every high school student who is a U.S. citizen could be automatically registered

the government could register the remainder of Americans who are not on the voting rolls during the U.S. census count every ten years." (2-Stephen Overton, *Stealing Democracy*, WW Norton, 2006, pp. 166-67)

Several states have same-day registration of voters. Most recently, North Carolina joined Maine, Minnesota, Wisconsin, Idaho, New Hampshire, and Wyoming with a same day registration/voting procedure. Connecticut permits registration up until one day before elections. North Dakota does not require any registration to vote. (The website www.uselections.com lists registration requirements for all states, including the District of Columbia.)

Are We Doing Enough to Register New Citizens?

The U.S. Customs and Immigration Services (USCIS) does not supply voting information to new citizens so it must be handled locally. The June 2008 issue of the League's *National Voter* noted that while some Leagues and local registrars regularly attend naturalization ceremonies and register new citizens, there are many parts of the country where the ceremonies happen with no one on hand to register voters. LWVUS is seeking to expand the number of local Leagues who take part and has published a book, *Engaging New Citizens as New Voters: A Guide to Naturalization Ceremonies* (www.store.lwv.org).

Military personnel and families, as well as other people living overseas, have faced great difficulty in exercising their right to vote in the past. Part of HAVA was designed to address this but the results seem to be a fairly complicated process. (See last month's study.) Robert Novak (*The Washington Post*, 7/24/08) decried the "disgracefully" low turnout rates for absentee military voters and their dependents and urged both Congress and the Defense Department to facilitate the registration and voting for these groups. However, the Department of Veterans Affairs (VA) recently issued a directive banning voter registration in its hospitals, clinics, and homes over concerns that this would violate the Hatch Act and would disrupt their operations. Various groups, including LWVUS, have urged the VA to be more proactive in ensuring that veterans have the opportunity to register to vote (www.USATODAY.com, July 11, 2008).

Common Cause has urged that national guidelines be set for voter registration "so that it's no longer a confusing

hodgepodge of local and state requirements that often lead to the disenfranchisement of new voters” (www.commoncause.org). While LWVUS positions do not mention the need for national guidelines, the overall emphasis on empowering the voter supports such an approach. Although HAVA required all states and localities to upgrade their voting machines, registrations processes, and poll worker training, the implementation specifics have been left up to each state. In addition, various rather complicated ID requirements were added to the registration and voting process as a result of HAVA (see last month’s *Fairfax Voter*). According to Wikipedia, these requirements were put in place to ensure the acceptance of the law by Republicans in Congress.

Increasing Registration in Virginia

In the course of the committee’s interaction with Virginia election officials, the general impression is that of a sincere concern for getting as many people registered as possible. In Virginia, the State Board of Elections (SBE) oversees voter registration services:

- Establishes and implements policies and procedures
- Supervises and coordinates the work of local election officials who carry out registration activities in their jurisdictions
- Maintains the Virginia Voter Registration System
- Provides each registrar with a computer generated list of all registered voters
- Compiles and distributes registration reports and statistics for the entire state (www.sbe.virginia.gov)

According to the Strategic Planning Report of the State Board of Elections, Voter Services (www.paperforms.virginia.gov/agencylevel/straplan), one goal is to increase the number of eligible citizens who register to vote. Among the activities to do so include:

- Promote, support and partner with nonpolitical efforts to educate voters on the importance of registering to vote
- Assist local general registrars in conducting voter information and voter education campaigns
- Support high school voter registration activities at the local level
- Provide an on-line fillable version of the voter registration application
- Explore methods of increasing the use of technology to increase citizen participation in the voter registration activities

- Expand the opportunities whereby eligible citizens may apply to register to vote

Selected Statistics

Most political observers believe that the key to increased voter turnout is increased registration; that is, once a person registers to vote, he or she usually will vote. In 2004, 88.5% of registered voters voted, while only 63.8% of eligible voters voted (www.census.gov and www.sbe.virginia.gov). Some 2006 statistics shown in Tables 1 and 2, indicate that this is generally true in Virginia.

Total Population	7,642,884
Under 18 years (23.6%)	1,803,720
Over 18 years	5,839,164
Registered 2006 Voters	4, 554,683
Total 2006 Voting (52.7% of above)	2,398,589
Registered 2004 Voters	4, 517,980
Total 2004 Voting (71.4% of above)	3,223,156

Total Population	1,010,443
Under 18 years (25.1% of above)	253,621
Over 18 years	756,822
Registered 2004 Voters (2004)	633,034
Total 2004 Voting (91.2% of above)	577,617
Registered 2008 Voters	646,768

Should It Be Easier to Vote Absentee?

In the 2004 Presidential Election, Virginia had the largest number of absentee voters ever--175,966. The large absentee turnout was a testimony to the contentiousness of the election since it’s not easy to vote by absentee ballot in Virginia.

Virginia is one of only 21 states that continues the tradition — prompted by fear of voter fraud — of making it more difficult to vote by absentee ballot than by showing up in person at the polls. Virginia, like its 20 counterparts, requires that voters explain why they are unable to get to their polls on voting day and swear, or “declare,” to the truthfulness of their excuses under penalty of law. Under the Virginia Code, it is a felony to give false information on an absentee ballot application, punishable by a maximum fine of \$2,500 and 10 years in jail.

Some states have even more stringent requirements. In Delaware and Alabama, for example, those wishing to

by absentee ballot must have their application, or affidavit, either notarized—or, as is the case in Alabama, witnessed—adding yet another step to an already circuitous route to the ballot box.

What Does it Take to Vote By Absentee Ballot in Virginia?

First, one must get an application for the absentee ballot. The Fairfax County Office of Elections website lists two ways to apply for an absentee ballot application form: either by mail or online. Curiously, it does not specify where one can acquire an application other than online, although applications are available at many locations throughout the county including library branches and district government centers.

The application lists 13 reasons why the applicant cannot be present on Election Day. In addition to selecting a reason for being absent, applicants must also provide additional detail (see a copy of the Absentee Ballot Application in last month's *Fairfax Voter*).

The amount of information requested on Virginia's application stands in dramatic contrast to many other states. So-called "no excuse" states such as Florida and California allow all eligible voters to vote by absentee ballot if they wish—no excuses necessary. California goes so far as to allow any eligible voter to register as a "permanent absentee." If you receive permanent absentee status, you automatically receive an absentee ballot for each election. To maintain your status, you must vote in all statewide and primary elections. Failure to cast your ballot in two consecutive statewide general elections gets you removed from the voting rolls.

In Virginia, you must request an absentee ballot for each and every election unless you are likely to be physically ill or disabled for an extended period of time, in which case you may apply for a "special annual application."

Virginia does make provision for Emergency Absentee Voting--when a voter becomes aware after noon on the Saturday immediately before Election Day that he or she has been called away for business, is being hospitalized, has a family member being hospitalized or has had a death in the immediate family.

Deadlines are an issue in all states, and as easy as it may be to obtain or fill out an application in the "no excuse" states, applicants still need to contend with deadlines. In Virginia for determining one's residence for voting purposes. The

applications for absentee ballots are due, at the latest, in the registrar's office by the Tuesday before Election Day.

Postmarks are the critical deadline arbitrator for overseas absentee voters, as is a rather complex set of definitions process for requesting absentee ballots for Virginia residents overseas or in the military is governed by the 1986 Uniformed and Overseas Citizens Absentee Voting Act, or UOCAVA.

UOCAVA voters receive special consideration given their unique set of circumstances. They may register and request an absentee ballot using the same form—the Federated Postcard Application (FPCA), which is accepted by all states and is postage-paid in the U.S. mail. HAVA extended the effective period for the FPCA through two regularly scheduled general elections. For example, if you request ballot for 2008 General Election, you will also receive a ballot for the 2010 General Election at the same mailing address.

A 2006 study undertaken on behalf of the U.S. Election Commission found that the transit time for mail ballots in the General Election of 2000 averaged 22 days for an absentee ballot to travel to its intended recipient overseas. The return of completed ballots fared no better: In July of 2006, California election officials reported that they were still receiving hard copy UOCAVA ballots from a special election held in November of 2005. Voting absentee from a distance can be a dicey affair.

Electronic or Internet voting may eventually be the solution for overseas voters, but what about voters living in Virginia? How can the process be made easier for them?

Clearly, it is time to abandon the 19th century fear of voter fraud that drives the "excuse" nature of absentee voting requirements. Reacting to dwindling voter turnout in the later part of the 20th century, election reform movements have generated far easier and less cumbersome ways to vote without showing up at a date certain in a place certain, such as voting by internet or mail, if a way can be found to make this secure.

Are Voter I.D. Laws Unduly Restricting Voting Rights?

Few aspects of election procedures arouse more partisan feelings than Voter ID. On one side there is the fear that voter impersonation or voting by non-citizens is a very real threat to the integrity of current elections. The other side

says people affected most by Voter ID laws are the poor, elderly, and minorities (www.ncsl.org/programs/legismgt/elect/taskfc/voteridreq.htm).

Seven states mandate government issued picture ID: Florida, Georgia, Hawaii, Indiana, Louisiana, Michigan and South Dakota. The states that require some form of ID, photo not required, are Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Kentucky, Missouri, Montana, North Dakota, Ohio, South Carolina, Tennessee, Texas, Virginia and Washington. (See graphic below) The rest of the states abide by HAVA, which only requires ID from first time voters that have registered by mail. (www.ncsl.org/programs/legismgt/elect/taskfc/voteridreq.htm)

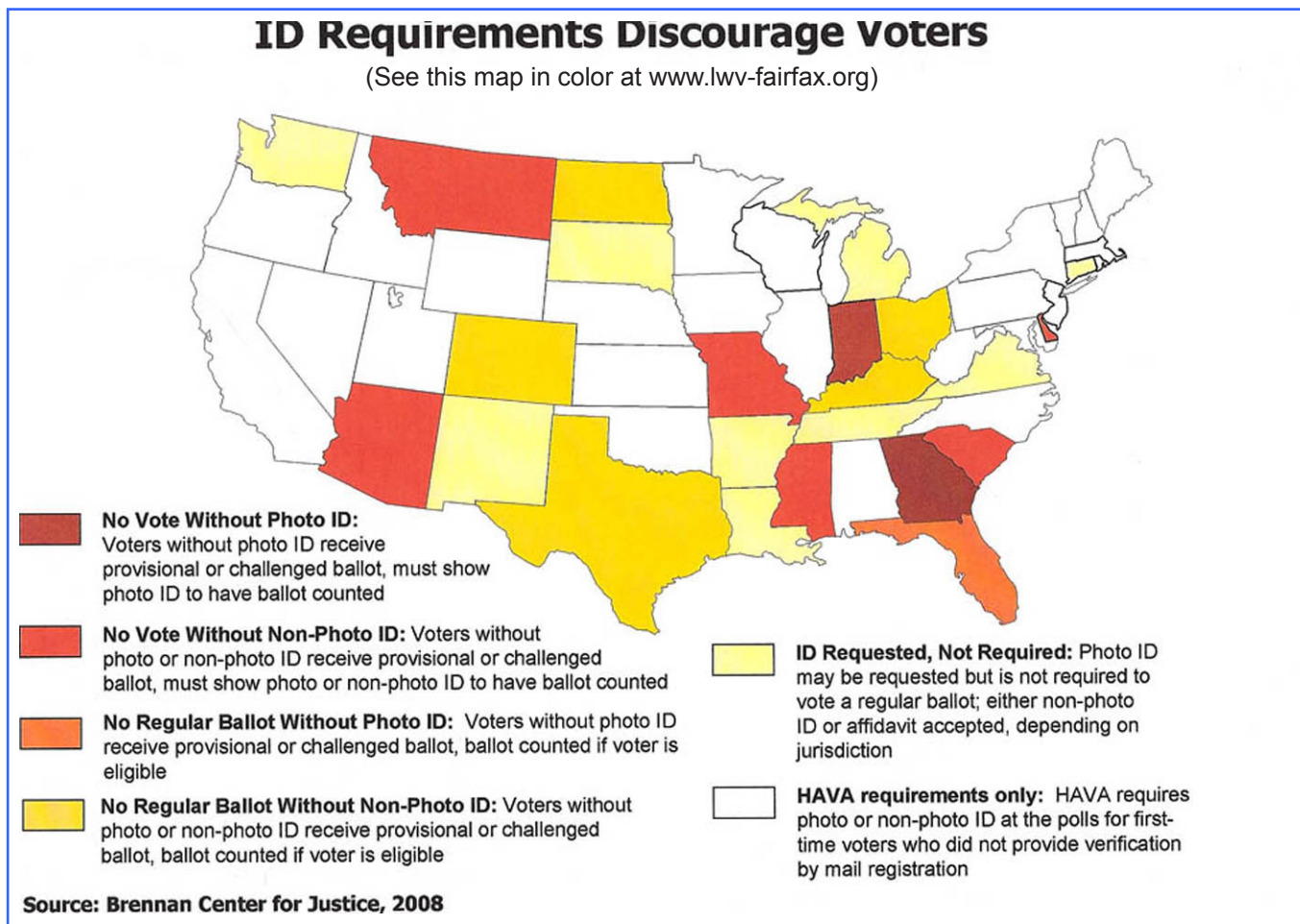
The argument for Voter ID is to abolish voter fraud at the polls. But there has been no evidence of voter impersonation found; in fact, every systematic study undertaken has concluded that this kind of fraud is all but unknown in the United States to date. Voter fraud does exist but it is more likely through ballot box stuffing, voter machine and registration list manipulation, and absentee balloting abuses (www.npr.org/story/story/templates/

[php?storyid=17942818](http://www.thenation.com/doc/20080128/epps)).

It is estimated by the U.S. Department of Transportation that six to twelve percent of American voters do not have government issued photo IDs. Studies show that the poor, the minorities, the young, as well as the elderly, are the ones most affected by the stringent requirement of government issued photo ID. But there are also people who live in cities with good public transportation who do not own cars and others who do not drive. There is a fear that states with the stricter requirements will result in tipping a close election by turning away legal voters. It must also be noted that the states with the more stringent laws do allow every voter to vote a provisional ballot. The voter must then show the appropriate officials a proper ID within so many days (different states, different time period) to have their vote counted (www.thenation.com/doc/20080128/epps).

Are Polling Place Numbers, Hours, and Locations Keeping Us Away?

Factors that are often cited as decreasing voter turnout are the locations of polling places and the hours that the polls are open. Both factors have more impact in Virginia than



in other states because Virginia does not have early voting or “no excuse” absentee voting.

Precincts and Polling Places

There are six precincts in Fairfax City and 229 in Fairfax County, including three new ones established this year. Both jurisdictions have a central absentee precinct. One County precinct, Fairfax Court, has no registered voters but was established in case anyone in the Adult Detention Center wanted to vote in person, which has not happened. According to Virginia law, polling places for each precinct must be located within the precinct or within one mile of its boundary. They must also be located in public buildings whenever practicable and must be accessible to all qualified voters. Although most polling places in the County are located in schools, it also uses government, recreation and community centers, churches, libraries, and other public buildings. City polling places are equally divided among schools, churches and government buildings.

The chief complaints about polling places received by the County Electoral Board are the long lines and lack of parking for general elections, especially in presidential election years. The severity of these factors is, of course, dependent upon the pace of voting throughout the 13 hours that the polls are open. In the City there have been complaints about the lack of parking at school locations when elections are held on days when school is in session. Parking and the number of registrants are considered when selecting polling places and deciding when to split precincts, since long lines can result when precincts have a large number of voters.

According to Virginia law, a new precinct cannot be established with more than 5,000 registered voters. In addition, once the number of voters in a precinct in a presidential election reaches 4,000, the registrar is required to notify the governing body, which then must revise precinct boundaries. The three new County precincts were designed to reduce the size of several precincts and allow for additional growth. It was important to make the changes this year because, under Virginia law, precinct lines will be frozen for the decennial census and redistricting from February 2009 until May 2011. As of June 2008, the largest precinct in Fairfax County had 5,114 active registrants; in Fairfax City, the number was 3,118. Many County precincts had over 4,000 registrants. If the November voter turnout is as high as some are projecting, there is a possibility that Fairfax County will need to put several precinct changes on a fast track to meet the February deadline.

In discussing what complaints she had received about voting locations, Margaret Luca, Secretary of the Fairfax County

Electoral Board, said that there were rarely any complaints about the distance to the polling places, lack of public transportation, or the location of the polling place. She noted that the designation of schools as polling places covered the entire school, and that there were sometimes complaints about the specific location chosen within a school. As an aside, she noted that the biggest complaint of all was that either the A-L line in the polling place was longer than the M-Z line, or vice versa!

Long lines at the polls can also be due to the number of voting machines that are available. This is governed by Virginia law, which requires a minimum of one (mechanical or electronic) machine for precincts having not more than 750 registered voters and an additional machine for every 750 registered voters. If the jurisdiction uses machines requiring voters to use a ballot that is inserted into an electronic counter (optical scan), it is required to provide a voter marking device/booth for every 425 registered voters. Fairfax will have the legally-required number of electronic (DREs) machines plus one optical scan machine per precinct for the November 4th election.

Polling Hours

Another issue affecting voter turnout is the hours that the polls are open. According to Virginia law, the polls are open for all elections in all jurisdictions from 6 a.m. to 7 p.m. Persons in line as of 7 p.m. are allowed to vote. The polls are open from 7 a.m. to 8 p.m. in both Maryland and the District of Columbia, which causes some confusion for new voters in Northern Virginia who don't listen closely to media announcements and assume that the hours in Virginia are the same. Even though the federal government and many companies give time off for voting, many Northern Virginia workers complain that their long commutes make it very difficult to get to the polls (although that circumstance is now an acceptable excuse for absentee voting).

There have been periodic (unsuccessful) attempts in the General Assembly to change the voting hours for Northern Virginia, including HB 640 introduced in 2008 by Delegate May from Leesburg, who proposed allowing the local jurisdictions in Northern Virginia to extend the closing time to 9 p.m. The bill suffered the same fate as previous attempts in this regard and was left in the House Privileges & Elections (P&E) Committee. Delegate May believes that the issue will be examined this year, but there appears to be opposition to changing/extending the voting hours and, especially, to allowing any difference between any

(Ed. Note: **Font size is smaller for the rest of the article to fit everything into the allowable space. It is not your eyes failing.**)

jurisdiction or area and the rest of the state since many believe that it could affect election outcomes. One difficulty with any bill covering Northern Virginia jurisdictions is that three congressional districts cover areas in Northern Virginia as well as other parts of the state.

Extension of Voting Hours for Emergencies?

Most electoral boards are not in favor of extending the voting hours because of the already long time (about 15 hours) that election officers have to work on election day. The Fairfax City Electoral Board opposes longer polling hours for this reason. This was also the general reaction to extended hours when they were discussed at a recent last meeting of the electoral boards from Virginia's Northern District. Those present especially noted the important work and responsibilities of elections officers that take place at the end of the long work day, when election officers are apt to be tired.

The problems caused by a Metro Blue Line incident affecting Northern Virginia voters in November 2007 and the more widespread problems caused by an ice storm on February 2008 presidential primary day resulted in complaints that the polling hours were not extended when the emergency prevented many voters from getting to the polls before they closed. News reports at the time (Feb. 2008) and last month's study seemed to imply that there were provisions that would make this possible, and Virginia law (Sec. 24.2-653 C.) alludes to the possibility of an extension. However, there is no specific provision in Virginia law that would allow the polling hours to be extended. To remedy this situation, Governor Kaine proposed, and Senator Barker (SB 796) and Delegate Cole (HB 1577) introduced, legislation that would allow the polling hours to be extended by Court Order in the case of any emergency. The Senate passed the (amended) bill by a 22 to 18 vote, and it was sent to the House where it was assigned to the P & E Committee and carried over to 2009. At this writing, it is due for a subcommittee hearing in November 2008. However, it is doubtful that it will be approved by the House, which generally believes that any provision affecting voting must be applied uniformly throughout Virginia. There are also some complications and concerns about various provisions of the bill which can't be addressed within the limits of this study. Visit <http://leg1.state.va.us> to read the provisions of the bill.

Electoral Boards are also concerned that they would be unable to reach all polling places in a timely manner if the voting hours were extended on an emergency basis. Cell phones do not always work in polling locations and land lines are not always available after business hours. An Electoral Board request for land lines at every polling place was cut from the Fairfax County budget. As stated above, with any extension of the polling hours, electoral officials are concerned with the length of the work day for elections officials.

Would More Elections Officers Help?

Long lines are also caused when there is an insufficient number

election officers. Dianna Price, secretary of the Loudoun County Electoral Board was quoted in the September 1, 2008, issue of *The Washington Post* about the possibility of long lines for the November 4 election: "If we don't get enough [election officers], that means longer lines, longer waits, and then disgruntled voters."

Rita Koman, member of LWVFA and an elections officer for 5 years, would agree:

"One of the main reasons long lines occur at the polls is the shortage of volunteers to man the polls ... the pay is small and the hours are long, even when split with another worker as can be done in Fairfax... But without enough workers, one worker may be checking on four or more machines to keep the equipment running. Elections officers must arrive an hour before the polls open and stay at least an hour and a half after the polls close. However, as a worker for five years, I can attest to a feeling of great satisfaction for the efforts I make to keep democracy working."

So Why Do We Have to Vote On Tuesdays? Why Not On Sunday?

Others have suggested that voter turnout in the U.S., which is significantly lower than that of other countries, would be increased if elections were held on another day of the week. The Institute for Democracy and Electoral Assistance calculates that "for established democracies the overall average (in recent decades) is 73 %" in contrast to the US turnout of 63%, which was higher than the average turnout in recent decades of 58% (www.idea.int/vt/findings.cfm and www.answers.com/voter-turnout).

Voting hours have been extended somewhat and in some places to better accommodate the needs of multi-tasked Americans working in areas farther from their home precincts and with the conflicting requirements of family activities. Many polling areas have been enlarged to handle the surges during the hours before and after work and the lunch hour.

What else can be tried? How about moving voting to Sundays? By both tradition and statute, elections generally are held on Tuesdays. The result in today's America is that this activity is superimposed on a day already overloaded with work and many other activities and on facilities already fully scheduled. A seemingly simple solution would be to change the applicable laws and traditions and to move balloting to what may be the most open and flexible day of the week--Sunday. This is a solution now being used in several other countries of the world.

There are parallels. The June 21, 2008, edition of *The Washington Post* reported on the emergence of Sunday schools where thousands of practitioners of Jewish, Moslem, Hindu, and other non-Christian faiths and beliefs meet in classrooms across the Washington area.

Roy Speckhardt, the executive director of the American Humanist Association, is quoted as saying, “That’s when people are available and that’s when they are used to dealing with matters of faith and philosophy.” In the broadest sense, discharging the ultimate civic duty of voting would appear to fit in as well.

Some will argue that for many Americans Sunday, the Sabbath, should not be mixed with secular activities. When one observes the number of our citizens that are engaged in other activities—work, family recreation, and even shopping—it is hard to accept that this would in some way detract from the religious nature that is attached to Sunday. To argue even further, there is a connection between religious activities and voting as some religious leaders frequently have messages that, while most times not endorsing particular parties or candidates, have a direct relationship to the civic issues confronting the country, state, or locality.

Can We Trust Our Voting Machines?

The 2000 election placed the potential pitfalls of punch card ballots in the spotlight, prompting widespread calls for voting technology reform. People wanted better, more reliable voting machines. As a result, HAVA set federal requirements for voting machines. (The official HAVA timeline is at www.fec.gov/hava/timeline.htm.) HAVA requires states to use designated funding to replace punch cards and lever voting machines with new equipment that meets the following standards for voting systems:

- They must permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;
- They must provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and
- They must notify the voter of over votes and provide the voter a chance to correct these errors.

States that use something other than electronic voting equipment to help voters with detecting errors must:

- Establish a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and
- Provide the voter with instructions on how to correct the ballot before it is cast and counted.
- Additionally, HAVA (Section 301) requires that all voting systems produce a permanent paper record with a manual audit capacity available as an official record for any recount conducted.

HAVA aims to meet fundamental requirements for voting machines; namely that they are accessible to as many people as possible and that they are transparent. Across the US, states

have used and continue to use different voting equipment. The following table displays the percentage of voters using each type of voting equipment in 2000 and 2004. Below the competing voting equipment is described along with some advantages and disadvantages.

Table 3. Types of Voting Equipment Used in Recent Presidential Elections¹

Type of Voting Equipment	%Registered Voters in 2000	% Registered Voters in 2004
Punch Card	27.9	12.4
Lever	17.0	14.0
Paper Ballots	1.3	0.7
DataVote ²	2.8	1.3
Optical Scan	29.5	34.9
Electronic (DRE)	2.6	29.4
Mixed	8.9	7.4
Total	100.0	100.0

¹ Source: Reproduced from of the Commission on Federal Election Reform, p. 27

² DataVote is a type of punch card ballot with the ballot choices actually printed on the card.

Direct Recording Electronic systems (or DREs) allow voters to make their choices by touching computer screens, which present the candidates for office and other matters to be voted upon. Use of DREs increased in the aftermath of the 2000 election and HAVA.

“Voting on direct-recording electronic (DRE) or touch-screen machines was supposed to be everything punch-card and lever systems were not — accessible, programmable, flexible, fast, easy, accurate and trustworthy. The transition from punch-card ballots and lever voting machines to electronic systems enabled the implementation of accessible voting for people with visual and some manual dexterity disabilities. It prevented the possibility of over-votes, allowed multiple languages to be displayed and offered the promise of near-instant reporting with results that could be transmitted from polling places to central election offices for counting.” (http://www.pewcenteronthestates.org/uploadedFiles/HAVA_At.5.pdf-- p. 13)

Despite the benefits of DREs, there are some drawbacks linked to these machines. First, and foremost, they generally do not provide a paper trail. If a recount occurs after an election, DREs provide limited information – just the totals and sub-totals for each item on each machine. Another concern with DREs is that the inner workings of the computer systems are not transparent. They must be programmed for each election and only a handful of companies make the programming software. Some people worry that a crafty operative could write programming that would lead to systematic

undercounts of votes for one candidate. To make matters worse, the owners of the leading DRE manufacturer have been major supporters of one political party, a situation that has spawned a multitude of conspiracy theories. None of these theories has been proven, but none can be disproved in the absence of transparent programming. Furthermore, there have been some computer glitches on DREs. For example, in the November 2004 elections, a malfunction of DREs meant the loss of more than 4400 votes in Carteret County, North Carolina. The machines did not have any back up record of the votes that had been cast. Ultimately, the county reran the election and discontinued use of DREs in subsequent elections.

To alleviate some concerns about DREs, there have been efforts to combine them with a Voter Verifiable Paper Audit Trail, or VVPAT for short. The DRE-VVPAT prints out a receipt showing the voter and the precinct exactly whom the voter supported. VVPAT provides the paper trail needed for recounts and also gives voters a chance to verify that their votes were cast as intended. Unfortunately, it is not feasible to retrofit all DREs with VVPAT—the technology does not suit all machines and the cost is prohibitive for widespread use.

The most common type of voting equipment used in recent elections is the **Optical Scan**, which uses ballots that resemble test answer forms, complete with bubbles that must be colored in properly before feeding the ballots through an optical scan machine. There are two types of optical scan systems: PCOS-**precinct count optical scan** and CCOS-**central count optical scan**. The two systems differ only on where the scanning takes place, in the precinct or in a central location. Multiple ballots may be completed simultaneously (by multiple voters, NOT by the same voter!) and then fed through the optical scanner one at a time. Voters can verify their own ballots (by visual inspection) before inserting them in the scanner. And, in PCOS systems, voters can verify that ballots were filled out properly because the ballots are scanned with voters watching the machine. The ballots themselves provide the much desired paper trail for audits and recounts.

Punch card ballots were extremely popular until 2000, when the nation witnessed the systems' flaws in Florida, including hanging chads, pregnant chads, undervotes, overvotes, and the like. While punch cards provide an audit trail, it is difficult to determine voter's intent in some circumstances. The use of punch cards has dropped dramatically since 2000, largely because of HAVA.

Some jurisdictions still utilize the low tech **paper ballot**. Although the paper ballot has a paper trail (as implied in its name), it is not a popular voting mechanism. Paper ballots take a long time to read and tally, delaying voting results. Such ballots also raise vote integrity issues, because they can be easily forged, leading to the popular phrase, "stuffing the ballot box."

Lever machines, which require the voter to depress a lever for each race on the ballot, were previously used widely, but they are approaching extinction now. One advantage of lever machines is that it is impossible to over-vote. On the other hand, lever machines

Virginia passed legislation in 2007 banning the purchase of any additional DREs. If local budgets allow for new voting equipment, optical scan machines may be purchased. In November 2008, Fairfax County will have DREs in all precincts in accordance with VA code. In addition, every precinct will have one or two optical scan systems, with up to 12 privacy booths per system. Every precinct will have information about how DREs and optical scan systems work. Poll workers will direct voters to optical scan machines (because there will be more available booths for the scans), but voters will be allowed to use DREs by request (no reason will be needed to use DREs). Most jurisdictions in Virginia are expected to have a mix of DREs and optical scan equipment in the 2008 elections.

Virginia's actions mirror the national trends. HAVA led many states to shift from punch card and other low tech voting systems to DREs. Now, many of the same states, including California, Colorado, Florida, New Mexico and Ohio, are switching away from DREs to optical scan systems (www.pewcenteronthestates.org). After the 2008 elections, some voters will have encountered three different types of voting technology in three presidential elections—punch cards in 2000, DREs in 2004, optical scans in 2008. Any guesses what will be used in 2012?

To Sum Up

This study has focused on several issues that affect a citizen's access to the right to vote readily and accurately. While most persons say that all eligible people must be able to vote, laws, procedures and other actions operate to keep certain elements of the population disenfranchised. Registration to vote could be easier, perhaps even on Election Day itself, and the process eased for the military and those residing overseas. Over-zealous voter ID laws that target minority, elderly and low-income citizens must be eliminated. More states, including Virginia, should explore early voting, no-fault absentee voting, and voting by mail. Ballot choices must be verifiable and tamper proof. Polling locations need to be accessible and adequate to serve voters without requiring long waits. The right to vote does not really exist unless citizens are able to exercise that right.

Sources in addition to those cited in the text:

- Virginia State Board of Elections website, http://www.sbs.virginia.gov/cms/Absentee_Voting/Index.html
- Fairfax County Office of Elections website, <http://www.fairfaxcounty.gov/eb/absentee.htm>
- League of Women Voters Vote411.org website, <http://vote411.org/bytopic>
- Elections A–Z, Third Edition, CQ Press-American Government, 2008
- Voting From Abroad: A Survey Of UOCAVA Voters <http://www.usdoj.gov/crt/voting/>
- Web sites of the Virginia Legislative Information System, State Board of Elections, and Fairfax City and the Fairfax County Electoral Board.
- E-mails from and/or discussions with Margaret (Maggi) Luca, Secretary of the Fairfax County Electoral Board; Thurlow Hutchinson, Secretary of the Fairfax City Electoral Board; Senator George Barker, and Delegate Joe May.