

# U.S. ELECTION ASSISTANCE COMMISSION



## *2016 Election Administration & Voting Survey*

### *Statutory Overview*

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

| Information Supplied By           |  |
|-----------------------------------|--|
| Name                              |  |
| Title                             |  |
| Office/Agency Name                |  |
| Address 1                         |  |
| Address 2                         |  |
| City                              |  |
| State                             |  |
| Zip Code                          |  |
| E-mail Address                    |  |
| Telephone (area Code and number)  |  |
| Fax Number (area code and number) |  |

## DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.
- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the “Notes” page at the end of the document. Additionally, if a law was repealed in full, please answer “repealed in full” in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

**Example:**

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☐ No Change since 2014

☐ Changed since 2014

b) Under-vote

☐ No Change since 2014

☐ Changed since 2014

## SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☐ No Change since 2014

☐ Changed since 2014

b) Under-vote

☐ No Change since 2014

☐ Changed since 2014

c) Blank ballot

☐ **No Change since 2014**

☐ **Changed since 2014**

d) Void/Spoiled ballot

☐ **No Change since 2014**

☐ **Changed since 2014**

e) Provisional/Challenged ballot

☐ **No Change since 2014**

☐ **Changed since 2014**

f) Absentee

☐ **No Change since 2014**

☐ **Changed since 2014**

g) Early voting

☐ **No Change since 2014**

☐ **Changed since 2014**

h) Active Voter

☐ **No Change since 2014**

☐ **Changed since 2014**

i) Inactive Voter

☐ No Change since 2014

☐ Changed since 2014

j) Other terms (please specify) \_\_\_\_\_

☐ No Change since 2014

☐ Changed since 2014



A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change since 2014**

☐ **Changed since 2014**

## **SECTION B: VOTER REGISTRATION**

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☐ **No Change since 2014**

☐ **Changed since 2014**

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☐ **No Change since 2014**

☐ **Changed since 2014**

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☐ **No Change since 2014**

☐ **Changed since 2014**

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☐ **No Change since 2014**

☐ **Changed since 2014**

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☐ **No Change since 2014**

☐ **Changed since 2014**

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☐ **No Change since 2014**

☐ **Changed since 2014**

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☐ **No Change since 2014**

☐ **Changed since 2014**

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☐ **No Change since 2014**

☐ **Changed since 2014**

## SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☐ **No Change since 2014**

☐ **Changed since 2014**

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☐ **No Change since 2014**

☐ **Changed since 2014**

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☐ **No Change since 2014**

☐ **Changed since 2014**

d. How are UOCAVA ballots counted and reported?

☐ **No Change since 2014**

☐ **Changed since 2014**

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☐ **No Change since 2014**

☐ **Changed since 2014**

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☐ **No Change since 2014**

☐ **Changed since 2014**

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☐ **No Change since 2014**

☐ **Changed since 2014**

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☐ **No Change since 2014**

☐ **Changed since 2014**



C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☐ **No Change since 2014**

☐ **Changed since 2014**

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☐ **No Change since 2014**

☐ **Changed since 2014**

C8. Please describe any state requirements for poll worker training.

☐ **No Change since 2014**

☐ **Changed since 2014**

## SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☐ **No Change since 2014**

☐ **Changed since 2014**

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☐ **No Change since 2014**

☐ **Changed since 2014**

b. casting an in-person ballot;

☐ **No Change since 2014**

☐ **Changed since 2014**

c. casting a mail-in or absentee vote;

☐ **No Change since 2014**

☐ **Changed since 2014**

d. casting a ballot under UOCAVA;

☐ **No Change since 2014**

☐ **Changed since 2014**

e. any other stage in registration or voting process in which identification is required (please specify).

☐ **No Change since 2014**

☐ **Changed since 2014**

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☐ **No Change since 2014**

☐ **Changed since 2014**

## SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☐ No Change since 2014

☐ Changed since 2014

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☐ No Change since 2014

☐ Changed since 2014

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.



**NOTES – please place longer responses below**

