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*Attorneys for Defendant Christi Jacobsen, in her
official capacity as Montana Secretary of State*

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

MONTANA DEMOCRATIC PARTY,
Plaintiff,

vs.

CHRISTI JACOBSEN, in her official capacity
as Montana Secretary of State,
Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

**DECLARATION OF MELISSA
MCLARNON**

WESTERN NATIVE VOICE, Montana Native
Vote, Blackfeet Nation, Confederated Salish
and Kootenai Tribes, Fort Belknap Indian
Community, and Northern Cheyenne Tribe,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her official capacity
as Montana Secretary of State,
Defendant.

MONTANA YOUTH ACTION, Forward
Montana Foundation, and Montana Public
Interest Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,
Defendant.

I, Melissa McLarnon, declare as follows:

1. My name is Melissa McLarnon. I am over the age of eighteen and fully competent to make this declaration. I make this declaration based on my personal knowledge of the facts stated in this declaration. I declare under penalty of perjury and under the laws of the State of Montana that the facts in this declaration are true and correct. I would testify in Court to the facts declared in this declaration.

2. I reside in Lewis and Clark County, Montana.

3. I have worked for the State of Montana for eight years, either as an IT Business Analyst or an IT Project Manager. Since April 2019, I have worked in the Election and Government Services division of the Montana Secretary of State's Office. I work primarily on the State's election management systems. These systems are computer programs that handle all aspects of the election process, including voter registration and absentee ballots. The system currently used by the State is called "MT Votes." The State is in the process of transitioning to a new election management IT system called "Elect MT." I am currently the IT Project Manager of Elect MT.

4. Prior to election day 2020, I became aware that Election Administrators were treating individuals who turned eighteen during the late registration period differently. Some Election Administrators would issue ballots to these individuals if they would turn eighteen before election day. Some Election Administrators would not issue ballots to these individuals until they turned eighteen.

5. Before the 2021 Legislative session, I met with Election Administrators from Cascade, Missoula, Ravalli, and Flathead counties and confirmed that different counties were

treating these voters differently and that there was disagreement among the Election Administrators as to how to treat these voters.

6. In January 2021, I attended a meeting with the Montana Election and Technology Advisor Council to discuss this issue. During the meeting, I learned the following:

- a. There was disagreement among Election Administrators as to when a ballot should be considered voted;
- b. There was disagreement among Election Administrators as to how ballots that were returned to the county Elections Office before the individual had turned eighteen should be handled;
- c. There was disagreement among Election Administrators as to when an individual should be issued a ballot;
- d. The Yellowstone County Election Administrator would not issue ballots to an individual until they turned eighteen;
- e. The Lewis & Clark County Election Administrator would issue ballots to individuals before they were eighteen, but would include a letter warning the individual not to submit their ballot until they turned eighteen;
- f. The Missoula County Election Administrator would issue ballots to all individuals as long as they would turn eighteen before election day; and
- g. If the county Election Administrator did issue a ballot to an individual before they were eighteen, those ballots were processed differently by different counties upon receipt. For example:
 - i. At least one county would hold a ballot from someone who had returned it before the voter had turned eighteen in a separate

location until election day, and, on election day, election administrators would enter that vote in the system to be counted.

- ii. At least one county would hold ballots returned by voters before the voters had turned eighteen in a separate file and, each day, would review the ballots in this file. On the day a voter of such previously voted ballot turned eighteen, the county election administrator would enter the ballot into the system so that the ballot would be counted.


7. The lack of uniformity in how various Election Administrators were treating these voters raised issues not only in the development of Elect MT system, but also in the ongoing use of the MT Votes system. Uniformity in the application of Montana's election law is necessary in order for the election management systems to function properly.

8. In response to this issue, the Secretary of State's Office requested guidance from the Legislature to resolve the competing interpretations of Montana election law and ensure statewide uniformity.

9. Section 2 of HB 506 resolved the lack of uniformity in how such ballots are treated by clarifying when an individual should be issued a ballot. Relying on the clarity now provided by Section 2 of HB 506, my team has written computer system code for both the Elect MT system and the MT Votes system to reflect this clarification of Montana law and ensure uniformity in its application statewide.

I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

2/8/22 Helena, MT
Date and Place


Melissa McLarnon

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

Alexander H. Rate (Attorney)
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Confederated Salish And Kootenai Tribes (Plaintiff)
Service Method: Other Means by Consent

Fort Belknap Indian Community (Plaintiff)
Service Method: Other Means by Consent

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Electronically Signed By: Dale Schowengerdt
Dated: 02-17-2022

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Montana Democratic Party,

Plaintiff,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

DECLARATION OF GREG HERTZ

WESTERN NATIVE VOICE, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

I, Greg Hertz, state and affirm the following facts are true and correct to the best of my knowledge:

1. I am over 18 years old. I make this declaration based upon my personal knowledge and experience.

2. I am a member of Montana Senate representing District 6, which covers rural parts of Lake County and the city of Polson, Montana. I assumed this office in January 2021. I previously served as a member of the Montana House of Representatives, representing District 12, from 2015 to 2021.

3. As a member of the Montana Senate, I supported and voted in favor of the laws challenged by the Plaintiffs in the above-captioned matter, including HB 176, SB 169, HB 506, and HB 530.

4. In my opinion, each of these laws is important to ensure fair and secure elections in Montana and to address practical issues with the administration of elections in Montana, including problems communicated to the Legislature by election administrators from various counties in Montana.

5. Based on my interactions with Montanans, I believe each of these laws have strong public support in my district. My vote in favor of these laws is based on that public support. I also voted in favor of these laws because they address practical problems with the administration of elections in Montana, many of which were described during legislative sessions and hearings on the bills. I also voted in favor of these laws based on my own personal experiences as a voter in elections in Montana.

6. HB 176 changed the deadline for late voter registration from the close of the polls on election day to noon the day before the election. Originally, the change would have moved the deadline to 5 PM, two days before the election. The final bill represented a policy compromise seeking to strike a balance that addressed concerns about allowing voters time to complete late registrations and concerns expressed by election administrators and others to give election administrators plenty of time to finalize registration rolls and run organized and efficient elections on election day.

7. I voted in favor of HB 176 for several reasons, including the statements during session of election administrators, such as Doug Ellis, who described the administrative

challenges posed by running elections and how election day registration adds to those challenges.

8. I also believe HB 176 will assist in reducing long lines at the polls and curb delays in tabulating and reporting results. Long lines at polling places in Lake County occur on election days. I have personally seen such long lines in Lake County and have seen news reporting about it in other counties in Montana. It is my hope and belief that HB 176 will help address this problem.

9. Based on my conversations with Montanans, I know that delays in reporting election results can breed suspicion about the accuracy of the count. It is my hope and belief that HB 176 will help boost voter confidence in Montana elections by curbing delays in tabulating and reporting election results.

10. I did not vote for HB 176 to disadvantage or harm any particular class or group of voters. In Montana, there are many options for voting, including a long period of early voting during the late registration period. I voted for HB 176 in light of the many options afforded Montana voters to register and vote, and to protect voters against long lines on election day, to improve election efficiencies, and to attempt to curb delays in tabulating results.

11. SB 169 made minor changes and clarifications to Montana's voter identification laws. I voted in favor of SB 169 because these changes make practical sense to me for several reasons. My vote had nothing to do with attempting to harm or disadvantage any particular class of voters.

12. In certain respects, SB 169 makes satisfying voter identification requirements easier. For instance, previously a voter who was unable to show a "current" or "valid" photo

identification card was required to also show a utility bill, bank statement, paycheck, or other government document showing the voter's name and current address.

13. Under SB 169, a "current" and "valid" photo ID is no longer required. My understanding is that the Montana Legislature implemented this change in response to concerns from certain groups of voters in Montana, such as tribal members, who expressed concern that satisfying this requirement was burdensome.

14. I supported SB 169 because I believe it clarified what identifications are acceptable and makes it easier for election administrators and workers to administer and understand what constitutes proper voter ID.

15. I supported the change under SB 169 that requires voters relying on non-government issued ID's, like student ID's, to also show a utility bill, bank statement, paycheck or other government document such as a voter registration card.

16. In my view, student ID's are different from government issued ID's like a Montana driver's license. Student ID's may come from different states or institutions, can be issued to out-of-state and international students, and generally do not show information about a voter's Montana address. For these reasons, I think it is appropriate that a voter relying on a student ID for voter identification, or other non-government issued ID, show one of the various other acceptable documents, such as a voter registration card.

17. I do not believe such requirement is at all onerous. In my experience, these are items that nearly all Montana resident students have.

18. I also voted in favor of SB 169 because it was clear to me that my constituents support strong voter identification laws. I believe the vast majority of my constituents support

strong voter identification laws that demonstrate the voter is a resident of Montana and is legally authorized to vote in the election.

19. I hope that passing SB 169 will help boost voter confidence in the integrity and security of Montana elections and ease the minds of voters who have concerns about the accuracy of our elections.

20. I also voted in favor of HB 530, including the provision in HB 530 that makes paid ballot collection or “ballot harvesting” illegal. The potential problems with paid ballot harvesting were revealed by the events in the 2018 congressional race in North Carolina when a paid political operative was alleged to have illegally gathered up and fraudulently voted absentee ballots.

21. Paid ballot collection also raises concerns for me because of potential for ballot tampering or destroying or not returning ballots. I am also aware of other legislators’ and constituent concerns about this based on my conversations with them.

22. In today’s political environment, a great deal of information about voters and how voters are expected to vote is available. Paid ballot collectors can also simply talk to the voter and get a sense of how they believe the voter will vote, which may encourage the paid ballot collector to tamper with or not return a voter’s ballot. As a result, I, and certain of my constituents and other legislators, fear that a paid ballot collector could have great incentive to discard ballots or never turn in ballots from voters who are expected to vote in a manner contrary to the paid ballot collector.

23. Additionally, prohibiting paid ballot collection helps alleviate the perception among voters that an election may be tainted by the influence of money on the process. When

there is money involved in the movement and return of ballots, it concerns me. Based on my interactions with other Montana voters, it concerns them as well.

24. To me, making paid ballot collection illegal is a reasonable measure to address the potential for abuse inherent in this practice. My vote in favor of HB 530 was motivated by these concerns. I had no intent whatsoever to harm any particular class or group of voters. Notably, the North Carolina ballot collection incident was perpetrated by a Republican political operative.

25. I also supported HB 506, which clarifies that absentee ballots can only be sent to voters when they meet age and residency requirements.

26. It is my understanding that this law was requested by the Montana Secretary of State's office because counties in Montana had inconsistent practices with respect to mailing absentee ballots to voters before they met age and residency requirements. I understand that certain counties in Montana were mailing absentee ballots to voters before they turned eighteen and then accepting absentee ballots from voters who had not yet turned 18. Apparently, these counties would then process these votes on election day or on the day the voter turned 18.

27. I supported HB 506 because I believe it was important to clarify the law on this issue and ensure that the law was being consistently applied.

28. HB 506 ensures that only qualified electors are voting in Montana elections. It also ensures that all counties in Montana are using consistent practices with respect to mailing and accepting ballots before voters meet age and residency requirements. It is a common-sense law that solves a practical problem with the administration of Montana elections.

29. As a Montana Senator, I have a constitutional obligation to address through law the administration of elections in Montana and to "insure the purity of elections and guard against the abuse of the electoral process." I supported each of the above laws because I believe they are consistent with and help satisfy these constitutional obligations I have as a Montana Senator.

I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

2-11-2022 Polson, MT
Date and Place


Greg Hertz

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

Alexander H. Rate (Attorney)
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Montana Democratic Party,

Plaintiff,

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Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

DECLARATION OF STEVE FITZPATRICK

WESTERN NATIVE VOICE, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

I, Steve Fitzpatrick, state and affirm the following facts are true and correct to the best of my knowledge:

1. I am over 18 years old. I make this declaration based upon my personal knowledge and experience.
2. I am a member of Montana Senate representing District 10, which covers rural parts of Cascade County and parts of the City of Great Falls, Montana. I assumed this office in 2017 and most recently won re-election for this position in the November 2020 election. I previously served as a member of the Montana House of Representatives, representing District 20 from 2011 to 2017.

3. As a member of the Montana Senate, I supported and voted in favor of the laws challenged by the Plaintiffs in the above-captioned matter, including HB 176, SB 169, HB 506, and HB 530.

4. In my opinion, each of these laws is important to ensure fair and secure elections in Montana and to address practical issues with the administration of elections in Montana, including problems communicated to the Legislature by election administrators from various counties in Montana.

5. Based on my interactions with Montanans, I believe each of these laws have strong public support in my district. My vote in favor of these laws is based on that public support. I also voted in favor of these laws because they address practical problems with the administration of elections in Montana, many of which were described during legislative sessions and hearings on the bills. I also voted in favor of these laws based on my own personal experiences as a voter in elections in Montana.

6. HB 176 changed the deadline for late voter registration from the close of the polls on election day to noon the day before the election. I voted in favor of HB 176 for several reasons, including the statements during session of election administrators, such as Doug Ellis, who described the administrative challenges posed by running elections and how election day registration adds to those challenges.

7. I also believe HB 176 will assist in reducing long lines at the polls and curb delays in tabulating and reporting results. Long lines at polling places in Cascade County are common on general election days. I have seen news reporting showing the same. It is my hope and belief that HB 176 will help address this problem.

8. Based on my conversations with Montanans, I know that delays in reporting election results can breed suspicion about the accuracy of the count. It is my hope and belief that HB 176 will help boost voter confidence in Montana elections by curbing delays in tabulating and reporting election results.

9. I did not vote for HB 176 to disadvantage or harm any particular class or group of voters. In fact, it is my belief that, at least during the 2016 election cycle, most of the voters registering in Cascade County to vote on election day were likely Republican leaning voters.

10. SB 169 made minor changes and clarifications to Montana's voter identification laws. I voted in favor of SB 169 because these changes make practical sense to me for several reasons and my vote had nothing to do with attempting to harm or disadvantage any particular class of voters.

11. In certain respects, SB 169 makes satisfying voter identification requirements easier. For instance, previously a voter who was unable to show a "current" or "valid" photo identification card was required to also show a utility bill, bank statement, paycheck, or other government document showing the voter's name and current address.

12. Under SB 169, a "current" and "valid" photo ID is no longer required. My understanding is that the Montana Legislature implemented this change in response to concerns from certain groups of voters in Montana, such as tribal members, who expressed concern that satisfying this requirement was burdensome.

13. I supported the change under SB 169 that requires voters relying on non-government issued ID's, like student ID's, to also show a utility bill, bank statement, paycheck or other government document such as a voter registration card.

14. In my view, student ID's are categorically different from government issued ID's like a Montana driver's license. On a personal note, I recall having an Arizona State University ID in college even though I was never an Arizona resident eligible to vote in Arizona. For these reasons, I think it is appropriate that a voter relying on a student ID for voter identification, or other non-government issued ID, show one of the various other acceptable documents allowed under SB 169, such as a voter registration card, to verify identity.

15. Given the limited information usually shown on a student ID, it makes sense to me that it would not be treated in the same manner as more formal identification cards like a military identification card, passport, or Montana driver's license.

16. I also voted in favor of SB 169 because it was clear to me that my constituents support strong voter identification laws. I hope that passing SB 169 will help boost voter confidence in the integrity and security of Montana elections.

17. I also voted in favor of HB 530. I introduced and supported the provision in HB 530 that makes paid ballot collection or "ballot harvesting" illegal. The potential problems with paid ballot harvesting were dramatically revealed by the events in the 2018 congressional race in North Carolina when a paid political operative was alleged to have illegally gathered up and fraudulently voted absentee ballots. As I stated during legislative hearings on this provision when introducing it, the events in North Carolina were a significant motivating factor for my support for this provision.

18. Paid ballot collection also raises concerns for me because of potential for ballot tampering or destroying or not returning ballots. I am also aware of other legislators' and constituent concerns about this based on my conversations with them.

19. In today's political environment, a great deal of information about voters and how voters are expected to vote is available. As a result, I, and some of my constituents and other legislators, fear that a paid ballot collector of a certain political persuasion could have great incentive to discard ballots or never turn in ballots from voters who are expected to vote in a manner contrary to the paid ballot collector.

20. Additionally, prohibiting paid ballot collection helps alleviate the perception among voters that an election may be tainted by the influence of money on the process.

21. To me, making paid ballot collection illegal is a reasonable measure to address the potential for abuse inherent in this practice. My vote in favor of HB 530 was motivated by these concerns. I had no intent whatsoever to harm any particular class or group of voters. Notably, the North Carolina ballot collection incident was perpetrated by a Republican political operative.

22. I also supported HB 506, which clarifies that absentee ballots can only be sent to voters when they meet age and residency requirements.

23. It is my understanding that this law was requested by the Montana Secretary of State's office because counties in Montana had inconsistent practices with respect to mailing absentee ballots to voters before they met age and residency requirements. I understand that certain counties in Montana were mailing absentee ballots to voters before they turned eighteen and then accepting absentee ballots from voters who had not yet turned 18. Apparently, these counties would then process these votes on election day or on the day the voter turned 18.

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I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

2/11/22
Date and Place

Steve Fitzpatrick
Steve Fitzpatrick

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Dated: 02-17-2022

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official capacity as Montana Secretary of State*

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party,

Plaintiff,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

DECLARATION OF JANEL TUCEK

WESTERN NATIVE VOICE, Montana Native
Vote, Blackfeet Nation, Confederated Salish
and Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

I, Janel Tucek, state and affirm that the following statements are true and correct to the
best of my knowledge:

1. I am over 18 years old. I reside in Fergus County, Montana. I make this
declaration based on my personal knowledge and experience.

2. I have been the Clerk and Recorder, and the Election Administrator, for Fergus
County, Montana, since February 2021. Before that, I was the Clerk and Recorder in Petroleum
County, Montana, from July 2017 until January 2021.

3. I have not yet administered a poll election in Fergus County as the elections since January 2021 have been mail ballot elections, but I have administered poll elections in Petroleum County and will administer a poll election in June 2022.

4. The Fergus County Clerk and Recorder's Office is staffed by two people, myself and a Deputy Clerk. We are responsible for handling all election related processes as well as all of the other duties required of a Clerk and Recorder. In my tenure as Clerk and Recorder, Fergus County has not hired additional employees to administer elections. Instead, the Deputy Clerk and I put in extra hours and work weekends to make sure elections are administered correctly.

5. In my experience, administering elections is a year-round and continuing process. Election-related work is not limited to the weeks surrounding election day. We process voter registrations all year and send out election related mailings year round. For example, roughly two weeks ago we sent out our second notice to voters regarding address changes in connection with voter registration. We process registration changes from the Montana Department of Motor Vehicles on a weekly basis. Processing these changes requires that either me or the Deputy Clerk update the voter registration information in the election system and send voter confirmation cards to the individual.

6. Because of the importance of voting, I spend time double checking registrations to make sure the information is correct. For example, Fergus County has approximately 8,000 registered voters. I recently reviewed the records of these individuals and found approximately five voters that did not have a valid signature on file. I then sent letters to each of these individuals to correct this issue.

7. All of these year-round election related duties are in addition to my regular job duties as Clerk and Recorder.

8. The election-related workload in my office increases as an election day draws near. We must order supplies, produce information to the Secretary of State's office, and gather materials. Additionally, we design the ballot for each election approximately two months before election day. As election day gets closer, we begin stuffing ballots, printing labels, and preparing mailing packets. We also begin training election judges and making sure they are adequately prepared for election day.

9. In the days before election day, we begin setting up the various polling locations and election centers. Each polling location has between three and five election judges, who must be trained, certified, and given the necessary supplies.

10. On election day, Fergus County has several different polling locations. There is a main polling location for Lewistown and satellite polling locations in Grass Range, Winifred, Roy, Denton, and Moore. These polling locations are primarily staffed by election judges because the Clerk and Records office must remain open on Election Day. Because we do not have the luxury of hiring additional election staff, if something occurs at these polling locations that the election judges cannot resolve, either myself or the Deputy Clerk must travel to the location to resolve the issue. And, because the Clerk and Recorder's office is still open for business on election day, whoever remains at the office must single-handedly conduct all election-related tasks while still performing regular job duties.

11. Having to register individuals to vote on election day takes away time from all of the other work, both election-related and non-election related, that we must complete. Ending

election day registration makes it easier to administer elections by allowing us to focus on processing votes, and managing issues from the various polling locations. This is important because, due to the increased scrutiny facing my office and our poll workers, many individuals who have worked on elections for years are retiring due to the added stress. The loss of this institutional knowledge makes administering elections much more difficult.

I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

2.11.2022 Lewistown MT
Date and Place

Janel Tucek
Janel Tucek

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

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official capacity as Montana Secretary of State*

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party,

Plaintiff,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

**DECLARATION OF MONICA
EISENZIMER**

WESTERN NATIVE VOICE, Montana Native
Vote, Blackfeet Nation, Confederated Salish
and Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

I, Monica Eisenzimer, state and affirm that the following statements are true and correct
to the best of my knowledge:

1. I am over 18 years old. I make this declaration based upon my personal knowledge
and experience. I reside in Flathead County, Montana.
2. I am the Clerk & Recorder Manager for the Flathead County Clerk and
Recorder's office. Since 2005 I have served as the manager over all Clerk & Recorder
Departments, including the Flathead County Election Office. As the Election Office Manager, I
oversee voter registration, ballot preparation, training of election judges and election assistants,
and other election-related tasks.

3. In addition to myself, the Election Office has two full time employees and one part time employee. During an election cycle, we hire four additional temporary part-time office staff to support increased workload. In addition to office staff, we also hire approximate 250 short-term staff to service as election judges, and members of our Count Board, Resolution Board and Absentee Ballot Processing Board.

4. During an election cycle, Election Office staff assist with the election process, interact with voters, and generally prepare for the day of the election.

5. The Elections Office begins to see a dramatic increase in workload beginning about 30-45 days before the day of an election. People begin to register to vote or update their voter registration and complete other procedures to ensure their ability to vote. The Elections Office also begins to handle many different requests. For example, some electors prefer to pick up their absentee ballots in person even though those ballots will be mailed to them.

6. The day before an election is particularly busy. The Election Office generally closes to the public at noon to prepare for election day. During this time, the Election Office staff prepare materials for polling places, assist election judges in preparing for election day, and arrange for the distribution of election equipment and ballots. The Election office is not only responsible for overseeing the activities occurring at the office, but provides support for 25 polling places and administers voted ballot processing and count procedures that occur at locations away from the office.

7. On election day, I usually start work around 4am or 5am. I begin my work day by driving to the polling places in my town to make sure they are set up correctly. I also usually check in on new election judges to make sure they are prepared and answer any questions they

might have. I arrive at the Elections Office usually at 7am. By that time, my staff has already arrived and is working to prepare for election day.

8. People are already in line to vote by the time we open the Election Office to the public at 7:00 am. There is usually a continuous line of 100 people or more until the polls close at 8pm.

9. Checking a voter's identification is usually a very quick process, but registering a new voter takes much more time. I estimate it takes between 5-10 minutes to process a new voter registration on election day. The individual has to fill out a voter registration form, and then a member of my staff must verify the information. Due to the amount of people attempting to vote in person on election day, and the limited staffing in our office, taking 5-10 minutes to register a new voter is difficult to do and adds to the stress of administering the election because it takes staff time away from other tasks.

10. Sometimes individuals have recently moved to Flathead County from elsewhere in Montana and need to update their voter registration. This process is even more time intensive than new voter registration because it requires that Election Office staff confirm the voter's information with the election administrator of whatever county the individual had moved from. Because all counties are busy on election day, processing this type of registration ends up impacting both counties because staff has to take time to verify the information in both counties.

11. Ending voter registration at noon the day before an election helps election administration. The Elections Office will still be very busy, but it will give me and my staff time to focus on the actual election and process ballots.

12. Also, ending voter registration at noon before the election day allows us to spend more time assisting individuals who have special circumstances preventing them from being able to vote in person. For example, we can spend time to allow individuals who are ill or in the hospital to be able to exercise their right to vote. If we are processing new registrations on election day, we simply do not have the time to help those individuals in the same way.

13. In previous elections, my office has not sent ballots to seventeen-year-olds who would turn eighteen during the late registration period preceding an election. Instead, we would require those individuals to obtain a ballot in person after they had turned eighteen.

I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

2/15/2022 Billings, MT

Date and Place

Monica R. Eisenzimer

Monica Eisenzimer

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

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Electronically Signed By: Dale Schowengerdt
Dated: 02-17-2022

IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native
Vote, Blackfeet Nation, Confederate Salish
and Kootenai Tribes, Fort Belknap Indian
Community, and Northern Cheyenne Tribe,

Plaintiffs,

Montana Youth Action; Forward Montana
Foundation; and Montana Public Interest
Research Group,

Plaintiffs,

v.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

**EXPERT DECLARATION OF
SCOTT E. GESSLER**

1. I have been asked to render an opinion on three topics:

a. The relative benefits and burdens resulting from Montana closing voter
registration at 12:00 noon on the day preceding election day.

b. The relative benefits and burdens of requiring university or college
students to present a government-issued form of identification in order to vote in
person.

c. The relative benefits and burdens of prohibiting individuals from receiving a pecuniary benefit for collecting voted ballots from voters.

Summary of Opinions

2. Montana's close of voter register at 12:00 noon on the day preceding election day provides substantial benefits, particularly for rural counties. By contrast, it imposes a minimal burden on those seeking to register to vote.

3. The requirement that university and college students show a government issued identification does not burden students, and it is an important election integrity measure that fosters confidence in elections.

4. By prohibiting individuals from receiving compensation for collecting voted ballots, Montana's law imposes little burden on voters, reduces opportunity for fraud, and fosters confidence in elections.

Education and Experience

5. As a general overview, I have litigated, administered, and taught election law for nearly two decades, wearing a number of different hats. I have litigated nearly every type of election law case from 2001 to the present, taught election law for seven years at the University of Colorado and University of Denver law schools, and served as Colorado's 37th Secretary of State from 2011 to 2015.

6. My education is as follows: I received a B.A. from Yale University, a J.D. from the University of Michigan Law School, and an M.B.A. from the J.L. Kellogg School of Management at Northwestern University. I also received a certificate for the Senior

Executives in State and Local Government at the Kennedy School of Government at Harvard University.

7. I served as the Colorado Secretary of State from January 2011 until January 2015. In Colorado, the Secretary of State serves as the state's chief election officer. In that capacity my responsibilities included: supervising the conduct of primary, general, congressional vacancy, and statewide ballot issue elections in Colorado; enforcement of the Colorado election code; interpretation of the election code and promulgation of statewide regulations; statewide coordination and compliance with all federal election laws, including the Voting Rights Act ("VRA"), the National Voter Registration Act ("NVRA"), the Help America Vote Act ("HAVA"), and the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"); training, review, and oversight of local countywide election officials and local election practices and procedures; maintenance and modifications to the statewide voter database and state voter registration systems, maintenance of the statewide voter rolls, testing and certification of voting equipment, implementation and enforcement of campaign finance laws, and development of election policies; development of statewide election legal strategy and responses to legal actions; and management of office personnel, policies, and procedures.

8. As Colorado Secretary of State, I implemented several new programs and initiatives involving the administration of Colorado's elections. These included:

- a. Participation in Election Registration Information Center ("ERIC") program, launched by the Pew Charitable Trusts. As Secretary of State, I evaluated the ERIC program and ensured Colorado was one of the very first states to join.

During my time Colorado served as one of the first states to use voter registration and driver's license matching to improve voter registration efforts, as well as improve the accuracy of voter rolls.

b. Development of a program to remove non-citizens from the voter registration rolls. During my time as Secretary of State, Colorado became the first state to match driver's license and voter roll information to identify potential non-citizens on the voter rolls, and Colorado and Florida were the first two states to obtain access to the Systematic Verification for Entitlements ("SAVE") program for purposes of maintaining voter rolls.

c. A re-evaluation and adjustment to Colorado's procedures for removing the names of deceased voters from the voter registration database. I launched this effort after my office discovered the names of numerous deceased voters on the voter rolls.

d. The expansion and rebuilding of online voter registration in Colorado, which enabled voters not only to register online but also to maintain their registration records online and remove their names from Colorado's voter rolls. To my knowledge, this system has been the most popular and heavily used system nationwide, from 2012 until the present. For this, Colorado was awarded the 2013 "State Technology Innovator Award" from the National Association of State Chief Information Officers.

e. The review of all election procedures and the implementation of process mapping to improve and refine statewide and local procedures for election

administration. This includes voter list maintenance and voter registration procedures and policies.

f. A complete rewriting and streamlining of Colorado's election regulations.

g. Implementation of Colorado's transition from in-person voting to a statewide vote-by-mail system. Prior to 2013, Colorado had an in-person voting system. In 2013 Colorado enacted a universal vote-by-mail system and starting in late 2013 Colorado election officials sent ballots by mail to active voters, all of whom had the opportunity to vote by mail. As Colorado's Chief Election Officer, I implemented the new legislation and oversaw Colorado's transition to an all-mail ballot state.

h. In response to new legislation, development of an online, statewide electronic poll book and real-time access to the statewide voter database, to allow election-day voter registration and voting throughout the state. Colorado developed this complete system overhaul in nine months, deployed and operated it flawlessly, and was the first state to deploy such a system.

i. Development of new online training programs for the public and for local election officials. For this program, Colorado won the 2014 "Ideas Award" from the National Association of Secretaries of State.

j. Development and implementation of the "Accountability in Colorado Elections" ("ACE") program, which provides online, interactive maps for election information, including voter registration statistics, registration by districts, voter turnout, election cost statistics, and county election activity and legal compliance

information. For this project, Colorado was a finalist for the 2016 “Ideas Award” from the National Association of Secretaries of State.

k. The launch and improvement of a statewide electronic delivery system for ballots to military and overseas civilian voters, which resulted in a substantial increase in military and overseas civilian voter turnout.

l. Development and direction of legal strategy, particularly with respect to election-related lawsuits under both state and federal law. As an example, I personally served as the office’s lead negotiator in responding to a threatened lawsuit that alleged noncompliance with Section 8 of the NVRA, due to inactive voters on the voting rolls. Based on the office’s response to the potential plaintiff’s concerns, the plaintiff decided not to pursue litigation.

9. I have worked as an attorney, primarily in the area of election law, from 2001 until 2011, and again from 2015 until the present. In this capacity I have represented candidates, parties, ballot issue committees, and independent groups in nearly all aspects of election-related activities. Further, I have litigated many types of election-related lawsuits, including voting rights, voting procedures, and voter registration issues.

10. I have taught Election Law for over five years as an adjunct professor at the University of Denver Law School, and I have previously taught Election Law at the University of Colorado Law School.

11. I have attended multiple conferences involving election operations, including conferences conducted by the National Association of Secretaries of State, the Pew Foundation, and the Heritage Foundation, among others.

12. I have been qualified as an expert, submitted expert reports, or been retained as an expert, in the following cases:

a. I was qualified as an expert and provided both deposition and trial testimony in *American Civil Right Union v. Snipes*, Case No. 16-cv-61474 (S.D. Fla., 2018). My testimony addressed the issue of whether the Broward County Supervisor of Election took reasonable steps to maintain the accuracy of the county voter rolls.

b. I submitted an expert report in *Jacobson v. Detzner*, Case No. 4:18-cv-00262-MW-CAS (N.D. Fla., 2018). I was asked to opine on whether alternating ballot styles for different precincts would create a substantially greater administrative burden than using the same ballot order for all precincts. That matter was resolved without requiring live testimony.

c. In September 2020 I submitted an expert report in *Martel v. Condos*, Case No. 5:20-cv-00131-GWC (D. Vt., 2020). In that case my report addressed whether Vermont's plan to send a mail ballot to every active registered voter will create an unacceptably large risk of fraud and mistake, which could result in disenfranchisement or vote dilution. The court relied upon my report, did not seek live testimony, and resolved the matter at the preliminary injunction stage.

d. In October 2020 I submitted an expert report in *Public Interest Law Foundation v. Boockvar*, Case No. 1:20-cv-01905 (M.D. Penn. 2020). My report addressed the issue of whether the Pennsylvania Secretary of State took reasonable steps to remove dead voter names from the state voter rolls. That case was dismissed without requiring testimony from me.

e. In November 2020 I submitted an expert report in *Law v. Witmker*, 20-OC-001631B (Nev. Dist. Ct. 2020). My report addressed whether the State of Nevada could be confident that the election results accurately identified the winner for president, based on that state's implementation of a new, statewide mail-in ballot system.

f. In December 2020 I submitted an expert report in *Georgia Republican Party v. Raffensperger*, 1:20CV5018 (N.D. Ga). My report addressed the state of Georgia's signature verification program prior to the January 5, 2021, U.S. Senate runoff election. Specifically, my report addressed whether Georgia's program was likely to ensure that only eligible voters cast ballots.

13. My rate for this matter is \$400 per hour.

Documents and Materials Relied Upon

14. Much of my analysis is based on personal experience and involvement in elections at many levels, over the course of two decades. At the same time, I reviewed and used the following materials and documents in preparing this report:

a. Pleadings:

i. *Complaint, Montana Youth Action et al. v. Christi Jacobsen*, Montana Thirteenth Judicial District Court, Yellowstone County, Cause No. DV 21-1097, September 9, 2021.

ii. *Complaint for Declaratory and Injunctive Relief, Western Native Voice v. Christi Jacobsen*, Montana Thirteenth Judicial District Court, Yellowstone County, Cause No. DV 21-0560, May 17, 2021.

- iii. *First Amended Complaint, Montana Democratic Party et al. v. Christi Jacobsen*, Montana Thirteenth Judicial District Court, Yellowstone County, Cause No. DV 21-0451, May 14, 2021.
 - b. Declarations:
 - i. *Declaration of Eric Semerad, Montana Democratic Party et al v. Christi Jacobsen*, Montana Thirteenth Judicial District Court, Yellowstone County, Consolidated Case No. DV 21-0451, January 12, 2022.
 - ii. *Declaration of Bradley Seamon, Montana Democratic Party et al v. Christi Jacobsen*, Montana Thirteenth Judicial District Court, Yellowstone County, Consolidated Case No. DV 21-0451, January 12, 2022.
 - iii. *Declaration of Doug Ellis, Montana Democratic Party et al v. Christi Jacobsen*, Montana Thirteenth Judicial District Court, Yellowstone County, Consolidated Cause No. DV 56-2021-451, February 8, 2022.
 - iv. *Declaration of Janel Tucek, Montana Democratic Party et al v. Christi Jacobsen*, Montana Thirteenth Judicial District Court, Yellowstone County, Consolidated Cause No. DV 56-2021-451, February 11, 2022.
 - v. *Declaration of Monica Eisenzimer*, Montana Thirteenth Judicial District Court, Yellowstone County, Consolidated Cause No. DV 56-2021-451, February 11, 2022.
 - c. Published papers and articles
 - i. Enrico Cantoni and Vincent Pons, *Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018*, pp. 1-2, National

Bureau of Economic Research (Revised May 2021), available at https://www.nber.org/system/files/working_papers/w25522/w25522.pdf (last accessed Feb. 10, 2022).

ii. Governmental Accountability Office report GAO-16-620, *Issues Related to Registering Voters and Administering Election*, p. 90 (Governmental Accountability Office 2016).

iii. Burden, et. al. *The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections*, p. 11 (Pew Center for Charitable Trusts, 2009).

iv. Benjamin Highton, *Voter Identification Laws and Turnout in the United States*, p. 149 (Annual Review of Political Science, 2017).

v. *Costly, Inaccurate and Inefficient* (Pew Center on the States, 2012) available at https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2012/pewupgradingvoterregistrationpdf.pdf, (last accessed February 15, 2022).

vi. *Critical Condition*, (Public Interest Legal Foundation, 2020), available at https://publicinterestlegal.org/pilf-files/Report-Critical_Condition-Web-FINAL-FINAL.pdf, (last accessed February 15, 2022).

vii. Michael Graff and Nick Ochsner, *This Smacks of Something Gone Awry, A True Tale of Absentee Vote Fraud*, Politico Magazine (Nov. 29, 2021), available at <https://www.politico.com/news/magazine/2021/11/29/true->

[tale-absentee-voter-fraud-north-carolina-523238](#) (last accessed February 16, 2022).

d. Web sites:

i. National Council of State Legislators, *Voter Registration Deadlines*, <https://www.ncsl.org/research/elections-and-campaigns/voter-registration-deadlines.aspx>. (last accessed February 15, 2022)

ii. National Council of State Legislators, *Voter ID Laws*, available at <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx> (last accessed February 15, 2021).

iii. National Council of State Legislators, *Ballot Collection Laws*, available at <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-10-who-can-collect-and-return-an-absentee-ballot-other-than-the-voter.aspx> (last accessed February 15, 2021).

iv. Montana State University, *About Us*, available at <https://www.montana.edu/marketing/about-msu/> (last accessed February 15, 2022).

e. Legal authority

i. Montana Code Annotated § 13-2-304(1)(a).

ii. Montana Code Annotated § 13-13-114.

iii. *Kuhn v. Williams*, 418 P.3d 478, 482 (Colo. 2018).

iv. HB 176, 67th Mont. Legis. (Apr. 9, 2021).

v. HB 506, 67th Mont. Legis. (May 4, 2021).

- vi. HB 530, 67th Mont. Legis. (May 4, 2021).
- vii. SB 169, 67th Mont. Legis. (Apr. 12, 2021).

Opinion

A. Montana’s close of voter register at 12:00 noon on the day preceding election day provides substantial benefits, particularly for rural counties. By contrast, it imposes a minimal burden on those seeking to register to vote.

15. As described in the complaints filed in this case, under Montana law an elector can register up until noon, the day before election day. Specifically, “[a]n elector may register or change the elector’s voter registration information . . . and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector’s voter registration information prior to noon the day before the election.¹ I refer to this as Same Day Registration (“SDR”), because an elector can both register and vote at the same time. Election Day Registration (“EDR”) is essentially a variant of SDR – namely, a person can register and vote on the same day, up to and including election day.²

16. Moving SDR away from election day provides substantial administrative benefits, compared to EDR. Most importantly, it provides election administrators and workers adequate time to process voter registration applications. In my two decades of involvement in elections, election day is by far the busiest day of the election cycle. Even

¹ Mont. Code Ann. § 13-2-304(1)(a).

² These definitions are not universally agreed upon. For example, one study defined EDR as registration on election day only and defined SDR to mean early registration and voting prior to, but not on, election day. Burden, et. al. *The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections*, pp. 3-3 (Paper presented to the Pew Center for Charitable Trusts, 2009).

with a very large percentage of voters choosing to vote by mail and early voting, election day still sees the largest surge of voters and activity. Colorado provides a good comparison, because prior to July 2013 approximately 80% of all Colorado voters voted by mail – similar to current percentages in Montana.³

17. Election day is busy. Very busy. Workers must check in voters, give them ballots, provide a space to vote, and collect voted ballots. They must assist electors and provide provisional ballots in certain instances. They often have to troubleshoot problems, ranging from voter registration issues to election worker mistakes, to power outages, to machine breakdowns. And they must count and report votes — all under intense scrutiny. In my experience, the challenges and workload faced by Doug Ellis, Janel Tucek, and Monica Eisenzimer are shared by the vast majority of election administrators. The challenges confronting election administrators was best captured by a county election director who once told me “Any election you can walk away from is a good election.”

18. Processing voter registrations takes substantial time per voter. And a relatively small number of election registrations can bog down an office and dramatically increase wait times for in-person voters.

19. Rural counties in particular face challenges registering voters on busy election days. Unlike larger counties, rural counties normally have very limited election staff to handle the election-day surge in activity, and they don’t have the flexibility to shift staff from other sections of the office to election.

³ In 2013 Colorado changed its law to send ballots to all active, registered voters. This has increased the percentage of voters who vote by mail.

20. Reducing the heavy workload and stress by setting a voter registration deadline before election day reduces the wait times for voters on election day. Long wait times often leave voters frustrated and disdainful of election administration competence, and it is not unusual for voters to leave a polling place (sometimes due to necessity) because of long wait times. That is why election administrators work so hard to reduce wait times on election day. But even with a large percentage of voters voting by mail, EDR can dramatically increase wait times for in-person voters.

21. And reducing election day work volume also reduces confusion and mistakes. Human endurance has its limits. And when election workers must work very long hours – often approaching 18-hour days – under stressful conditions, they are more likely to make mistakes. Add to this that election volunteers tend to be older, often retired citizens, and it becomes important to ensure that the overall workload on election day is manageable. Indeed, one review of the academic literature concluded that “Implementing same day registration can have cost implications,” including longer lines and confusion.⁴

22. Lastly, EDR makes it more difficult to predict and handle traffic volume, even for those counties that can train additional personnel for election day activities. In my view, the factors that most affect voter turnout – interest in an election and get-out-the-vote efforts – are entirely outside an election administrator’s control, and often very unpredictable. EDR is less predictable than turnout based on prior registration, because existing registrations or existing mail ballots don’t provide as good of a framework for

⁴ Governmental Accountability Office report GAO-16-620, *Issues Related to Registering Voters and Administering Election*, p. 90 (Governmental Accountability Office 2016).

predicting turnout. Further, surges in the number of election day registrations have a much greater effect than swings in turnout, because the time needed to register a voter is much greater than the time needed to help a voter to cast a ballot. For this reason, election administrators are sometimes caught off-guard by unexpected surges in turnout, and new registrations in particular can exacerbate wait times, error rates, and reporting delays. A jurisdiction may not have any problems one election cycle – yet face substantial problems the next.

23. Compared to other states, Montana has a relatively liberal registration deadline. Thirty states have voter registration deadlines 11 and 30 days before election day.⁵ Eighteen states and the District of Columbia allow EDR,⁶ and one state (North Dakota) has no registration at all.⁷

24. Much of the academic literature indicates that EDR increases turnout by an average of five percent. But many of these studies compare EDR to a 30-day registration deadline and do not reflect the difference between EDR and Montana's SDR deadline one day before election day.

⁵ The 30 states are: Alabama, Alaska, Arizona, Arkansas, Florida, Delaware, Georgia, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia. All state survey information is drawn from the National Council for State Legislatures, available at: <https://www.ncsl.org/research/elections-and-campaigns/voter-registration-deadlines.aspx>.

⁶ *Id.* The 19 jurisdictions are: California, Colorado, Connecticut, District of Columbia, Hawaii, Idaho, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, Nevada, New Hampshire, Utah, Vermont, Washington, Wisconsin, Wyoming.

⁷ *Id.*

25. As a general matter, EDR is convenient for voters in two ways. First, it allows a voter to both register and vote at the same time. Registering and voting in one transaction is more convenient than registering at one time (either by mail or in person) and then voting another time. In this way, SDR and EDR are exactly the same. Both allow a voter to register and vote in the same transaction.

26. Second, EDR allows a voter to delay registering until the close of polls on election day. In this manner, EDR states are substantially different than states that have registration deadlines weeks in advance of election day. But Montana's registration day deadline is very close to election day, and as a result the convenience provided by EDR is only slightly greater than the convenience afforded by Montana's SDR deadline the day before election.

27. How much of a difference does that one day difference make? This is uncertain. But on balance the difference for turnout is likely low.

28. As a general matter, studies on the effects EDR have on voter turnout tend to show a positive effect, but not always. In 2016 the Governmental Accountability Office reviewed 31 studies analyzing SDR or EDR or both. Of those 31 studies, 21 showed SDR or EDR (depending on the study) increased voter turnout, three found mixed results, and nine found that SDR or EDR did not increase turnout.⁸ On one end of the spectrum, two studies showed that EDR increased turnout by 8.7% and 7.3%, compared to a registration deadline 30 days before the election. This comparison differs substantially from Montana's SDR

⁸ GAO report GAO-16-620 "Issues Related to Registering Voters and Administering Election, p. 88 (GAO 2016).

deadline of one day before the election. Other studies showed smaller increases – a 4.5% and 2% increase in presidential and midterm elections, respectively. Probably the strongest study looked at turnout in Wisconsin, which compared municipalities that implemented EDR with those that did not, both during the same election. That study showed that EDR produced a 3% increase.⁹

29. Another study analyzed the effect of SDR (defined as allowing registration and voting, but not on election day) in the 2008 general election and concluded that the length of time the SDR “window” was open greatly impacted voter turnout. According to that study, increasing the window length by 12 days increased turnout by 3.5 points. A crude extrapolation of this number would indicate that Montana’s 29-day SDR window — up until the day before the election — would produce slightly more than a 7% increase in voter turnout.¹⁰ This increase in turnout is similar to the same study’s conclusion that EDR (defined as registration and voting on election day only) increased turnout by nearly 7%.¹¹ This is a crude comparison, and the study did not compare a system like Montana’s to an EDR system. Nonetheless, it indicates that Montana’s SDR registration deadline and EDR likely have very a similar affect on turnout.

30. Lastly, in my view the primary drivers of voter turnout are: (1) voter interest in the election and (2) private get-out-the-vote efforts. For example, voter turnout in

⁹ GAO study, 88-89.

¹⁰ Burden, et. al. *The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections*, p. 11 (Pew Center for Charitable Trusts, 2009).

¹¹ *Id.* at 25, 27.

presidential elections is always greater than midterm elections, because voters are more interested in the presidential contest, and accordingly more motivated to vote. This is a consistent pattern, regardless of voter registration deadlines, early voting, voter identification requirements, or a host of election regulations. Indeed, 2020 broke turnout records, in part because many voters were highly motivated to vote for or against President Trump.

B. The requirement that all voters, including university and college students show a government issued identification does not burden students, and it is an important election integrity measure that fosters confidence in elections.

31. Voter identification varies greatly from state to state. Like 16 other states, Montana requires photo identification.¹² Eighteen states require non-photo identification,¹³ and the remainder do not require any identification. Analysts generally characterize identification requirements as “strict” (voters without acceptable identification must vote on a provisional ballot and also take additional steps after Election Day for it to be counted) or “non strict” (at least some voters without acceptable identification have an option to cast a ballot that will be counted without further action on the part of the voter). According to this categorization, Montana has “non strict” identification requirements, like 23 other states.¹⁴

¹² The 16 other states are Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Michigan, Mississippi, Montana, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin. National Council of State Legislators, *Voter ID Laws*, available at <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>.

¹³ *Id.* The 18 states are Alaska, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Iowa, Kentucky, Missouri, New Hampshire, North Dakota, Oklahoma, Utah, Virginia, Washington, West Virginia, and Wyoming.

¹⁴ *Id.*

32. It is well established that voter identification requirements do not reduce turnout or create undue burdens. The most comprehensive study available analyzed individual registration and turnout records, nationwide, from 2008 to 2018. After analyzing over 1.6 billion records, the report concluded that “we find that strict ID laws have no significant negative effect on registration or turnout, overall or for any subgroup defined by age, gender, race, or party affiliation.”¹⁵ This study also comports with a 2017 study that reviewed a number of studies analyzing the effects of voter identification laws and concluded that a “small number of studies have employed suitable research designs and generally find modest, if any, turnout effects.”¹⁶ Both studies strongly support the conclusion that Montana’s non strict photo identification laws do not unduly burden voters or reduce voter turnout.

33. Nonetheless, the plaintiffs in this case argue that Montana’s voter identification laws unduly burden college and university students, because Montana requires “a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector’s name and current address” in addition to “school district or postsecondary education photo identification.”¹⁷

¹⁵ Enrico Cantoni and Vincent Pons, *Strict ID Laws Don’t Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018*, pp. 1-2, National Bureau of Economic Research (Revised May 2021), available at https://www.nber.org/system/files/working_papers/w25522/w25522.pdf (last accessed Feb. 10, 2022).

¹⁶ Benjamin Highton, *Voter Identification Laws and Turnout in the United States*, p. 149 (Annual Review of Political Science, 2017).

¹⁷ Mont. Code Ann. § 13-13-114 (1)(a)(ii).

34. In my experience, this burden is speculative and very unlikely. University and college students in particular are bright and capable, have well-developed executive functioning skills, and have adequate resources to obtain identification. First, they have the financial capability to spend thousands – often tens of thousands – of dollars per year on tuition, room, and board. This means they also have the resources necessary to obtain identification. It also means that they are familiar with and use financial institutions. For example, it is difficult to conceive that university and college students cannot obtain a bank statement. Second, they are a highly mobile population, and an overwhelming majority drive or have driver’s licenses – which serve as a primary form of identification for voting.¹⁸ Third, they have the sophistication, intellectual capability, and executive functioning skills to navigate the requirements to obtain identification, such as a driver’s license, a government document showing their address, or a passport. If any group is capable of obtaining identifying documents, it is students. Fourth, they attend school at universities or colleges, which themselves are population centers that provide access to substantial resources. For example, campuses are well-served by the U.S. Postal Service, making it easy for a student to register or vote by mail – neither of which requires a government-issued identification at all.

35. In contrast to the minimal burdens placed on students, the requirement that students show a “government document that shows the elector’s name and current address” along with their student identification is critical to enforcing residency requirements and ensuring that aspect of election integrity.

¹⁸ Mont. Code Ann. § 13-13-114 (1)(a)(i).

36. To begin, students are a highly mobile population, concentrated in small geographical areas. And usually only a very small minority of students are actually residents of the political jurisdiction where they are housed. For example, Montana State University has 16,766 students, only 7,742 of whom are Montana residents.¹⁹ Furthermore, it seems likely that a very large percentage of students attending Montana State University are not residents of Bozeman, but rather are residents of other towns and cities in Montana.

37. Without a document showing a student's address, it is exceedingly easy for a student to improperly claim residency in the local jurisdiction and illegally vote there. For example, absent the recent change in Montana law a student could register to vote using the last four digits of his or her social security, improperly claim local residence, and then vote using only a student identification card.

38. At the same time, it is nearly impossible to enforce residency voting requirements for out-of-state or out-of-jurisdiction students. First, it is extremely difficult to detect when a student improperly claims residence and improperly votes in the local jurisdiction. Students themselves are unlikely to confess to improper voting, and universities and colleges are often unwilling to or prohibited from handing over student information to an election official who wants to generally investigate students for possible voter fraud. And that election official would immediately face public outcries of voter suppression and likely face a lawsuit.

¹⁹ Montana State University Web, *About MSU*, available at <https://www.montana.edu/marketing/about-msu/>

39. Second, residency laws themselves are exceptionally difficult to enforce because they are ambiguous and rely heavily on the voter's professed intent. Under Montana law, "the residence of an individual is where the individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning."²⁰ As someone who has litigated multiple residency cases under Colorado's nearly identical residency statute, I can state that enforcement is incredibly resource-intensive and difficult. For example, in *Kuhn v. Williams*, an administrative judge found that a petition circulator was a Colorado resident while circulating petitions, because he professed an intent to return to live in Colorado — even though that circulator's business was in California, he owned a home in California where he lived with his wife and children, he was registered to vote in California, he paid taxes in California, he testified in court by telephone because he was closing on a house in California, and he bought a round-trip plane ticket for the 11 days he spent in Colorado circulating petitions.²¹ It required a trip to the Colorado Supreme Court to overturn the administrative judge's decision. This is but one example of the difficulties inherent in enforcing residency laws, when a voter merely declares that he or she intends to stay at a particular address.

40. For these reasons, prevention is critical. And requiring a government document showing an address — in addition to a student identification card — helps prevent illegal voting in the local district. To be sure, this requirement does not eliminate the possibility for residency fraud. A student can vote by mail, which does not require a

²⁰ Mont. Code Ann. § 13-1-112(1).

²¹ *Kuhn v. Williams*, 418 P.3d 478, 482 (Colo. 2018).

government document showing residency. Or a student can use a temporary address for banking, thus producing bank statements with the local address. But requiring a government document showing an address, along with a student identification, is a step in the right direction.

41. Finally, requiring university or college students to produce identification in addition to a student identification card increases voter confidence in elections. Student voting at college campuses is often controversial because many voters suspect and resent transient students who insincerely declare a local residence in order to affect local races. Having been a local candidate in Boulder, Colorado (home of the University of Colorado), I encountered many local residents who expressed frustration and anger directed toward university student voters. For this reason, requiring university or college students to provide other identification fosters confidence and faith in elections, especially among local residents.

C. By prohibiting individuals from receiving compensation for collecting voted ballots, Montana’s law imposes little burden on voters, reduces opportunity for fraud, and fosters confidence in elections

42. Under Section 2 of HB 530, the Secretary of State must adopt a rule by July 1, 2022, that prohibits a person providing, offering to provide, or accepting “a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots.”²² In effect, Montana has prohibited paid ballot collectors, subject to certain exceptions such as election administrators or postal service employees.

²² HB 530, 67th Mont. Legis. (May 4, 2021).

43. Before evaluating the burdens and benefits of this prohibition, it makes sense to understand overall framework of restrictions placed on ballot collectors:

a. First, Montana does not place any restriction on who may collect a ballot, unlike 17 other jurisdictions. Alabama, Pennsylvania, and Wisconsin, for example, only allow the voter to return a ballot, and Virginia only allows a voter to return a ballot in person. And thirteen other states do not prohibit ballot collection, but nonetheless restrict who can collect ballots.²³

b. Second, Montana does not limit the number of ballots any one person may collect during an election, in contrast to seven other jurisdictions that do have such limits. These include: Arkansas (2); Colorado (10); Louisiana (1, unless an immediate family member); Minnesota (3); Nebraska (2); New Jersey (3, but 5 for immediate family members); and West Virginia (2).²⁴

c. Third, unlike Montana a number of states place unique restrictions on ballot collectors, such as Oregon (only an election official may collect ballots within 100 feet of an official ballot collection site). And a handful of states place time

²³ This includes Arizona (family or household member or caregiver), Connecticut (immediate family member or designated caregiver), Georgia (extended family member, household member, caregiver, or detention facility employee for incarcerated voters), Indiana (household member or designated attorney), Kentucky (family or household member or caregiver), Massachusetts (family member), Missouri (family member within second degree of consanguinity), New Hampshire (family or designated care facility staff), New Mexico (family member or caregiver), North Carolina (near relative or verifiable legal guardian), Ohio (family member), Oklahoma (voter's spouse), and Texas (second degree family member or household member). National Council of State Legislators, *Ballot Collection Laws*, available at <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-10-who-can-collect-and-return-an-absentee-ballot-other-than-the-voter.aspx>.

²⁴ *Id.*

restrictions on ballot collection, such as Nevada (authorized ballot collector must return ballot within three days).²⁵

d. Lastly are regulations limiting compensation for ballot collectors. Here, Montana is the most restrictive, although two other states restrict compensation; California (no compensation based on number of ballots), and South Carolina (no paid candidate campaign staff).²⁶ Notably, Montana's prohibition on pecuniary benefits for ballot collection is Montana's only restriction on ballot collection.

44. When looking at the various types of restrictions other states have placed on ballot collectors, Montana's restrictions are relatively modest. Montana does not limit who may collect ballots, does not limit how many ballots any one person may collect, does not impose any unusual restrictions, and does not limit the amount of time a ballot collector has to return ballots – provided ballot collectors do not receive compensation for collecting ballots. So in many aspects, Montana regulates ballot collection significantly less than many other states.

45. Because Montana does not restrict who may collect ballots, how many ballots may be collected, or when ballots must be returned, the state offers many avenues for ballot collection. Indeed, the Montana Democratic Party seems to recognize this, because the individual plaintiff in its lawsuit, Mr. Bohn, averred that “Because of his mobility issues, Mr. Bohn has regularly given his absentee ballot to his parents to return on his behalf.” Thus,

²⁵ *Id.*

²⁶ *Id.*

Mr. Bohn has successfully and conveniently voted despite his mobility challenges, and despite not using a paid ballot collector.

46. For these reasons, Montana's general prohibition on paid ballot collection places minimal burdens on voters who want someone else to deliver their ballot for them.

47. With respect to Montana's interest in prohibiting paid ballot collectors, the prohibition also serves important anti-fraud purposes. Collecting ballots in exchange for money adds a profit motive to this aspect of the voting process; ballot collectors are compensated (in part or in whole) for their ability to find and collect ballots, and this creates a financial motive for individuals to collect as many ballots as possible.

48. Unfortunately, a ballot collector's financial interest in maximizing ballot collection also creates a temptation to cut corners or perhaps blatantly violate the law. For example, a collector may pressure a voter to hand over or immediately fill out a ballot before the voter is ready to choose which candidates to support. And a ballot collector has a financial motive to take a discarded ballot that a voter does not intend to vote, fill out that ballot, and then turn it in. Even if a ballot is ultimately rejected due to a missing signature or a signature mismatch, the collector gets paid for turning in the ballot, and it is well-nigh impossible to trace an omitted or forged ballot signature to the ballot collector.

49. Security weaknesses in the ballot collection process have opened the door to election fraud in the ballot collection process, most notably in the North Carolina during the 2018 midterm congressional elections.²⁷

²⁷ See Michael Graff and Nick Ochsner, *This Smacks of Something Gone Awry, A True Tale of Absentee Vote Fraud*, Politico Magazine (Nov. 29, 2021), available at

50. In addition, state voter rolls – including Montana’s – contain a large number of inaccurate voter registrations.²⁸ Often many ballots are delivered to an address where the voter no longer resides. This can, for example, result in discarded ballots or undelivered ballots in public spaces of multifamily housing, which again may tempt a paid ballot collector to maximize the number of collected ballots through illicit means.

51. The temptation posed by payments to collect ballots are similar to the temptations posed by payments to collect signatures for ballot and candidate petitions. And unfortunately, signature collection fraud is not uncommon. Many states – including Colorado – have seen cases where paid signature collectors lie to voters or forge signatures to maximize the number of signatures they collect, and therefore increase their compensation.

52. To be sure, unpaid ballot collectors also have opportunities to pressure voters or violate absentee voting laws when collecting ballots. But payment to ballot collectors increases the temptation to cut corners, and it is reasonable for Montana to prohibit compensation in order to reduce the likelihood of undue pressure on voters or actual ballot collection fraud.

<https://www.politico.com/news/magazine/2021/11/29/true-tale-absentee-voter-fraud-north-carolina-523238> (last accessed February 16, 2022).

²⁸ See, e.g. *Costly, Inaccurate and Inefficient* (Pew Center on the States, 2012) available at https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pes_assets/2012/pewupgradingvoterregistrationpdf.pdf; *Critical Condition*, (Public Interest Legal Foundation, 2020), available at https://publicinterestlegal.org/pilf-files/Report-Critical_Condition-Web-FINAL-FINAL.pdf.

53. Like improper declarations of residency, enforcing laws governing absentee ballots during the collection process is difficult. As noted earlier, a ballot collector can collect a ballot, omit or even forge a signature, get paid for collecting the ballot, and never have the improperly-returned ballot traced back to him or her. Eliminating the financial incentives for misconduct helps prevent this type of behavior.

54. Finally, a very large number of commentators and voters use the provocative term “ballot harvesting” when referring to ballot collection. The widespread use of this term demonstrates the intense controversy caused by ballot “harvesting,” and many believe that permitting *any* ballot “harvesting” or “collection” inevitably leads to voter manipulation and election fraud. Unlike some states, Montana does not eliminate ballot collection altogether or restrict who may collect ballots. Meanwhile, the prohibition on compensation reduces the monetary incentives for ballot collectors to engage in misconduct, and therefore the provision helps foster confidence in elections.

Conclusion

For the reasons above, it is my opinion that Montana’s voting laws governing the registration deadline, voting identification, and ballot collection are reasonable, place minimal burdens on voters, and serve important state interests in protecting the integrity of elections and fostering voter confidence.

Dated: February 16, 2022.



Scott E. Gessler

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

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IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,

YELLOWSTONE COUNTY

Montana Democratic Party, Plaintiff, vs. Christi Jacobsen, in her official capacity as Montana Secretary of State, Defendant. Cause No.: DV-56-2021-451 Hon. Michael Moses
DECLARATION OF DOUG ELLIS

WESTERN NATIVE VOICE, Montana Native Vote, Blackfeet Nation, Confederated Salish and Kootenai Tribes, Fort Belknap Indian Community, and Northern Cheyenne Tribe, Plaintiffs, vs. Christi Jacobsen, in her official capacity as Montana Secretary of State, Defendant.

Montana Youth Action, Forward

Montana Foundation, and Montana

Public Interest Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity

as

Montana Secretary of State,

Defendant.

I, Doug Ellis, state and affirm that the following facts are true and correct to the best of my knowledge:

1. I am over 18 years old. I make this declaration based upon my personal knowledge and experience.

2. I served as the Treasurer, Clerk & Recorder, Superintendent of Schools and County Election Administrator for Broadwater County, Montana from approximately 2012 to 2021. I retired from these positions on December 31, 2021. However, I have been employed for Broadwater County Clerk and Records-

Treasurers Office since 2002. In these capacities, I worked in Broadwater County's election office for almost 20 years.

3. In my role as County Election Administrator, I helped to administer multiple elections for Broadwater County, including numerous statewide and federal elections including primaries, from approximately 2012 to 2020

4. In my experience, it is very challenging to run organized elections. Of all the county positions I have held, my role as a County Election Administrator is by far the most trying position.

5. Out of Montana's fifty-six county election offices, only a handful of county election offices in Montana's most populated counties have robust resources exclusively dedicated to election administration. In rural counties like Broadwater County, county election officials juggle overlapping duties.

6. There are many tasks for Election Administrators and poll workers to accomplish on Election Days. In Broadwater County, in addition to the duties associated with running an election, I also must attend to the duties associated with my other positions for the county, including recording deeds and surveys, sending out tax bills and collecting payments for those tax bills, processing driver's license receipts and motor vehicle title applications, license plates, and doing other regular office work.

7. Other county employees in the office are also pulled in to assist with running elections and pulled away from their ordinary duties for the county.

8. Because of its size, Broadwater County has very limited staff, which makes accomplishing all of these tasks on election days difficult and stressful. In fact, in addition to the tremendous workload required by administering our counties election, on most election days, our office maintains the responsibility to serve customers with nonelection related duties and services. Not to mention, required county administrative duties.

9. Running the election is a time intensive operation. Poll workers must be hired and trained prior to the election. It can be difficult to find poll workers in Broadwater County and then to get them trained in time for the election. There is a lot for poll workers to learn in an extremely short period of time.

10. On election day, we have numerous tasks to accomplish. During the 2020 presidential election, I started at 5:00 in the morning and worked until almost midnight. Other federal and statewide elections have been similar.

11. The tasks that we must accomplish on election day, even before voting begins, include preparing the voting equipment, running tests on the voting equipment to ensure they are reading ballots correctly, loading and taking the machines to the polling places, and swearing in election judges.

12. At polling places, election days are very busy, especially in statewide and federal general elections. Election workers are busy checking in voters, answering questions, managing lines, resolving issues with voting machines, and accepting ballots that are dropped off.

13. In certain cases, if a polling place within the county has an issue, me or one of my staff must travel to the polling place to address the issue, leaving the election office with even less staff.

14. When ballots arrive at the Clerk and Recorder's office, the ballots must be put into the system, the signatures on the ballots must be verified, the ballots counted, and election reports generated. If there are problems with signature verification of a voter, we must contact the voter to attempt to resolve the issue.

15. In my experience, election day registration complicates an already challenging day for election administrators and poll workers and adds to the burden election workers face in trying to run organized elections on election day.

16. Processing election day registrations for new voters or county-to-county changes adds a significant administrative burden to running an election on election day.

17. New voter registration takes much longer to accomplish than precinct-to-precinct registration changes or corrections to an existing registration. The voter's information must be input into the system, the voter's address verified, and the voter's precinct must be determined. With county-to-county changes, we must void the ballot from the prior county, verify the voter did not vote the ballot in the prior county and do all of the other tasks associated with inputting the voter's information into the system and registering the voter.

18. Even when we have a line of only 12 people wanting to register on election day, people can stand in line for an hour or more before we can get them through the voter registration process.

19. I believe voters in Broadwater County waited at least an hour to register and vote in the presidential election in 2020.

20. Voters have often complained to me about how long they waited in lines to vote. Ironically, it is usually the voters who want to register to vote on election day that complain the most about the lines.

21. Because processing new voter registrations takes so long, and because once such new voters are registered, they must take the time to vote, election day registrations substantially increase wait times for other voters waiting in lines to vote at the election office.

22. For the same reasons, election day registrations substantially delay our ability to tabulate and report election results.

23. I recall a voter showing up to be registered as late as 7:58 PM on election day in the 2020 presidential election. We had to wait for the voter to complete the voter registration process and vote. At the same time, we were trying to count the ballots and get the results to the state so that candidates can know who won the election.

24. Keeping ballots organized and ensuring they are counted correctly can be very challenging, especially when the process is disrupted as a result of needing to tend to other tasks, like voter registrations.

25. Based on my experience as an Election Administrator, I believe ending election day registration for new voter registrations will ease the administrative burden on election administrators, especially those in small counties like mine that operate with small staffs. It will afford election administrators more time to run organized elections on election day and allow administrators to focus primarily on voting on election day.

26. I also believe ending election day registration for new voters will substantially shorten lines at the election administrator's office, allowing county election officials additional time to focus on running the elections.

27. For these reasons, as an election administrator who has experience running numerous elections in Broadwater County, I supported and continue to support ending election day registration for new registrants.

28. Because I feel strongly about this issue, I testified in support of HB 176 during the legislative hearing on this bill.

29. I understand that HB 176 only ends election day registration for new registrants or those who have not updated their registration after moving to a new county in Montana. This makes sense to me because, as stated above, these types of voter registrations take significantly more time to process.

30. By law, the County is required to publish or broadcast information about voter registration deadlines at least three times in the four weeks preceding any election. In Broadwater County, we would publish information about voter registrations in the newspaper.

31. Each year, I would go to the Broadwater high school to teach high school students about the importance of voting and register the senior class to vote.

32. I am proud of this outreach to young voters.

33. In some cases, high school students would volunteer as poll workers in Broadwater County, which I have always believed is a great way for young people to learn about the voting process in this country and the challenges in running an election.

34. As an Election Administrator, I trained poll workers and other staff on what constituted an acceptable form of identification for voting. The law at that time was somewhat unclear on what constituted an acceptable form of voter identification. For instance, there was not a clear list of what constituted a primary form of identification. Also, it was unclear what the precise requirements were for secondary forms of identification. As a result, I fielded numerous questions from poll workers and other elections staff as to whether particular documents were acceptable forms of identification. I always felt that some clarity on these issues would make administering elections much easier.

I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

2/8/2022 Townsend, MT 
Date & Place Doug Ellis

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

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official capacity as Montana Secretary of State*

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party,

Plaintiff,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

**DEFENDANT'S EXPERT REPORT
OF SEAN P. TRENDE**

WESTERN NATIVE VOICE, Montana Native
Vote, Blackfeet Nation, Confederated Salish
and Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

I. Qualifications

Professional Experience:

I joined RealClearPolitics in January of 2009 after practicing law for eight years. I assumed a full-time position with RealClearPolitics in March of 2010. My title is Senior Elections Analyst. RealClearPolitics is a company of around 50 employees, with offices in Washington D.C. It produces one of the most heavily trafficked political websites in the world, which serves as a one-stop shop for political analysis from all sides of the political spectrum and is recognized as a pioneer in the field of poll aggregation. It produces original content, including both data analysis and traditional reporting. It is routinely cited by the most influential voices in politics, including David Brooks of *The New York Times*, Brit Hume of *Fox News*, Michael Barone of *The Almanac of American Politics*, Paul Gigot of *The Wall Street Journal*, and Peter Beinart of *The Atlantic*.

My main responsibilities with RealClearPolitics consist of tracking, analyzing, and writing about elections. I collaborate in rating the competitiveness of Presidential, Senate, House, and gubernatorial races. As a part of carrying out these responsibilities, I have studied and written extensively about demographic trends in the country, exit poll data at the state and federal level, public opinion polling, and voter turnout and voting behavior. In particular, understanding how different states choose to regulate elections, and the resulting effects that those laws have, is a critical component of my professional and academic endeavors.

Publications and Speaking Engagements:

I am currently a Visiting Scholar at the American Enterprise Institute, where my publications focus on the demographic and coalitional aspects of American Politics. I sit on the advisory panel for the “States of Change: Demographics and Democracy” project. This project is sponsored by the Hewlett Foundation and involves three premier think tanks: the Brookings Institution, the Bipartisan Policy Center, and the Center for American Progress. The group takes a detailed look at trends among eligible voters and the overall population, both nationally and in key states, to explain the impact of these changes on American politics, and to create population projections, which the Census Bureau abandoned in 1995. In 2018, I authored one of the lead papers for the project: “In the Long Run, We’re All Wrong,” available at <https://bipartisanpolicy.org/wp-content/uploads/2018/04/BPC-Democracy-States-of-Change-Demographics-April-2018.pdf>.

I am the author of *The Lost Majority: Why the Future of Government Is Up for Grabs and Who Will Take It*. In this book, I explore realignment theory and the interaction between demographic changes and legal regimes. It argues that realignments are a poor concept that should be abandoned. As part of this analysis, I conducted a thorough analysis of demographic and political trends beginning in the 1920s and continuing through the modern times, noting the fluidity and fragility of the coalitions built by the major political parties and their candidates.

I co-authored the 2014 *Almanac of American Politics*. The Almanac is considered the foundational text for understanding congressional districts and the representatives of those districts, as well as the dynamics in play behind the elections. PBS’s Judy Woodruff described the book as “the oxygen of the political world,” while NBC’s Chuck Todd noted that “[r]eal political junkies get two *Almanacs*: one for the home and one for the office.”

I have spoken on these subjects before audiences from across the political spectrum, including at the Heritage Foundation, the American Enterprise Institute, the CATO Institute, the Bipartisan Policy Center, and the Brookings Institution. In 2012, I was invited to Brussels to speak about American elections to the European External Action Service, which is the European Union's diplomatic corps. I was selected by the United States Embassy in Sweden to discuss the 2016 elections to a series of audiences there, and was selected by the United States Embassy in Spain to fulfil a similar mission in 2018. I was invited to present by the United States Embassy in Italy, but was unable to do so because of my teaching schedule.

Teaching Experience:

In the winter of 2018, I taught American Politics and the Mass Media at Ohio Wesleyan University. I taught Introduction to American Politics at The Ohio State University for three semesters from Fall of 2018 to Fall of 2019, and again in Fall of 2021. In the Springs of 2020 and 2021, I taught Political Participation and Voting Behavior at The Ohio State University. This course spends several weeks covering the academic literature surrounding many contemporary topics in voting rights law, including photographic identification laws, Election Day and same-day registration, and ballot collection efforts. I am teaching this course this semester as well.

It is my policy to appear on any major news outlet that invites me, barring scheduling conflicts. I have appeared on both Fox News and MSNBC to discuss electoral and demographic trends. I have been cited in major news publications, including *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *The Wall Street Journal*, and *USA Today*.

Education:

I received a Master's in Applied Statistics as part of my coursework. My coursework for my Ph.D. and M.A.S. included, among other things, classes on G.I.S. systems, spatial statistics, issues in contemporary redistricting, machine learning, non-parametric hypothesis tests and probability theory. I have completed my coursework and have passed comprehensive examinations in both methods and American Politics. I expect to receive my Ph.D. in May of 2022, and have filed my application to graduate. My dissertation focuses on applications of spatial statistics to political questions. I am currently a doctoral candidate in political science at The Ohio State university.

Prior Engagements as an Expert:

I previously authored an expert report in *Dickson v. Rucho*, No. 11-CVS-16896 (N.C. Super Ct., Wake County), which involved North Carolina's 2012 General Assembly and Senate maps. Although I was not called to testify, it is my understanding that my expert report was accepted without objection. I also authored an expert report in *Covington v. North Carolina*, Case No. 1:15-CV-00399 (M.D.N.C.), which involved almost identical challenges in a different forum. Due to what I understand to be a procedural quirk, where my largely identical report from *Dickson* had been inadvertently accepted by the plaintiffs into the record when they incorporated parts of the *Dickson* record into the case, I was not called to testify.

I authored two expert reports in *NAACP v. McCrory*, No. 1:13CV658 (M.D.N.C.), which involved challenges to multiple changes to North Carolina's voter laws, including the elimination of a law allowing for the counting of ballots cast in the wrong precinct. I was admitted as an expert witness and testified at trial. My testimony discussed the "effect" prong of the Voting Rights Act claim. My testimony involved an examination of the prevalence of state laws across the country, including testimony relating to photographic identification laws, early voting laws, election-day registration laws, restrictions on out-of-precinct voting, and pre-registration of 16-year-olds. I did not examine the issues relating to intent.

I authored reports in *NAACP v. Husted*, No. 2:14-cv-404 (S.D. Ohio), and *Ohio Democratic Party v. Husted*, Case 15-cv-01802 (S.D. Ohio), which dealt with challenges to various Ohio voting laws. I was admitted and testified at trial in the latter case (the former case settled). The judge in the latter case ultimately refused to consider one opinion, where I used an internet map-drawing tool to show precinct locations in the state. Though no challenge to the accuracy of the data was raised, the judge believed I should have done more work to check that the data behind the application was accurate. I examined the elimination of Ohio's same-day-registration period, the impact of having only one early voting center per county, and various regulations on absentee balloting.

I served as a consulting expert in *Lee v. Virginia Board of Elections*, No. 3:15-cv-357 (E.D. Va. 2016), a voter identification case. Although I would not normally disclose consulting expert work, I was asked by defense counsel to sit in the courtroom during the case and review testimony. I would therefore consider my work *de facto* disclosed.

I filed an expert report in *Mecinas v. Hobbs*, No. CV-19-05547-PHX-DJH (D. Ariz. 2020). That case involved a challenge to Arizona's ballot order statute. Although the judge ultimately did not rule on a motion in limine in rendering her decision, I was allowed to testify at the hearing.

I authored two expert reports in *Feldman v. Arizona*, No. CV-16-1065-PHX-DLR (D. Ariz.). Plaintiffs in that case challenged an Arizona law prohibiting the collection of voted ballots by third parties that were not family members or caregivers and the practice of most of the state's counties to require voters to vote in their assigned precinct. My reports and testimony were admitted. Part of my trial testimony was struck in that case for reasons unrelated to the merits of the opinion; counsel for the state elicited calculations while I was on the witness stand and it was struck because Plaintiffs were not able to provide a rebuttal to the new evidence.

I authored expert reports in *A. Philip Randolph Institute v. Smith*, No. 1:18-cv-00357-TSB (S.D. Ohio), *Whitford v. Nichol*, No. 15-cv-421-bbc (W.D. Wisc.), and *Common Cause v. Rucho*, NO. 1:16-CV-1026-WO-JEP (M.D.N.C.), which were efficiency gap-based redistricting cases filed in Ohio, Wisconsin and North Carolina.

I also authored an expert report in the cases of *Ohio Organizing Collaborative, et al v. Ohio Redistricting Commission, et al* (No. 2021-1210); *League of Women Voters of Ohio, et al v. Ohio Redistricting Commission, et al* (No. 2021-1192); *Bria Bennett, et al v. Ohio Redistricting Commission, et al* (No. 2021-1198). These cases were consolidated and are presently pending in original action before the Supreme Court of Ohio.¹

In 2019, I was appointed as the court's expert by the Supreme Court of Belize. In that case I was asked to identify international standards of democracy as they relate to malapportionment claims, to determine whether Belize's electoral divisions (similar to our congressional districts) conformed with those standards, and to draw alternative maps that would remedy any existing malapportionment.

I currently serve as the voting rights act expert to counsel for the Arizona Independent Redistricting Commission.

¹ I have only been excluded as an expert once, in *Fair Fight v. Raffensperger*, 1:18-CV-5391-SCJ (N.D. Ga.). The judge concluded that I lacked sufficient credentials to testify as an expert in election administration, in a case that largely deals with the training of poll workers.

In 2021, I served as one of two special masters appointed by the Supreme Court of Virginia to redraw the districts that will elect the commonwealth's representatives to the House of Delegates, state Senate, and U.S. Congress in the following decades.

II. Scope of Engagement

I have been retained by Crowley Fleck PLLP on behalf of their client, Defendant Christi Jacobsen, in her official capacity as Montana Secretary of State, to serve as an expert in the above-titled action and to evaluate the claims stated in the plaintiffs' complaints. I am being compensated at a rate of \$400.00 per hour to provide my expert analysis. My analysis is based on my experience as an elections analyst, my experience researching and teaching about the impact of U.S. election laws, and my review of the literature referenced in this report.

III. Summary of Opinions

- The political science literature finds a relationship between election-day registration and turnout, yet struggles to find a causal linkage between the two;
- Montana retains same-day registration during early voting, which should soften whatever impact there is to the elimination of election-day registration;
- Montana's elimination of election-day registration aligns it with the policies found in the majority of states;
- The literature on the impact of photographic identification laws on turnout is mixed, at best;
- This case is not about strict photographic identification laws, which have drawn the most attention in the literature; and
- Overall, voting in Montana remains easy.

IV. Analysis of Election-Day Registration Law

I have reviewed plaintiffs' complaints with respect to the elimination of election-day registration laws; again, same-day registration is still permitted for early voting in Montana. To the extent that plaintiffs rely upon the social science literature to support their contentions, there are two important contextual considerations for a court to consider.

First, the literature on the relationship between election day-registration and voter turnout is plagued with causal inference problems. It is true that election-day registration laws (and same-day registration laws) are frequently correlated with improvements in turnout. However, proving that the increased turnout in states that have election registration laws is *because* those states have election-day registration laws is a fraught endeavor at best.

The fundamental problem, and one that pervades social science, is that much of our understanding of behavior is derived from observational data. That is to say, the literature is often built upon non-experimental data over which the researcher cannot impose controls. This complicates the claims of causation. See Stephen L. Morgan & Christopher Winship, *Counterfactuals and Causal Inference: Methods and Principles for Social Science* 6 (2007) (“The challenges of using observational data to justify causal claims are considerable.”); Luke Keele & William Minozzi, “How Much is Minnesota Like Wisconsin? Assumptions and Counterfactuals in Causal Inference with Observational Data,” 21 *Pol. Analysis* 193, 209 (2013) (“Causal inference with observational data must invariably rely on strong untestable assumptions. . . . In general, we would argue that analysts should rely on a design-based inference. . . . Even with a design-based inference, much can go wrong. Such are the perils of trying to estimate causal effects with observational data.”); Susan Athey & Guido W. Imbens, “The State of Applied Econometrics, Causality and Policy Evaluation,” 31 *J. Econ. Persp.* 3, 3 (2017) (“The gold standard for drawing inferences about the effect of a policy is a randomized controlled experiment. . . . [But] a large share of the empirical work in economics about policy questions relies on observational data—that is, data where policies were determined in a way other than through random assignment. Drawing inferences about the causal effect of a policy from observational data is quite challenging.”)

The introduction of randomization as a means of avoiding confounding by R.A. Fisher, who is responsible for much of our modern understanding of statistics, has been described as “[p]erhaps the most important methodological idea in the last century.” See Gary King, “A Hard Unsolved Problem? Post-Treatment Bias in Big Social Science Questions,” Harvard University Institute for Quantitative Social Science (April 10, 2010), *available at* <https://gking.harvard.edu/files/gking/files/bigprobP.pdf>. For Fisher, “[r]andomization properly carried out . . . relieves the experimenter from the anxiety of considering and estimating the magnitude of the innumerable causes by which his data may be disturbed.” Nancy S. Hall, “R.A. Fisher and his Advocacy of Randomization,” 40 *J. Hist. Bio.* 295, 297 (June 2007). The problem is that a randomized experiment cannot always be conducted. States cannot, for example, be forced to implement election-day registration laws on a randomized basis. Even then, the lodestone for an observational study is an experiment; “[a]t the most elementary level, a well-designed observational study resembles, as closely as possible, a simple randomized experiment.” Paul E.

Rosenbaum, *Design of Observational Studies* 4 (2010). As noted, an experiment cannot be completely replicated, but “[e]ach step away from the experimental template is a step closer to the edge of an abyss.” *Id.* 353.

Political scientists have investigated this difficulty precisely in the context of election-day registration laws. This is because “Election Day registration . . . tends to be adopted by states with highly participatory populations (e.g., Idaho, Minnesota, and Wyoming).” Leighley & Nagler, *Who Votes Now?* (2013). Keele and Minozzi note that the strength of the conclusion one accepts regarding the relationship between election-day registration and turnout is dependent on the strength of the untestable assumptions that the researcher is willing to employ. As they note, based on long-standing literature, “political scientists are often willing to argue in publications such as the *New York Times* that if all states adopted EDR, turnout would increase nationwide,” despite the fact that “some work has cast doubt on whether EDR increased turnout in states like New Hampshire, Wyoming and Montana.” *Id.* at 199; Michael Hanmer, *Discount Voting: Voter Registration Reforms & Their Effects* (2009).

They ultimately conclude that approaches such as logistic regression analysis and difference-in-differences models do, in fact, yield positive estimates regarding the impact of election-day registration laws and turnout, but that these only provide credible causal estimates if one is willing to assume that everything is controlled for such as “the electoral college, specific statewide elections, political culture, or differences in other state election procedures, such as polling hours or absentee balloting.” *Id.* at 201. Thus “regression models do not account for why some states select into EDR treatment and other states do not.” *Id.* Using different approaches with either weaker assumptions or stronger attempts to find hidden confounders, however, lead the researchers to conclude that “the evidence for an EDR effect is not compelling once we probe for evidence of hidden confounders.” *Id.* at 202.

Nor has every study found an effect for election-day registration. A large-scale observational study of voting in the 2004 and 2008 elections found consistent positive effects for election-day registration, but some of these effects failed to reach traditional levels of statistical significance. See Barry C. Burden, et al., “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform,” 58 *Am. J. Pol. Sci.* 95, 101, 104 (2014). See also Leighley & Nagler, *Who Votes Now* (“Conversely, the effects of expansive reforms – such as motor voter registration, Election Day registration, and early voting – are modest and vary

considerably.”) *See also* Ikuma Ogura, “Does Election Day Registration Make a Difference? Evidence from Illinois” (2017), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3046101 (finding little to no effect on turnout from the adoption of election-day registration in Illinois).

Second, while Montana has eliminated election-day registration, it retains same-day registration during its (lengthy) early voting period. While most of the literature focuses on the impact of actual election-day registration on turnout alone, some states have allowed voters to simultaneously register and vote during the early voting period, but not on election day itself, i.e., same-day registration. The literature here is mixed, but some studies have detected positive effects from same-day registration laws under certain specifications. *Id.* at 104. This may serve to minimize the impact of the elimination of election-day registration laws, should such an impact exist.

Third, election-day registration remains the minority approach in the United States. As of this writing, only eighteen states and the District of Columbia (D.C. Stat. §1-1001.07) have some form of election-day registration: California (Cal. Elec. Code § 2170); Colorado (Col. Rev. Stat. § 1-2-217.7); Connecticut (Conn. Gen. Stat. §§9-19j); Hawaii (Haw. Rev. Stat. §§11-15.2); Idaho (Idaho Code §§34-408A); Illinois (10 I.L.C.S. 5/5-50); Iowa (Iowa Code Ann. §§39A.2, 48A.7a); Maine (21-A Maine Rev. Stat. §§112-A, 121-A, 122); Maryland (Md. Code Elec. Law §§ 3-305; 3-306); Michigan (Mich. Comp. Laws §168.497); Minnesota (Minn. Stat. Ann. §201.061); Nevada (Nev. Rev. Stat. §345); New Hampshire (N.H. Rev. Stat. §§ 654:7, 654:7-a); New Mexico (N.M. Stat. Ann. Ch.1 §1-4-8); Utah (Utah Code Ann. §20A-2-207); Vermont (17 Vt. Stat. Ann. §2144); Washington (Wash. Rev. Code §29A.08.140); and Wyoming (Wy. Stat. §22-3-104). *See also* <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>. Most states require individuals to complete their registration well before Election Day.

V. Analysis of Photo ID Law

Given theoretical literature about the relationship between the costs of voting and the decision to turn out, e.g., William H. Riker & Peter C. Ordeshook, “A Theory of the Calculus of Voting,” 62 *Am. Pol. Sci. Rev.* 25 (1968), one might expect that photographic identification laws would depress turnout. Indeed, this was likely the expectation of the original researchers of photographic identification laws.

But researchers have had a surprisingly difficult time identifying even correlations between photographic identification laws and turnout. Most research has found mixed, null or even negative effects regarding the imposition of photographic identification laws and turnout. *See, e.g.*, Jason D. Mycoff, Michael W. Wagner, & David C. Wilson, “The Empirical Effects of Voter-ID Laws: Present of Absent,” *PS* 121 (2009); R. Michael Alvarez, Delia Bailey & Jonathan N. Katz, “The Effect of Voter Identification Laws on Turnout,” California Institute of Technology Social Science Working Paper No. 1267R (2008); Jeffrey Milyo, “The Effects of Photographic Identification on Voter Turnout in Indiana: A County-Level Analysis,” (2007). Even those who have found an effect have tended not to find a racially discriminatory effect. *See* M.V. Hood III & Charles S. Bullock III, “Much Ado About Nothing? An Empirical Assessment of the Georgia Voter Identification Statute,” *State Pol. & Policy Quarterly* (2012); M.V. Hood III & Scott E. Buchanan, “Palmetto Postmortem: Examining the Effects of the South Carolina Voter Identification Statute,” *73 Pol. Rsrch. Q.* 492 (2020). But see Kyle Dropp, “Voter Identification Laws and Voter Turnout” (2013) (unpublished manuscript). A recent, large-scale study of laws from 2008-2018 likewise fails to find a relationship, Enrico Cantoni & Vincent Pons, “Strict ID Laws Don’t Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018,” *136 Quarterly Jrnl of Econ.* 2615 (2021); Bendik Emil Basberg, “The Effect of Voter ID Laws on Turnout: A Counterfactual Analysis,” Master Thesis (2021).

There are a number of plausible mechanisms for this. Some, such as Erikson & Minnite (2009) speculate that the effect is too small for modern statistical techniques to pick up the effect from the available data. *See* Robert S. Erikson & Lorraine Minnite, “Modeling Problems in the Voter Identification-Voter Turnout Debate,” *8 Election Law Jrnl.* 85 (2009). Others suggest that photographic identification laws engender a backlash, which in turn increases turnout. Nicholas A. Valentino & Fabian G. Neuner, “Why the Sky Didn’t Fall: Mobilizing Anger in Reaction to Voter ID Laws,” *38 Pol. Psych.* 331 (2017).

The third possibility is that laws simply do not always interact with individual decisions in the way we expect. This can be because of some other psychological effect – early voting laws are generally not correlated with an increase in turnout, perhaps because they decrease the effectiveness of mobilization efforts. Burden et al., *supra*. Or it can simply be that the surmised relationship between the cost of voting and decision to turn out overstates the degree to which people apply coldly rational decision-making to the choice of whether or not to turn out. It could

simply be that the decision to turn out is one made at the margins, and that relatively minor obstacles do not affect decision-making as we might expect. John Aldrich, “Rational Choice & Turnout,” 37 *Am. Jrnl. Pol. Sci.* 246 (1993). Regardless, the linkage between photographic identification laws and turnout is fairly weak.

Of course, this case is not even about photographic identification laws, which are not challenged. Instead, it is about a subset of photographic identification laws: student identification cards. Whatever weak linkage researchers have identified, we might expect it to be even weaker when it comes to this subset of identification.

Finally, although I am not convinced that voter fraud is a substantial problem in Montana, there is some evidence the photographic identification laws bolster confidence in elections. After all, even studies that are critical of photographic identification laws find these laws to be popular and effective in reducing fraud. (Atkeson et al. 2014; Stewart et al., 2016). A recent study from Kyle Endres and Costas Panagopoulos buttresses this. “Photo Identification Laws & Perceptions of Electoral Fraud,” *Research & Politics* (2021). Using a randomized study where some voters were informed about the existence of photographic identification laws, while others were not, the researchers find that information about the existence of these laws do reduce the perception of fraud.

VI. Claims About Reasons for Not Voting Can Not Be Taken Literally

In their Complaint, plaintiffs reference a poll from the Center for Information and Research on Civil Learning & Engagement claiming that a large segment of youth voters who did not vote in 2016 did so because of difficulty in registering, because of long lines, or because of inconvenient hours.

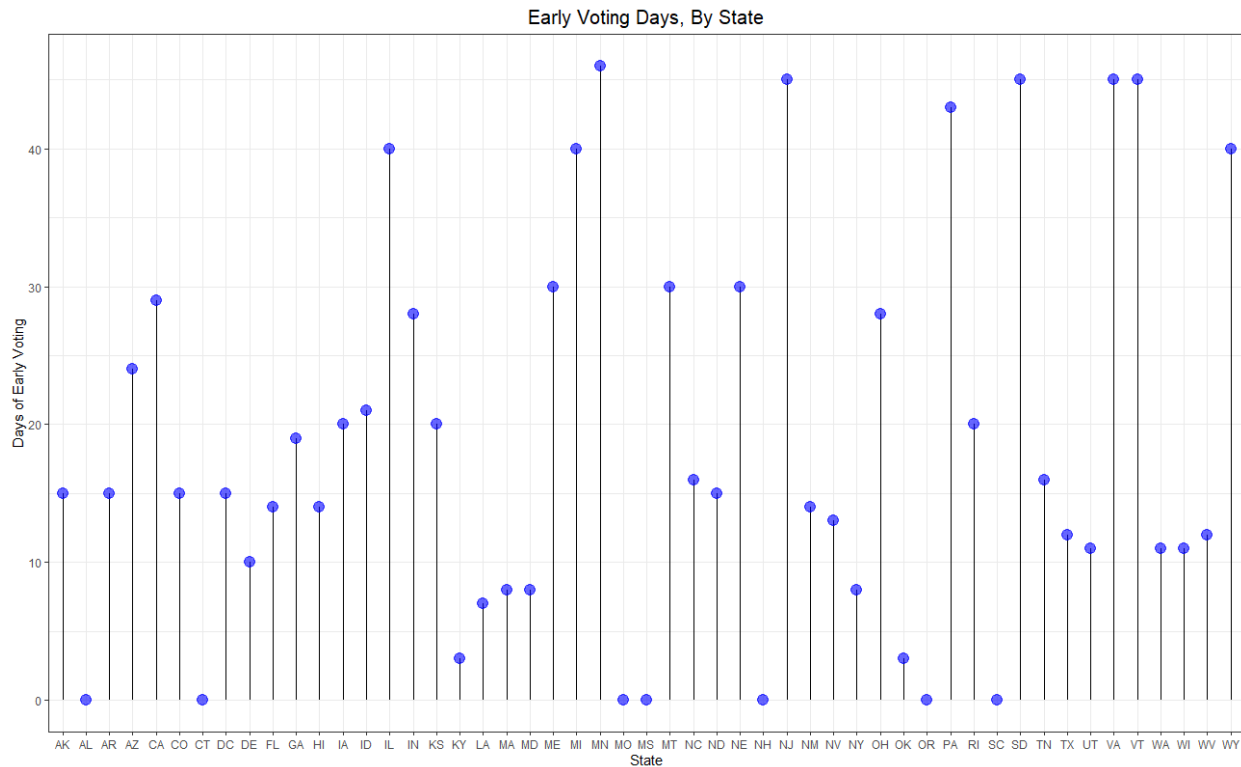
The problem with this type of poll question is that voting is a socially desirable behavior, which induces people to misremember or lie (either to themselves or to the poll taker) about their participation or non-participation. *E.g.*, Allyson L. Holbrook & Jon A. Krosnick, “Social Desirability Bias in Voter Turnout Reports: Tests Using the Item Count Technique.” 74 *Pub. Opinion Q.* 37, 41-42 (2010) (“Voting is an admired and valued civic behavior, so some people may be reluctant to admit that they did not live up to their civic duty. A great deal of evidence suggests that survey respondents sometimes intentionally present themselves in inaccurate but socially desirable ways, and researchers studying voting behavior have speculated that this may be one source of overreporting.”) (citations omitted).

There is a lengthy history of respondents giving not only inaccurate answers, but impossible answers, to questions about reasons for not voting. To give but one example, in their text on vote choice, *Who Votes?*, Wolfinger and Rosenstone explore the possibility of measuring reasons for voting or non-voting through survey response. They note the difficulty encountered when trying to do so. For example, failure to meet residency laws was cited as a reason for failing to participate in elections by only 7 percent of voters with no college education, as opposed to 42 percent of voters with college education. While college-educated voters may be a more mobile population, Wolfinger and Rosenstone note, “[c]ollege graduates . . . may be tempted to give residence requirements as a reason, rather than a less acceptable reason.” Raymond E. Wolfinger & Steven J. Rosenstone, *Who Votes* (1980).

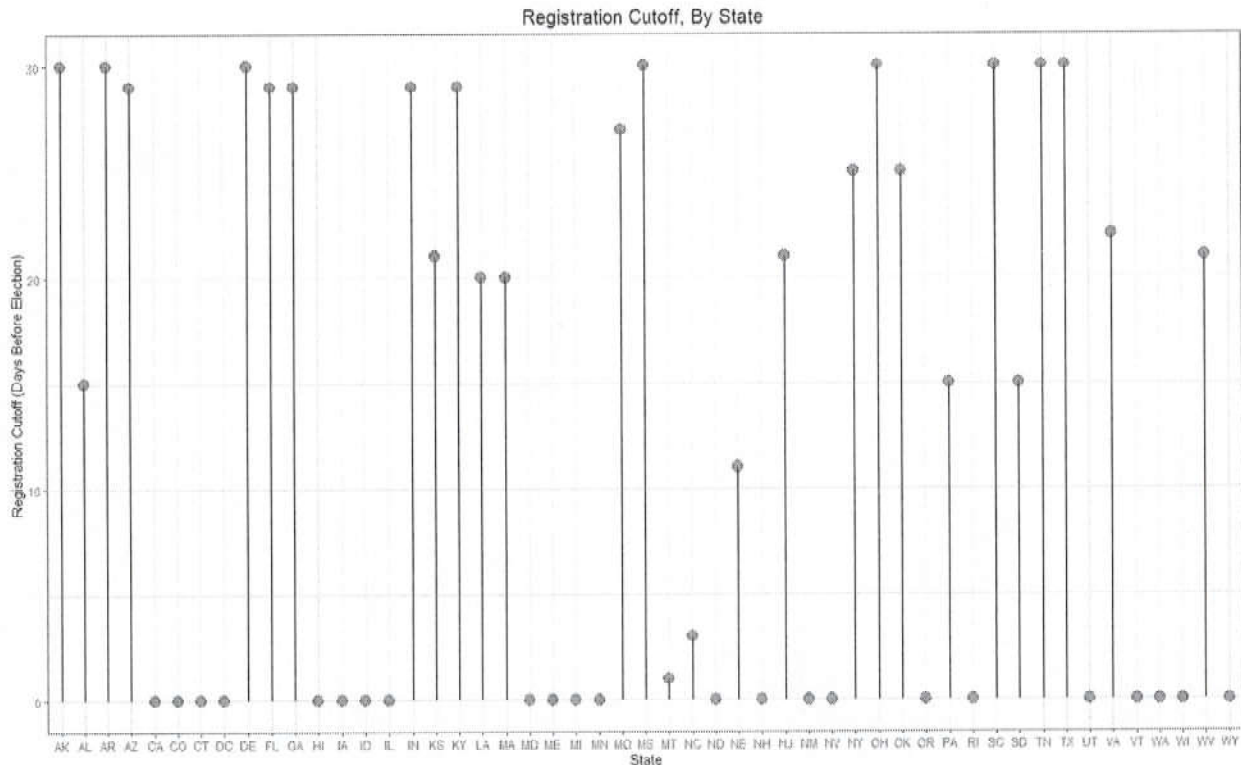
Perhaps most tellingly, Wolfinger & Rosenstone note, in 1972 one-in-three non-voting respondents in the state of North Dakota claimed that they were unable to vote because of restrictive registration requirements. This, of course, is nonsense. North Dakota is unique among American states in that it has no registration law. *Id.*

VII. Montana Has Other Avenues for Voting

Regardless of the effect, or lack thereof, of the voting provisions listed in plaintiffs’ complaints, voting in Montana remains generally easy. For example, Montana is among the 35 states with statutorily protected no-excuse absentee voting. It has one of the longer early voting periods in the country, during which time, of course, individuals may register to vote:



Even with respect to the provisions at hand in this case, the laws must be placed in perspective. If an individual in Montana does not have their photographic identification present, they may still vote a provisional ballot, with the signature matched to the file after the election. Moreover, among states that require photographic identification, it is not unusual to disallow student identification. Just 13 states allow utilization of student identification: Alabama, Florida, Idaho, Kansas, Michigan, Mississippi, New Hampshire, North Carolina, North Dakota, South Dakota, Virginia, West Virginia and Wisconsin. <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>. It is hardly unusual for states to limit the people who may handle absentee ballots. <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-10-who-can-collect-and-return-an-absentee-ballot-other-than-the-voter.aspx#table>. Finally, even with the elimination of election-day registration, Montana retains one of the longest registration windows in the nation, including same-day registration:



Conclusion

The suggestion that these laws will have a substantial impact on turnout, if any, is unsupported by the literature. Most research on photographic identification laws focuses on strict laws, not the narrow question of eliminating a specific form of identification, and even then struggles to find a consistent effect. The research on election-day registration is somewhat more compelling, but struggles to find a causal linkage between election-day registration and voting (and Montana voters can still register to vote and vote on the same day during the early voting period). Finally, all of this must be evaluated against the backdrop of a state that still provides ample opportunities to register and vote.

Dated this 16th day of February, 2022.


 Sean P. Trende

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EDUCATION

Ph.D., The Ohio State University, Political Science, expected 2022.

M.A.S. (Master of Applied Statistics), The Ohio State University, 2019.

J.D., Duke University School of Law, *cum laude*, 2001; Duke Law Journal, Research Editor.

M.A., Duke University, *cum laude*, Political Science, 2001. Thesis titled *The Making of an Ideological Court: Application of Non-parametric Scaling Techniques to Explain Supreme Court Voting Patterns from 1900-1941*, June 2001.

B.A., Yale University, with distinction, History and Political Science, 1995.

PROFESSIONAL EXPERIENCE

Law Clerk, Hon. Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit, 2001-02.

Associate, Kirkland & Ellis, LLP, Washington, DC, 2002-05.

Associate, Hunton & Williams, LLP, Richmond, Virginia, 2005-09. Associate, David, Kamp & Frank, P.C., Newport News, Virginia, 2009-10. Senior Elections Analyst, RealClearPolitics, 2009-present.

Columnist, Center for Politics Crystal Ball, 2014-17.

Gerald R. Ford Visiting Scholar, American Enterprise Institute, 2018-present.

BOOKS

Larry J. Sabato, ed., *The Blue Wave*, Ch. 14 (2019).

Larry J. Sabato, ed., *Trumped: The 2016 Election that Broke all the Rules* (2017).

Larry J. Sabato, ed., *The Surge: 2014's Big GOP Win and What It Means for the Next Presidential Election*, Ch. 12 (2015).

Larry J. Sabato, ed., *Barack Obama and the New America*, Ch. 12 (2013).

Barone, Kraushaar, McCutcheon & Trende, *The Almanac of American Politics 2014* (2013).

The Lost Majority: Why the Future of Government is up for Grabs – And Who Will Take It (2012).

PREVIOUS EXPERT TESTIMONY

Dickson v. Rucho, No. 11-CVS-16896 (N.C. Super. Ct., Wake County) (racial gerrymandering).

Covington v. North Carolina, No. 1:15-CV-00399 (M.D.N.C.) (racial gerrymandering).

NAACP v. McCrory, No. 1:13CV658 (M.D.N.C.) (early voting).

NAACP v. Husted, No. 2:14-cv-404 (S.D. Ohio) (early voting).

Ohio Democratic Party v. Husted, Case 15-cv-01802 (S.D. Ohio) (early voting).

Lee v. Virginia Bd. of Elections, No. 3:15-cv-357 (E.D. Va.) (early voting).

Feldman v. Arizona, No. CV-16-1065-PHX-DLR (D. Ariz.) (absentee voting).

A. Philip Randolph Institute v. Smith, No. 1:18-cv-00357-TSB (S.D. Ohio) (political gerrymandering).

Whitford v. Nichol, No. 15-cv-421-bbc (W.D. Wisc.) (political gerrymandering).

Common Cause v. Rucho, No. 1:16-CV-1026-WO-JEP (M.D.N.C.) (political gerrymandering).

Mecinas v. Hobbs, No. CV-19-05547-PHX-DJH (D. Ariz.) (ballot order effect).

Fair Fight Action v. Raffensperger, No. 1:18-cv-05391-SCJ (N.D. Ga.) (statistical analysis).

Pascua Yaqui Tribe v. Rodriguez, No. 4:20-CV-00432-TUC-JAS (D. Ariz.) (early voting).

Ohio Organizing Collaborative, et al v. Ohio Redistricting Commission, et al (No. 2021-1210) (Ohio) (political gerrymandering)

NCLCV v. Hall, (No. 21-CVS-15426) (N.C. Sup. Ct.)

COURT APPOINTMENTS

Appointed as Voting Rights Act expert by Arizona Independent Redistricting Commission (2020)

Appointed special Master by the Supreme Court of Virginia to redraw maps for the Virginia House of Delegates, the Senate of Virginia, and for Virginia's delegation to the United States

Congress for the 2022 election cycle.

Appointed redistricting expert by the Supreme Court of Belize in *Smith v. Perrera*, No. 55 of 2019 (one-person-one-vote).

INTERNATIONAL PRESENTATIONS AND EXPERIENCE

Panel Discussion, European External Action Service, Brussels, Belgium, *Likely Outcomes of 2012 American Elections*.

Selected by U.S. Embassies in Sweden, Spain, and Italy to discuss 2016 and 2018 elections to think tanks and universities in area (declined Italy due to teaching responsibilities).

Selected by EEAS to discuss 2018 elections in private session with European Ambassadors.

TEACHING

American Democracy and Mass Media, Ohio Wesleyan University, Spring 2018.

Introduction to American Politics, The Ohio State University, Autumn 2018, 2019, 2020, Spring 2018.

Political Participation and Voting Behavior, Spring 2020, Spring 2021.

REAL CLEAR POLITICS COLUMNS

Full archives available at https://www.realclearpolitics.com/authors/sean_trende/

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**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party,

Plaintiff,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

DECLARATION OF DENNISON RIVERA

WESTERN NATIVE VOICE, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

I, Dennison Rivera, declare as follows:

1. My name is Dennison Rivera. I am over the age of eighteen years and fully competent to make this affidavit.

2. I make this declaration based on my personal knowledge of the facts stated in this declaration.

3. As set forth below above my signature, I declare under penalty of perjury and under the laws of the state of Montana that the facts in this declaration are true and correct. I would testify in this Court to the facts declared in this declaration.

4. I was born in Houston, Texas in 1989. I am 32 years old. My family is from Colombia. As a Latino, I support Montana's voter ID laws, find it very easy to register to vote in Montana, and understand the ease with which individuals can vote in Montana, even if they have to show identification (identification is only required for in-person voting; it is not required for absentee voting). I have concerns about election integrity and am more inclined to vote knowing that there are election integrity laws such as identification requirements.

5. I graduated with a bachelor's degree in 2012 from Vision International University in Houston, Texas.

6. In 2016, I moved to Lewis and Clark County, Montana. I registered to vote in Montana in 2018. I had previously registered to vote and voted in Texas.

7. I found it very easy and simple to register to vote in Montana. It was significantly easier and simpler to register to vote in Montana compared to Texas.

8. I understand there are numerous ways to register to vote in Montana. I am aware that a citizen can register to vote by visiting a county election office, by filling out and dropping off a voter registration form at the county election office, by filling out a voter registration form and mailing it to the county election office, or by signing a registration form when applying for a driver's license.

9. I understand there are numerous ways to obtain the voter registration form. You can ask the county to mail it to you, you can get the form by going to the county election office, you can go online and print it off yourself, or you can get the forms at other locations. I know many people who vote every election, and I am not aware of anyone that has ever had any difficulties finding the registration form or getting registered to vote because there are so many

difficulties finding the registration form or getting registered to vote because there are so many locations to get the form and it is very simple to fill out and return, through mail or in person, to the county.

10. It is much easier to register to vote in Montana compared to when I registered to vote in Texas in 2008. I recall having to register to vote in Texas at least 30 days before an election, and I recall having to provide information such as political party, and I recall having to go to specific places to register to vote. Texas also required documentation to register to vote at the time, and there were numerous hurdles to get over to register to vote in Texas.

11. In contrast to Texas, in Montana it is very simple. The people in Montana are much more helpful and friendly compared to Texas. Lots of people in Montana are willing to help and answer questions. If anyone ever had any difficulties finding the voter registration form, filling it out, or returning it to the county election office, I have found there are numerous people to help an individual vote.

12. In 2018, Lewis and Clark County automatically mailed me a voter registration form. I filed it out and took it to the county building, and I was registered. Once I became a registered voter, the county started mailing me ballots for every election. I had no difficulties and believed the process to be very basic and straightforward.

13. I recall that I did not have to show any form of identification when I registered to vote in Lewis and Clark County, Montana in 2018. There are numerous different ways to prove identification when registering to vote, which I find easy to meet, and much easier than in Texas.

14. The fact that it is not required to show photo identification to register to vote in Montana is one of the reasons that it is very easy to register to vote in Montana.

15. When I registered to vote, I received a voter registration confirmation card in the mail. The card listed the location of my polling place, precinct, and all necessary details. After that, the county mailed me a ballot every election.

16. I understand that if I lost my voter registration card, I could simply call the county election office to find out where to vote. I am also aware of an online system that can tell me where I can vote. However, these were not necessary because the county mailed me a ballot every election.

17. I support voter identification requirements because it increases participation in elections. Personally, the fact that security measures are in place, like voter ID, makes me feel more motivated to participate in the political process. I know many other people who feel the same way, and who are less inclined to vote and participate in elections without feeling confident that elections are secure. One of the best ways to ensure elections are safe and secure is by requiring a government-issued identification to vote.

18. Requiring voter ID to vote is basic, minimal security and common sense. I think not having voter identification would be the same as not putting a password on your phone or computer. To do anything important, whether board a plane, enroll in college, or cash a check requires a person to present an ID issued by the government. Voting is as important, and even more so, and it only makes sense that voters must provide sufficient identification. Otherwise, it would just be a matter of time before someone with malintent took advantage of the lack of security.

20. Voter identification laws do not reduce voter participation in my experience. In fact, I believe that it does the opposite and increases voter participation because it solidifies that votes matter.

21. It is very easy to comply with Montana's voter identification laws. First, you do not need an ID to vote absentee. It is very easy to vote absentee.

22. Many voters I know check "yes" on the voter registration form to receive their ballots by mail. This is all you have to do receive a ballot in the mail in Montana. Your ballot is then automatically mailed to you.

23. If your ballot is mailed to you, you can simply fill it out, and then mail it to the election office. You can also drop it off at the election office yourself. You can vote absentee without ever showing an identification and without ever leaving your house except to walk to your mailbox. I cannot think of any way it could be easier to vote than not having to show an identification and never having to leave your house except to walk to your mailbox.

24. I understand if someone votes in person, there are numerous ways to provide identification. A person can show a Montana driver's license, identification card, a military ID card, a tribal ID card, a passport, a concealed carry permit, or bring any other form of picture ID (such as university ID) and a utility bill, bank statement, paycheck or government check, or any other government document that shows name and address (such as a voter registration card).

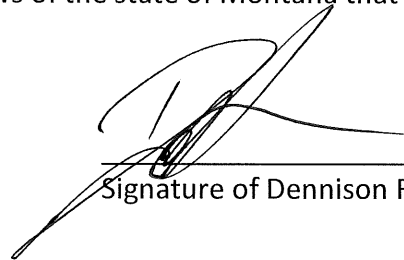
25. In my experience, and especially compared to other states, Montana makes it easy to register and vote, while also providing for basic security measures to ensure a safe and fair election. I have many friends from a variety of backgrounds, and I know of no one who would not easily be able to comply with Montana's voter ID requirements. Anyone who fails to register to

vote in time or who fails to provide the necessary identification to vote in person lacks a reasonable excuse, given the variety of ways Montana makes registration and voting accessible, requiring minimal effort and time to do both.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

2/9/22

Date and place



Signature of Dennison Rivera

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

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Dated: 02-17-2022

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**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party,

Plaintiff,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

**DECLARATION OF AUSTIN MARKUS
JAMES**

WESTERN NATIVE VOICE, Montana Native
Vote, Blackfeet Nation, Confederated Salish
and Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

I, Austin Markus James, state and affirm that the following facts are true and correct to the
best of my knowledge:

1. I am over 18 years old and I make this declaration based upon my personal
knowledge and experience.

2. I am the Chief Legal Counsel for the Montana Secretary of State. I have held this
position since May 2019.

//

Implementation and Application of HB 176 (changes to late voter registration)

3. Beginning in April 2021 and following the adoption of HB 176, the Montana Secretary of State (“the “Secretary”), began, and eventually completed, intensive work to fully implement the changes to Title 13, applicable Administrative Rules, and corresponding guidance for election officials.

4. In Montana, the administration of voter registration is typically governed by regular registration rules, with one exception. Specifically, Montana law requires the election administrator to close regular registration for 30 days before any election. At all other times, regular registration is available to all eligible electors. § 13-2-301, MCA.

5. After the close of regular registration, any prospective elector may register or change the existing elector’s voter information and be eligible to vote in the election if the election administrator in the county where the elector resides receives and verifies the elector’s voter registration information prior to noon the day before the election. § 13-2-304(1)(a), MCA; ARM 44.3.2015.

6. Additionally, even after late registration closes at noon on the day before the election, on Election Day safeguards exist to ensure registered electors can exercise their right to vote. For example:

- a. An elector who is registered in one county but has moved to another county within thirty days of an election may update their residence to the new county of residence while being able to vote in their previous county either by absentee or in person. ARM 44.3.2015 (1)(B)(i);
- b. An inactive elector may reactivate their registration on Election Day. ARM 44.3.2015 (1)(B)(iv);

- c. A registered voter in Montana may update their residence to a different precinct within the voter's county. ARM 44.3.2015 (1)(B)(ii);
- d. Active and inactive voters may change their voter registration name for future elections and vote under the elector's former name and vote; and
- e. Additionally, by administrative rule, the Secretary has created a failsafe process for voters that discover, on Election Day, their registration was not updated to reflect a timely change through administrative error.

7. For example, if an elector updates their registration address with the Department of Motor Vehicles at some point prior to the close of registration, only to find out on Election Day that their voter registration does not reflect the change, the election official will follow the process provided for when an Elector's name is not in the Register.

8. The election official will call the elections office to verify whether the elector's name should be on the register. If, for example, the elector updated their address at the Department of Motor Vehicles to a new county, the elector's name should be in the register for the county and precinct applicable to the updated address.

9. Thus, if an elector indicates that a timely update to their registration occurred prior to Election Day, but the registration database does not reflect the change, the election official will call the election office to verify whether the elector's update was erroneously omitted.

10. Upon receiving a call, the election office will verify and confirm whether the elector was erroneously omitted from the register.

11. Although Election Day is a holiday for state employees, the Department of Motor Vehicles deploys personnel staffing to ensure availability to address any situations that may arise

across the state, such as administrative errors in forwarding voter registrations, until after the polls close.

12. If confirmed the elector was omitted erroneously from the Register, after completion of *Certificate of Erroneous Omission* form, the elector votes a regular ballot.

13. If the election office cannot confirm the elector was erroneously omitted from the Register, the elector can vote a provisional ballot. If the elector chooses not to vote provisionally at the polls, the election official will direct the voter to the election office or designated location to resolve the problem.

14. The Secretary of State's Office has trained, and continues to train, Election Administrators to complete this process when electors have errors in their voter registrations to make sure voters are not unable to vote because of administrative error.

15. The Secretary of State's Office trained Election Administrators on this process at the Election Certification training on February 14, 2022. This training included a presentation regarding the administrative rule implementation adopted in January 2022.

16. The Montana Election Judge Handbook provides election officials with a resource tool to navigate the administrative error process.

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Implementation and Application of SB 169 (changes to voter ID requirements)

17. SB 169 clarified confusing conditional language in Montana's identification laws. For example, prior to SB 169, § 13-2-110, the voter identification for voter registration statute instructed that an applicant "shall provide the applicant's driver's license number." § 13-2-110 (3)(a), MCA (2019). Prior statute then instructed applicants shall provide the last four digits of

the applicants social security number “*if the applicant does not have a Montana’s drivers license.* § 13-2-110 (3)(b), MCA (2019) (emphasis added). Finally, the former statute commanded “*if an applicant does not have a Montana driver's license or social security number, the applicant shall provide as an alternative form of identification.*” § 13-2-110 (4)(a), MCA (2019) (emphasis added). A reasonable interpretation of the prior statute by an election official, particularly in light of the mandatory language (“shall”) along with “does not have” conditional language, is (1) all applicants that have a driver’s license are required to provide their driver’s license number on their voter registration application; (2) all applicants that do not have a driver’s license shall provide the last four numbers of their social security number; and (3) the use of a secondary-alternative form of identification is limited to those applicants that do not have either a driver’s license or social security number.

18. At the same time, the plain language of whether an applicant “does not have a drivers license or social security number” is ambiguous, thus interpreted differently. It is unclear whether “does not have” applies only to applicants that have never been issued a driver’s license or social security number, or whether the condition is satisfied by an applicant that has a driver’s license but does not have the applicant’s driver’s license number in the applicant’s current possession. SB 169 clarified the identification laws by expanding the identification options subject to the mandatory clause in (3)(a), while at the same time clarifying the language regarding the ability to use alternative forms in situations where the applicant is *unable to provide* one of the mandatory forms of primary identification. Doing so eliminated the ambiguity presented by the prior statute’s “does not have” conditional language.

19. In similar fashion, SB 169 clarified confusion by election officials regarding the manner and form of alternative identification copies pursuant to § 13-2-110 (4), MCA.

20. Under the prior voter identification law, it was unclear to state and county election officials as to what would be deemed as an insufficient form of alternative identification.

21. Under the prior voter identification law, conditional language related to the use of tribal identification for registration and voting purposes was a source of confusion for election officials and the public.

22. Under current law, Montana permits voters with a wide variety of options to identify themselves for voting purposes. §§ 13-2-109, 13-2-110, 13-13-114, MCA. ARM 44.3.2005.

23. Under Montana law, voters may verify their identity in the voter registration process in person, by mail, or as otherwise provided by law by providing a Montana driver's license number, Montana state identification card number issued pursuant to § 61-12-501, MCA, or the last four digits of the applicant's Social Security number; military identification card, tribal photo identification card, United States passport, or Montana concealed carry permit; or the combination of a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address along with any other form of photo identification that shows the individual's name. The photo identification may include a school district photo identification, postsecondary education photo identification, or any other identification that includes the name and photo of the individual. §§ 13-2-109, 13-2-110, MCA. ARM 44.3.2005.

24. A voter may identify themselves at a polling place by presenting any one of the following government-issued forms of identification: (1) Montana Driver's License, (2) Montana state identification card issued pursuant to 61-12-501, (3) Military Identification card, (4) Tribal

photo identification card, (5) United States Passport, or (6) Montana concealed carry permit. § 13-13-114, MCA.

25. Similarly, a voter may identify themselves by presenting any combination of identification forms that meet the following criteria:

- a. Any other form of photo ID showing the elector's name, (For instance, a ski area season pass, health club membership card, school enrollment card, or shopping membership card, etc., so long as the identification contains both the elector's name and photo); and
- b. A current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address. (For example, a voter registration confirmation card, vehicle registration, WIC documentation, etc., that contains the elector's name and address).

26. Montana law and rule provide additional processes for reasonable identification impediments (*see* Identification section starting on page 93 for information on Polling Place Elector Identification form and Declaration of Reasonable Impediment form). Exhibit 2–1.

27. The reasonable impediment process provides a mechanism for voters that cast a provisional ballot due to being unable to produce identification to cure their ballot through an alternative process after the election.

28. By law, election administrators are required to provide each elector with a notice confirming registration along with providing the location of the elector's polling place. § 13-2-207, MCA.

29. At some point, an automated process was developed for election administrators to fulfill § 13-2-207, MCA, notice obligations.

30. The current system, MTVotes, automates a mailed government document that contains the required information pursuant to § 13-2-207, MCA, along with additional information for the voter, including but not limited to the name and address of the elector.

31. All Confirmation of Registrations issued by Election Administrators are generated as a mailed government document that contains the elector's name and address.

32. Following the adoption of SB 169, employees with the Secretary of State's Office expended public time working alongside various vendors to overhaul digital production of the voter confirmation card so that all voter confirmation cards issued indicate that the card may be presented as a form of secondary identification containing the elector's name and address.

33. Since that time, voters throughout Montana have received voter confirmation cards indicating that the same may be used appropriately for voting purposes. As an example, my redacted voter registration card is attached as Exhibit 2-2. The voter registration card informs voters that it may be used as a form of voter ID: "SAVE THIS CARD- This card paired with a photo ID containing your name may be used as identification when you vote. You may also cut out and save the wallet-sized ID card."

34. The Voter Identification online information page produced by the Secretary is intended to provide the public with a user friendly, visually attractive resource regarding the options for voter identification in Montana. The *VOTER ID REGISTRATION OPTIONS* and *VOTER ID IN-PERSON OPTIONS* both specifically indicate to voters that the combination of a student identification card and a voter confirmation card is authorized for both registration and in-person voting purposes.

35. In the fall of 2021, election administrators across the state presided over numerous city and county elections, facilitating numerous voter registration changes. The Secretary of State received ballot plans for fifty-two (52) different elections conducted as Chapter 19 mail ballot elections for the general election. The mail ballot elections were in addition to polling place elections administered by approximately seventy-three (73) different municipalities throughout the state, including tribal lands.

36. At least 337,581 total votes have been cast and recorded in Montana elections to date since the adoption of HB 176 and SB 169. For perspective, 382,072 votes were cast in the 2020 primary election.

37. Although the 2022 federal primary election will take place in June, several local elections must be administered prior to that time. Exhibit 2-3 is a copy of a mail ballot plan submitted the Secretary of State for an election in Flathead County scheduled on May 3. By the June 2022 primary, hundreds of thousands of votes will have been cast in elections administered since the implementation of SB 169 and HB 176.

38. Thereafter, in January, election administrators completed voter registration maintenance requirements. For example, election administrators utilized the National Change of Address database from the United States Postal Office to ensure all voters who indicated to the postal service that they moved throughout that year were notified about updating their voter registration to their new address.

39. All newly registered voters since the implementation of SB 169 have received a confirmation of voter registration in the form of a government document containing their name and address.

40. All registered voters that performed updates to their voter registration receive a government document containing their name and address confirming their registration, which also specifically indicates the same may be used as an identification method as applicable.

41. In fact, a voter is permitted to pair a voter registration card along with an elementary, middle school, high school enrollment card, or any other educational institution photo identification, so long as it contains the individuals name and photo, and vote.

42. As such, I am able to use my voter registration card with another photo ID. For example, although I graduated from the University of Montana in 2012, I still have my student ID. I am permitted under Montana law to present my student ID and my voter registration card at the polling place and vote.

43. Even if a voter presented a voter registration card with identification issued by an out-of-state school institution containing the individuals name and photo, that individual voter would be entitled to vote under Montana law.

44. Similarly, a voter is permitted to present a school photo identification with the individuals name and photo, along with their vehicle registration and satisfy Montana's ID requirements. Vehicle registrations are government documents that contain an individual's name and address.

45. A voter may also use a Costco card, Snowbowl ski pass, or a number of other photo IDs, paired with voter registration or any other qualifying secondary document containing the voter's name and voter registration address and vote.

46. In summary, a host of documents, readily available to students and others, qualify as secondary ID. For example, the Free Application for Federal Student Aid (FAFSA) is just one

example of an easily accessible government documents containing a name and address available to current students or former students.

47. Even if a registered elector is unable to verify their eligibility, Montana law nonetheless provides the elector with the right to vote and uniquely grants the elector until the day after the election to provide identification information. Mont. Code Ann. § 13-15-107.

48. Under Montana law, even if they are unable to produce appropriate ID by 5PM the day after the Election, the elector is afforded additional fail-safe provisions set forth by SB 169.

49. Prior to SB 169, a fail-safe did not exist for those with a reasonable impediment to producing identification. Thus, the reasonable impediment process alleviates voting costs in a manner unprovided for prior to SB 169.

50. The reasonable impediment process provides an additional method for voters to identify themselves that did not exist prior to adoption of SB 169. Since SB 169, the newly created reasonable impediment process has offered an additional fail-safe for voters.

51. While states with significantly more strict voter identification requirements provide for reasonable impediment protections, Montana's is the first of its kind and unique.

52. The Reasonable Impediment process adopted by Montana pursuant to SB 169 ensures that voters that cast a provisional ballot but are unable to provide identification under the requirements are still able to vote.

53. As part of implementing SB 169, the Secretary of State developed a *Declaration of Impediment* form pursuant to § 13-15-107. Exhibit 2-4.

54. The Secretary of State Election and Voter services staff worked with our website design team to provide a secure, digitally available copy to all voters. The form is located at: <https://sosmt.gov/wp-content/uploads/Declaration-of-Impediments-For-Elector.pdf>.

55. The Secretary of State circulated copies of the *Declaration of Impediment* form to all county election officials. In addition to digitally available copies, a copy of the form may be obtained at the county election office.

56. Additionally, the *Declaration of Impediment* form was added to the Election Official Forms Resource used by county election officials.

57. The Election and Voter Services Division provided county governments with copies of outdated forms along with a reminder to replace outdated official election forms on county websites as part of the implementation of SB 169 or HB 176.

58. Prior to SB 169, state law provided that “current and valid tribal identification” was an acceptable form of identification for voting purposes.

59. At the request of the State Tribal Relations Committee (“STRC”), the Secretary of State reminded county election administrators to educate election officials in advance of the 2020 elections that state law allows current and valid tribal identifications may be used for voting identification purposes. Additionally, the Secretary of State amended its sample voter registration form to include tribal identification in the printed list of acceptable forms of ID.

60. During the STRC’s study, committee members heard testimony from tribal leaders related to Tribal Identification acceptance as a primary barrier to voting for American Indians in Montana.

61. Chairwoman CSKT Tribal Council Chairwoman Shelly Fiat provided testimony to the STRC, May 7, 2020. She testified anecdotally that she personally had experienced questioning from election officials about the validity of her tribal identification presented.

62. CSKT Councilman Len Two Teeth stated he would like to see the Governor's office clarify that tribal IDs are valid forms of IDs and discussed anecdotally that questions concerning the validity of tribal IDs continue to be a problem.

63. In August of 2020, the STRC identified that the acceptance of tribal identification for voter identification is a key barrier to voting for American Indians in Montana, in the State and Tribal Relations Committee Final Report to the 67th Montana Legislature: HJ10 Barriers to Voting for American Indians in Montana (August 2020).

64. To alleviate this potential barrier to Tribal voting, SB 169 removed the requirement that an ID be "current and valid." The Secretary of State's office recommended that change in response to concerns raised by Tribes concerning the questions referenced above about whether Tribal IDs were "current and valid." In other words, SB 169 removed that language to remove a potential barrier to Tribal voting.

Statistical information offered by the Plaintiffs is misleading.

65. Plaintiffs allege 8,053 individuals used election day registration to register on election day in 2018. MDP Brief at 3 (Dkt. 57).

66. The Secretary publishes information related to Late Registration activities on the Office's website: <https://sosmt.gov/elections/latereg/>. The published information reflects that 8,053 individuals did engage in some type of late registration activity on the date of the 2018 General Election. However, this number includes individuals that engaged in precinct-to-precinct changes within a county, individuals that changed their voting status from inactive to active,

individuals that cancelled their registrations, individuals that updated their name but voted within the same county or precinct, and individuals engaged in other election-related administrative matters. Many of these activities are still available to voters under the current law. In short, it is inaccurate to state that 8,053 individuals registered to vote on the date of the 2018 General Election.

HB 530 requires the Secretary to engage in the administrative rulemaking process.

67. HB 530 directs the Secretary to engage in the administrative rule making process and implement a rule in “substantially” the form provided by HB 530, § 2, by July 1, 2022.

68. As of the date of this Declaration, the Secretary has not yet begun the process of adopting an administrative rule giving effect to the provisions of HB 530, § 2.

69. The Secretary follows a well-establish process for adopting administrative rules, and this process will apply to the administrative rule contemplated by HB 530, § 2, just as it applies to all other rules issued by the Secretary.

70. The Secretary’s administrative rule process will include notice of the proposed rule change, the reasons for the change, the date and location of a public hearing regarding the change if one is scheduled, the deadline for the submission of written comments, among other information. Notices of final rule actions are posted after the public comment period ends.

71. The administrative rule process allows the Secretary the flexibility to, for example, define specific terms and rely on the experience and knowledge of the Secretary’s staff to adopt processes that best implement the Legislature’s directive.

Significant work by the Secretary of State’s Office to Implement new election laws and educate voters.

72. In April 2021, the Secretary of State’s Office began the labor-intensive task of implementing the amended election laws the Legislature passed, especially SB 169 and HB 176.

73. For example, in April 2021 the Election and Voter Services Division of the Secretary of State's Office ("EVS") worked with a vendor to perform system changes concerning the voter registration card. In May 2021 the Secretary of State Election and Voter Services Division conducted an initial review of affected administrative rules to identify rules that required implementation of the new laws. Also in May of 2021, EVS conducted an initial review of website and system changes to identify rules that required implementation of the new laws. The voter registration form can be accessed in multiple occasions on the Secretary of State's website, as well as other websites. The Secretary of State's Office used link tracking technology to ensure that all internal and external link traffic sources since the law's adoption replaced the voter application with the version containing the implemented voter registration and identification laws.

74. In August 2021, the Secretary of State conducted training for all election administrators, as well as other county election staff, in August 2021 at the Montana Clerk and Recorder Conference to train them on the new requirements discussed above for late voter registration and voter ID.

75. The new laws also required significant work to develop administrative rules to implement them. In May 2021 the Secretary of State created an informal work group to begin drafting administrative rules and administrative rule amendments pursuant to some of the legislative changes.

76. For example, the Secretary of State sent out the sponsor notification on May 26, 2021.

77. The Secretary of State completed a draft Notice of Rulemaking on June 11, 2021.

78. The Secretary of State circulated a copy of the initial draft rules to county election officials on September 16, 2021.

79. The Secretary of State notified sponsors on September 20, 2021.

80. After considering and incorporating feedback from election officials the Secretary of State formally noticed the proposed rules on October 8, 2021.

81. The Secretary of State conducted a hearing on October 28, 2021.

82. A notice with the hearing details was published on the website, transmitted to interested parties, as well as all county election officials.

83. Comment period ended November 5. The Secretary of State received several written comments.

84. The Secretary of State notified and furnished a copy of the proposed administrative rules to the sponsors of applicable legislation addressed by the administrative rule package, specifically SB 169 and HB 176, on November 5, 2021.

85. The State Administration and Veterans Affairs Interim Committee of the Montana Legislature is empowered with legislative oversight of the Secretary of State's rulemaking authority to carryout adopted legislation. The Committee is vested with the authority to object and reject proposed rules by the agency they do not comport with legislative sentiments. The Secretary of State provided members of the oversight committee with a copy of the administrative rules proposed by the Secretary's office for review via staff on December 21, 2021.

86. The Secretary submitted the Notice of Final Adoption to the Administrative Rules specialist for publication in the Montana Registrar on January 18, 2022.

87. The Notice of Adoption of the administrative rules package was published in the Montana Administrative Registrar on January 28, 2022, in the Montana Administrative Registrar.

88. In April 2021, the Secretary of State updated the voter registration to implement the 2021 Legislature's revisions to Montana's elections. At this time, the Secretary published a revised voter registration application to the Office's website.

89. The Secretary of State's revised voter registration form has been accessible by voters since April of 2021 to download and transmit to the applicable county office.

90. The Secretary is unaware of a single instance where a voter was unable to complete the voter registration form due implementation of the voter identification requirements pursuant to adoption of SB 169. Nonetheless, the Secretary continues to train and answer questions from Election Administrator's on application of the statutes and rules.

91. The Secretary provided the EAC, AARP, NBC, and others with guidance regarding Montana registration and identification requirements to provide to members and the public during the 2022 elections.

92. The Secretary conducted substantial outreach efforts to voters regarding the election law changes.

93. Although it is impossible to specifically calculate, I estimate that several hundreds of hours of state worker time went into the Secretary of State's voter outreach campaign, involving state employees from a variety of different departments and divisions—including elections, operations, communications, web and digital development, and IT personnel.

94. The Secretary produced Public Service Announcements television ads related to HB 176 and SB 169.

95. The Secretary of State partnered with the Montana Broadcasters Association to maximize television and radio broadcast outreach efforts across Montana.

96. To do so, the Secretary of State contracted with a media company capable of producing high resolution, informative, and engaging ad reels within a small window of time in order to ensure that outreach efforts deployed in advance of upcoming elections scheduled soon after the legislation was signed into law.

97. In addition to the media content, the Secretary of State also worked to provide broadcasters with an accurate transcription to accommodate caption viewer needs and/or preferences.

98. The Secretary's outreach effort consisted of a television and radio ad script highlighting that "Montana has several options when it comes to voter ID—some common examples include a Montana driver's licenses, state identification card, military identification, and tribal identification. Just to name a few."

99. The audio script of the voter identification and registration television and radio ads directed viewers to a website prominently displaying voter identification options, the voter registration application, an option to check voter registration status, and county election office information. In addition to the audio script directing voters to this website, the television ad features the website in text layered as a graphic over the video footage, providing voters with an auditorial and visual means to capture the information.

100. The Secretary spent significant time and resources to ensure the website containing the voter registration and identification information is compatible with mobile, tablet, and web devices to provide user friendly viewing by all digital device types.

101. The Voter Identification Information page referenced in the public service announcement has been viewed several hundred times since it was launched on April 20, 2021, as part of implementation after SB 169 was signed into law.

102. It was important to the Secretary that outreach to voters regarding identification provide awareness that tribal identification is an acceptable method of identification in light of SB 169's elimination of identified barriers related to the use of tribal identification.

103. In conjunction with the voter identification outreach effort, the Secretary published a public service announcement to provide voters with a voter registration application, directions to check voter registration status, and encourages voters to register or contact the voters local election office prior to noon the day before the election.

104. The registration PSA directs voters to check their registration using Montana's My Voter Page. Prior to the broadcast of the PSA, the Montana Secretary of State procured several changes to the site by the vendor. The My Voter Page homepage directs voters to update their information using the voter registration form if the voters' information has changed. Additionally, the MyVoterPage was updated to include a prominent notice to streamline the process for voters to update their information. The updates to the MyVoterPage are part of a larger outreach effort by the Secretary of State to ensure that voter registration information is accurately recorded prior to Election Day and act as an additional failsafe for voters requiring a status change.

105. The PSA's ran in every television media market in Montana leading up to every Montana election conducted in 2021, including airtime for both the primary and general election. To date, the PSA's have been aired approximately 14,240 times on broadcast television.

106. The value of the television advertising received by the Public Service Announcements to date is approximately \$742,915.

107. In addition to television advertising, the Secretary of State also conducted a massive outreach effort through radio public service announcements to inform Montana voters about the laws in Montana for voter registration and identification.

108. In the lead up to the 2021 primary and general election, over 18,102 radio ads aired to inform voters about Montana's voter registration and identification requirements. The total broadcast value of the radio outreach efforts conducted is approximately \$298,848.00.

109. Along with the radio and television broadcasts of two public service announcements statewide, the Secretary of State published Notice of the Close of Voter Registration Deadline.

110. The Secretary's staff combed through the Montana Secretary of State website to remove all outdated information related to voter identification and voter registration and replace the same with applicable law.

111. The Secretary's staff made countless changes to website content, downloadable content, forms, and other online changes made during the implementation of the law.

112. As part of the implementation, the Secretary launched the Montana Vote Ready website, which provides resources to make sure voters are ready come election time in Montana. The Vote Ready page includes links to the My Voter Page, where voters can check registration status and address information, resources for voter registration, voter identification information, the voter registration application, and facilitates voters with contacting county election administrators. Exhibit 2-5 is an authentic copy of the Vote Ready page, accessible at sosmt.gov/voteready.

113. The Secretary of State's outreach efforts included a mailing to every voter's residential address regarding the voter registration deadlines.

114. The Secretary's Office received several communications relating to this mailing effort. *See* Exhibit 2-6 (an example of communication received by the Secretary of State regarding the mailing).

115. The cost to mail Montana voters about the implemented election laws amounted to \$221,316.61. Exhibit 2-7.

116. It would pose insurmountable challenges to reverse the monumental effort to implement voter registration and identification law in advance of the 2021 municipal primary elections, with no ability to identify the laundry list of election material changes performed beginning in April 2021 related to the legislation. Election officials in the Secretary's Office fear that widespread voter confusion and conflicting information will result from a sudden change before the 2022 primary or general elections.

117. The Secretary and county election officials, among others, regularly rely upon printed copies of Montana Code Annotated Title 13 to navigate through the election administration process. The Secretary of State contracted printing production of 1,950 copies for this purpose at a cost of \$5,176.68. Exhibit 2-8.

118. The Secretary finalized the 2022 Election Judge Handbook for state and county election officials use in the upcoming elections. The Election Judge Handbook is a resource guide used by county and state election officials to navigate the process of administering an election from start to finish. Producing the 2022 Election Judge Handbook involved a collaborative process with state and county election officials.

119. Prior to finalizing the 2021 Election Judge Handbook, the Secretary requested feedback from all county election officials on the final draft. Every county election official requested a specific number of handbooks based on the needs of their county. For example, Flathead County requested 300 copies of the 2022 Election Judge Handbook for election officials to use as guidance for the 2022 elections.

120. The 2022 Election Judge Handbook is currently in print production at Montana State Print and Mail. The estimated cost of producing the 2022 Election Judge Handbook is \$8,014.55.

121. Included in the Election Judge Handbook is a copy of the Polling Place Quick Reference Guide for the 2022 elections. Exhibit 2-9. Printed copies of the guide are provided to every polling place on election day. The guide is the resource used by poll workers to navigate through common situations experienced by election officials in the polling place setting. The guide addresses the common situations identified by detailing the process under Montana's current election laws as implemented.

122. Voter registration and updates to voter registration is routinely offered by several public service agencies as a component of public assistance offerings.

123. A genuine and authentic copy of a monthly voter registration report concerning voter registrations conducted at all statewide DPHHS-Blind and Vision Services for the month of January is attached as Exhibit 2-10.

124. Montana Vocational Rehabilitation and American Job Center offices in Billings, Bozeman, Great Falls, Miles City, Butte, Missoula, Havre, and Kalispell provide voter registration throughout the year in the process of providing services to customers. Exhibit 2-11 is

a genuine and authentic copy of the voter registration from the Flathead office in November 2021.

125. Voter registration outreach efforts by organizations have adapted to the implemented changes related to registration and identification. For instance, Plaintiff Western Native Voice had begun placing voter registration kiosks in tribal offices, clinics, colleges and stores last month with plans to install two or three kiosks in each tribal community before the general election this November. https://mtstandard.com/news/state-and-regional/govt-and-politics/western-native-voice-sets-up-voter-registration-kiosks/article_7012bd99-ee35-58c8-853f-9b0e8ca12ce7.html

126. Per the Secretary's Directive 1-15, county governments in counties with tribal lands and tribal governments are currently engaged in collaborative efforts to provide voting access opportunities to tribal voters. Exhibit 2-12.

127. In some cases, the counties and tribal governments engaged in these discussions are parties to the settlement in *Wandering Medicine*, the terms of which provide mutually agreed upon voting access opportunities for tribal voters during the election. In response, the Secretary of State's Election Director, Dana Corson, expressly communicated to county election officials and tribal governmental partners the Secretary of State's willingness to assist in the discussion where it is appropriate to do so. Exhibit 2-13 is a genuine and authentic copy of an example of Mr. Corson's correspondence with county and tribal governments related to tribal voting access.

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HB 506

128. Montana's Constitution states an individual must be eighteen years of age or older to vote. Mont. Const. art. II, § 2. Montana's election laws defined a "voted ballot" as a ballot

that is deposited in the ballot box at a polling place, received at an election administrator's office, or returned to a place of deposit. § 13-1-101(54), MCA.

129. Before the implementation of HB 506, some counties would issue ballots to individuals before they had turned eighteen years of age as long as those individuals would turn eighteen by the date of the related election.

130. This practice at times resulted in seventeen-year-old individuals receiving a ballot and returning that ballot to their local election office before they turned eighteen. Because Montana's election laws define a "voted ballot" as a ballot that has been returned to the local election's office, this practice resulted, at times, in illegal votes.

131. In the months leading up to the 2020 General Election, the Secretary's office learned that county election administrators had developed their own procedures to remedy this issue. Lewis and Clark County, for example, would send a letter warning individual under the age of eighteen not to submit their ballots until they turned eighteen. Missoula County would hold these ballots in a vault until they "cured" on the date of the election. And Yellowstone County simply refused to issue a ballot to individuals under the age of eighteen.

132. HB 506 resolved this disparate treatment of seventeen-year-old voters by requiring that a person meet both the residency requirement set by the Legislature and the age requirement set by the Constitution before being issued a ballot.

I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

02/16/2021 Helena, MT
Date and Place


Austin James

Exhibit 2-1

Polling Place Elector Identification Form

*This form **must** be available at the polling place.*

1. "Polling place elector identification form" is permitted to be used by the elector at the polling place as a government document if the identification information provided on the form is validated through the statewide voter registration system by an election official ([44.3.2102](#), ARM).
2. The form is preprinted and provided by the Election Administrator for use at the polls by any electors who do not have sufficient identification.
3. It requires an elector to provide the elector's current Montana residential address, current mailing address, signature, date of birth, and current date.
4. It also requires an elector to provide their MT Driver's License number, a Montana state identification number, or the last four digits of the elector's SSN.
5. If the information provided (a MT Driver's License number, Montana Identification card number, or the last 4 digits of their SSN) can be verified by a call to an election official at the county election office, who will check the statewide voter registration database, or the Motor Vehicle Division and/or Social Security Administration records through the "Voter Verify" program, the election judge should put a check in the "Verified" box and sign and date the form.
6. Electors who are registered as provided by law can use the completed form as a government document and when combined with a photo ID that shows the elector's name can vote a regular ballot.

Important Information on Identification Requirements

1. Remember, the address on the form of identification provided is presumed to be a current address unless proved otherwise. "**Current address**" means a Montana residential address or mailing address.
2. Since **only** an elector's name and photo are checked when an elector submits photo identification, election judges do not check photo IDs to see whether the address on the identification is current. For example, an out-of-state Driver's License is a valid form of **photo** identification, even if the license is expired or suspended, as long as it has the person's name and photo and is issued by a government agency. ***Note:** An out-of-state Driver's license will require an additional form of identification as listed above.*

3. If the name or address on a **non-photo ID** provided differs from information in the precinct register, but an election judge determines that the information provided is sufficient to verify the elector's identity to vote pursuant to [13-2-512 MCA](#), the elector may sign the precinct register, complete a new registration form to correct the elector's registration information, and vote. An election judge writes "registration form" by the name of any elector submitting a voter registration form.
4. A *Declaration of Reasonable Impediment* form may be used when resolving ID requirements for Provisional or Challenged ballots ([13-15-107 MCA](#)). *Please contact your Election Office for guidance on using this form.*

LATE REGISTRATION

*Late Registration does not occur at the polling place and is closed at **12:00 noon** the day before the election. An elector appearing at the polling place to late register must be sent to the Election Office or a location designated by the Election Administrator.*

1. An elector may register or change any registration information after the close of regular registration until **noon the day before the election** and vote in the election provided that the Election Administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to **noon** the day before the election.
2. Except as provided below, an elector who changes residence to a different county within the state shall register in the new county of residence to vote in any election. An elector who changes residence to a different county **prior to the close of late registration** before an election may:
 - a. vote in person or by absentee ballot in the precinct and county where previously registered; or
 - b. update the elector's registration information and vote in the elector's new county of residence by appearing at the election office or location designated by the Election Administrator.
3. After the **close of late registration** for the current election, an elector may:
 - a. Update their residence to a different county within Montana but may only vote in their previous county of residence pursuant to [13-2-514](#), MCA.
 - b. Update their residence to a different precinct within the county and may vote a ballot from the former precinct or new precinct. The elector may

- obtain the former precinct ballot at their former precinct or either ballot at a central location designated by the county election administrator.
- c. Change their name and may vote under the elector's former name unless the registration was cancelled.
 - d. Reactivate their registration pursuant to [13-2-222](#), MCA, but may only vote on election day at the county election administrator's office or a central location designated by the county election administrator. See *Inactive Voters* on page 92.
4. An elector who registers or changes their information under these procedures may vote a regular ballot in the election only if the elector receives the ballot from the county election office (or the location designated by the election administrator), and only if the elector has either **not been** issued an absentee ballot for the election in the elector's former precinct or county, or the absentee ballot issued is voided by the county of issuance.
 5. If an elector has already been sent an absentee ballot for the election, the elector may vote a regular ballot only if the original absentee ballot is voided in the statewide voter registration system by the issuing county.
 6. Late registration applies with respect to an elector's registration to vote in any election, including school elections and special purpose district elections.

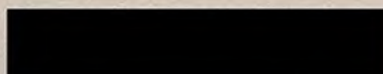
Exhibit 2-2

YOU ARE HEREBY NOTIFIED THAT YOUR NAME AND ADDRESS APPEARS ON THE OFFICIAL VOTER REGISTRATION ROLLS OF THIS COUNTY AS SHOWN BELOW. PLEASE NOTIFY THIS OFFICE IMMEDIATELY IF YOU FIND AN ERROR. IF YOU CHANGE YOUR ADDRESS OR NAME AT ANY TIME, PLEASE UPDATE THIS INFORMATION BY FILLING OUT A NEW REGISTRATION FORM AND SUBMITTING IT TO THE COUNTY ELECTIONS OFFICE



VOTER CONFIRMATION CARD

NAME



ADDRESS



C/S/Z HELENA MT 59601

POLL CIVIC CENTER BALLROOM

PRECINCT P07

SENATE SD 42

SCHOOL 01 HS

HOUSE HD 083

SCHOOL 01 EL

CITY HELENA

SAVE THIS CARD - This card paired with a photo ID containing your name may be used as identification when you vote. You may also cut out and save the wallet-sized ID card.

Exhibit 2-3



Mail Ballot Written Plan, Timetable and Instructions

MUST BE RECEIVED BY SECRETARY OF STATE NO LATER THAN 60 DAYS BEFORE ELECTION DAY. COMPLETE, SAVE AND EMAIL THIS FORM TO S0SELECTIONS@MT.GOV. THIS DOCUMENT MAY BE AMENDED UNTIL THE 35TH DAY BEFORE THE ELECTION. ELECTION CAN BE CANCELLED AT ANY TIME PERMITTED BY LAW. A SEPARATE PLAN MUST BE SUBMITTED FOR EACH TYPE OF ELECTION.

Written Plan		Response
1	Legal Name of Jurisdiction	School District No. 1 (West Valley)
2	Name of County or Counties Involved	Flathead
3	Estimated # of Electors (including Active, Inactive, and Provisional in jurisdiction; Inactive voters are only provided ballots by request but should be included in estimate)	4410
4	Type of Election (e.g., trustee/director/governing body, levy, bond, creation, etc.)	Bond
5	Postage to return ballot paid by: elector or election office (& if insufficient, who pays)	Elector; jurisdiction covers insufficient postage.
6	Describe procedures you will use to ensure security and transport of ballots	Ballots will be deposited in locked ballot box and secured in locked area. Any transportation of ballots will be conducted by at least two officials.
7	Ballots will be printed based on: precinct, ward, or district	District
8	For school elections, specify signature verification procedures:	Signatures are verified by school clerk through printed signature lists
Timetable		Date
1	Date applicable documents sent to the governing body <i>No date set by law, but should be no later than 60 days before election. Documents include: 1) written plan; 2) statement of decision to conduct election by mail; 3) list of reasons for decision; and 4) statement regarding right of governing body to object under 13-19-204.</i>	February 14, 2022
2	Actual date of submission of plan, timetable, and instructions to Secretary of State (Must be received by Secretary of State at least 60 days before election.)	March 4, 2022
3	Last day for governing body to opt out of mail ballot (no later than 55 days before election – if the election is on a Tuesday, the last day to opt out is a Wednesday)	March 9, 2022
4	Secretary of State approves, disapproves or recommends changes to plan	Within 5 days of SOS receipt of plan
5	County election administrator publishes notices at least 3 times in the 4 weeks before the close of regular registration specifying close of voter registration and availability of late registration (For all non-school and school elections, to be published by the county election administrator at least 3 times in the 4 weeks preceding the close of registration, once per week. School clerks running school elections will need to coordinate with the county election administrator to have the county election administrator publish the notices of close of registration. 13-2-301)	March 13, 2022 March 20, 2022 March 27, 2022
6	Publish notice of election (All non-school elections: 13-1-108 , MCA; school elections: 20-20-204 , MCA. For school elections, notice must be published at least once between 40 and 10 days before the election in a newspaper (if there is one in the district) and in 3 public places in the district, and for 10 days prior to the election, on the district's website, if the district has an active website)	April 3, 2022 April 10, 2022 April 17, 2022
7	Close of regular voter registration (30 days before election; move to 29 days before election when 30th day falls on a Sunday)	April 4, 2022
8	Beginning of late voter registration (applicable to all elections) (Late registration opens for all elections the day after the close of regular registration)	April 5, 2022
9	Specific date on which ballots will be mailed (No sooner than 20 days or later than 15 days before election)	April 14, 2022
10	Election Day	May 3, 2022

Additional Information (to access the sections of law below, visit <http://leg.mt.gov/bills/mca/index.html>):

List here any special requirements from applicable laws: Water/Sewer (7-13-2212; 7-13-2325), Fire (7-33-2106), Museum (7-11-1011(5)), Cemetery (7-11-1011(5)), Drainage (85-8-305), Irrigation (85-7-1710); certain Special Districts (7-11-1011(5); defined in 7-11-1002(3)(b)).

Affirmation:

By entering my name on the line below, I affirm that I will conduct the election according to the written plan and timetable for conducting the election. I understand that any undeliverable ballots must be filed securely, retained and available for electors to vote and that I must attempt to contact electors whose ballots are undeliverable. If such electors cannot be contacted otherwise, electors in **odd-year elections** will be mailed a notice and the guidelines in [13-19-313](#), MCA and ARM [44.3.2710](#) will be followed. (For school trustee elections: If a school trustee election is cancelled for any reason, I understand I must follow the deadlines and process in 20-3-313 MCA.)

Cecilia Lewellen

Name(s) of Election Administrator(s) Conducting Election

Complete the above plan and timetable **and the instructions below**, and save and email this form to soselections@mt.gov.

Updated February 15, 2022

INSTRUCTIONS FOR VOTING A **MAIL** BALLOT – PLEASE READ CAREFULLY

Read carefully and follow all directions

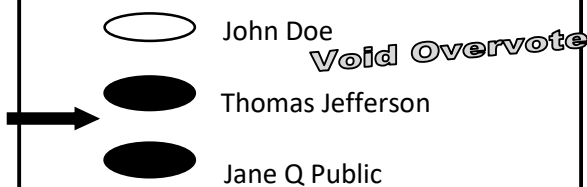
Ballots must be received by election office by 8 p.m. on Election Day

Failure to follow directions may invalidate part or all of your ballot

1. VOTE YOUR BALLOT

- As instructed on the ballot, mark the designated voting area for each race using only black or blue ink pen.
- Vote in all columns and both sides of ballot(s) as applicable. *Skipping a race will not invalidate your ballot.*
- Do not** cross out, erase, or use correction fluid.
- Do not** make any identifying marks on your ballot.
- Do not** mark more choices than allowed for each race (overvote) as that will cause that race only to not be counted.


SAMPLE OVERVOTED RACE FOR LOCAL COUNCIL (Vote for One)



- If applicable*, to write in a candidate's name, mark the designated voting area to the left of the line provided and print the name in the blank space.

SAMPLE WRITE-IN VOTE (if applicable) FOR LOCAL COUNCIL (Vote for One)

 John Doe

- If you make a mistake or spoil your ballot, request a replacement ballot from the election office.
- ## 2. PREPARE BALLOT FOR SUBMITTAL
- Place VOTED ballot in the **SECRECY ENVELOPE** and seal (if multiple sheets, return all sheets of the ballot).
 - SIGN YOUR signature** on the voter affirmation on the back of the Signature Envelope. Failure to sign may invalidate your ballot. 
 - If the signature on the affirmation does not match the signature on file, the ballot may be rejected.
 - Place the Secrecy Envelope containing your voted ballot into the Signature Envelope and Seal.

3. RETURN BALLOT

- Mail your ballot; or
- Drop off ballot:



The place(s) of deposit and the days and times when ballots may be returned to the places of deposit before election day and on election day are:

West Valley School District No. 1

2290 Farm to Market Rd.

Kalispell MT 59901

Monday – Friday 8:00AM – 3:45pm up until May 2nd, 2022. & on May 3rd, 2022 – 8:00AM – 8:00PM.

- This election is by mail ballot only – regular polling places will not be open. Ballots must be received at the election office by 8 p.m. on Election Day, May 3, 2022.** (Note: a postmark cannot be accepted so if you mail your ballot make sure there is enough time for it to reach the election office.)

DO NOT FORGET POSTAGE IF MAILING:
.58 cents postage required



ASSISTANCE FOR VOTERS WITH DISABILITIES: There are options for voters with disabilities. Contact your election office for information about all options.

MILITARY/OVERSEAS VOTERS: If you are an active-duty absent military voter or overseas citizen, electronic registration and voting options may be available. Contact your election office for information about all options.

**IF YOU HAVE QUESTIONS CONTACT THE ELECTION OFFICE
AT:**

Phone: 406- 755-7239 ext. 901

Fax: 406- 755-7300

Email: clewellen@westvalleyschool.com



Exhibit 2-4



DECLARATION OF IMPEDIMENT FOR AN ELECTOR

Pursuant to §13-15-107, MCA, if a legally registered individual casts a provisional ballot but is unable provide the identification information pursuant to the requirements of § 13-13-114, MCA the elector may verify the elector's identity by:

- Presenting a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address **AND**
- executing a declaration stating that the elector has a reasonable impediment to meeting the identification requirements.

NOTICE: THE ELECTOR IS SUBJECT TO PROSECUTION FOR FALSE SWEARING UNDER § 45-7-202, MCA FOR A FALSE STATEMENT OR FALSE INFORMATION ON THIS DECLARATION.

I, _____ (elector's name as registered),
hereby declare that I have a reasonable impediment to meeting the identification requirements required by §13-13-114, MCA.

My impediment is checked below:

- ☐ Lack of transportation
- ☐ Lack of birth certificate or other documents needed to obtain identification
- ☐ Work schedule
- ☐ Lost or stolen identification
- ☐ Disability or illness
- ☐ Family responsibilities
- ☐ Photo identification has been applied for but not received

I swear/affirm that the information contained in this declaration is true, that I am the person described in this declaration, and that I face a reasonable impediment to procuring the identification required by § 13-13-414, MCA as identified above.

Signature: _____

Date: _____

FOR ELECTION OFFICE USE ONLY

Identification provided (as required by § 13-5-107(3)(a), MCA):

- ☐ Current utility bill
- ☐ Bank statement
- ☐ Paycheck
- ☐ Government check
- ☐ Other government document that shows the elector's name and current address

Polling Place where ballot was cast: _____

Election Administrator or Election Judge Signature: _____ Date: _____

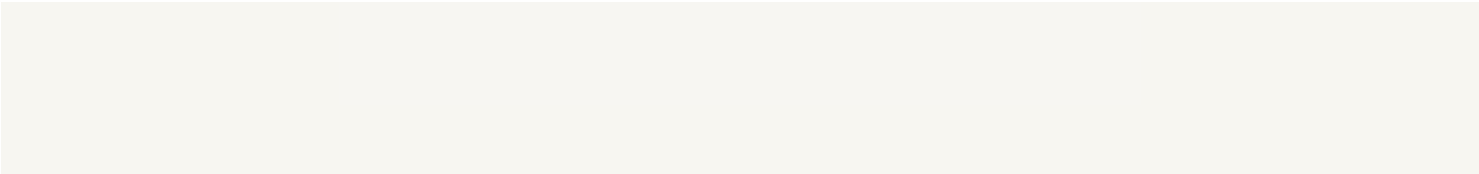
Exhibit 2-5

Need to know what forms of ID you need to register to vote or for in-person voting? Select an option below to find out!

VOTER REGISTRATION

VOTER REGISTRATION

IN PERSON VOTING



LOCATION & CONTACT
OUR OFFICE

Christi Jacobsen
Montana Secretary of State
Montana Capitol Building, Rm 260
P.O. Box 202801
Helena, MT 59620-2801
Front Desk: 406-444-2034

SUPPORT, HELP,
RESOURCES

Contact Us | ADA Notice &
Accommodations | Accessibility
| Privacy & Security | mt.gov | MCA

SUBSCRIBE TO OUR
NEWSLETTER

SUBSCRIBE NOW

RECORDS
MANAGEMENT

Access Records & Information
Management.

ACCESS RIM

Exhibit 2-6

James, Austin

From: Baker, Kyler
Sent: Tuesday, May 11, 2021 8:58 AM
To: Sandra Murphy
Cc: SOS Elections
Subject: RE: 2020 Voter Election Brochures

Thank you for contacting the Secretary of State's Office with your inquiry. It would be best to reach out to your local elections office with the information you provided. Below is the contact information for Gallatin County Elections Office. The ID numbers that were on the political mailings are not created by the elections office and have no connection to the elections office.

Gallatin County Elections:
Phone: 406-852-3068
Email: casey.hayes@gallatin.mt.gov

Please let us know if you have any other questions and have a great Tuesday!

Respectfully,



Kyler Baker | Election Specialist
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.4296

[website](#) | [email](#) | [map](#)

From: Sandra Murphy <skaymurphy@live.com>
Sent: Monday, May 10, 2021 4:38 PM
To: SOS Elections <SOSElections@mt.gov>
Subject: [EXTERNAL] 2020 Voter Election Brochures
Importance: High

Hello: Prior to the 2020 election we received four (4) Election Brochures at our home. The information in those brochures was very helpful. However, there are only two people residing at our residence, Sandra K. Murphy and John J. Earls, Jr., so it seems that the voter registration records haven't been updated. We purchased this home in 2016. The prior owner, Louis Smith died in 2015 or 2016, and Mrs. Gwendolyn Smith moved to Washington State to be near her children.

The brochures we received had the following identifying numbers: 1383-47563, 1383-47564, 0-1383-50042, and 0-1383-50043. We'd appreciate it if your records were updated so we don't receive so much duplicate unnecessary information in the future. If this information needs to go to the Gallatin County Election Office we'd appreciate it if you'd send it on, or let me know and I'll forward this e-mail. Thanks for your help.

Sandra K. Murphy

4605 Ballantyne Road
Belgrade, MT 59714
skaymurphy@live.com
406 579-2121

Exhibit 2-7



**STATE PRINT
& MAIL**
GENERAL SERVICES DIVISION
MONTANA DEPARTMENT OF ADMINISTRATION

(406) 444-3053
SPM@mt.gov, SPMStaff@mt.gov
gsd.mt.gov/SPM
1698 A Street, Helena, MT 59601
PO Box 200132, Helena, MT 59620-0132

INVOICE

Invoice Number	Date
000000945	November 18, 2021
Account Number	Terms
32010	Cash on Delivery

Bill To	Ship To
Attn: LEA GAINES SECRETARY OF STATE PO BOX 200801 HELENA, MT 59620-2801 Phone: 406-444-2035 Fax: Email: sosaccounting@mt.gov	Attn: JULIE LAKE SECRETARY OF STATE PO BOX 200801 HELENA, MT 59620-2801 Phone: 406-444-5359 Fax: Email: JuLake@mt.gov

Sales Order	Date	Estimate	Customer PO	Sales Rep
PUR00000634	September 28, 2021	RFQ00000333	JULIE LAKE	

Secretary of State Voter Postcard & Mailing

Description	Quantity	UOM	Unit Price	Per	Disc	Amount
Secretary of State Voter Postcard & Mailing	750,000	EA	\$0.02900395	EA		\$21,752.96
Hand Time	1	EA	\$180.00	EA		\$180.00
Postage charges	1	EA	\$199,383.65	EA		\$199,383.65

61010

OPS 301

62190

Subtotal	Postage	Shipping	Sales Tax	Less Deposits/ Payments	Total Amount Due (USD)
\$221,316.61	\$0.00	\$0.00	\$0.00	\$0.00	\$221,316.61

Exhibit 2-8



**STATE PRINT
& MAIL**
GENERAL SERVICES DIVISION
MONTANA DEPARTMENT OF ADMINISTRATION

(406) 444-3053
SPM@mt.gov, SPMStaff@mt.gov
gsd.mt.gov/SPM
1698 A Street, Helena, MT 59601
PO Box 200132, Helena, MT 59620-0132

INVOICE

Invoice Number	Date
000002107	February 10, 2022
Account Number	Terms
32010	Cash on Delivery

Bill To	Ship To
Attn: LEA GAINES SECRETARY OF STATE PO BOX 200801 HELENA, MT 59620-2801 Phone: 406-444-2035 Fax: Email: sosaccounting@mt.gov	Attn: KYLER BAKER Secretary of State 1301 E 6th Ave Helena, MT 59601 Phone: 406-444-4296 Fax: Email:

Sales Order	Date	Estimate	Customer PO	Sales Rep
PUR00000916	December 15, 2021	RFQ00000287	KYLER BAKER	

2021 MCA Title 13 Election Laws

Description	Quantity	UOM	Unit Price	Per	Disc	Amount
2021 MCA Title 13	1,950	EA	\$2.65470769	EA		\$5,176.68

Subtotal	Postage	Shipping	Sales Tax	Less Deposits/ Payments	Total Amount Due (USD)
\$5,176.68	\$0.00	\$0.00	\$0.00	\$0.00	\$5,176.68

Exhibit 2-9

POLLING PLACE QUICK REFERENCE GUIDE



Each election judge should be given a copy of this handbook and Sections 1-7 should be printed and available at the polls on election day.

Polling Place Situations: A “Quick Guide” is also available on the sosmt.gov website:

<https://sosmt.gov/elections/judge-training/>

1 - Polling Place Situations

It is recommended to provide each judge with the Election Judge Handbook and a copy of information on pages 6-11 as a guide to common polling place situations.

Chapter One outlines common situations experienced by election officials in a polling place setting. Chapter One is not intended to provide an exhaustive list of all polling place situations. Should you have any questions, do not hesitate to ask your County Election Administrator or the Office of the Secretary of State for clarification.

Identifying Voters at the polling place (<https://sosmt.gov/voter-id/>):

Montana permits voters with a wide variety of options to identify themselves for voting purposes. A voter may identify themselves by presenting any **one** of the following government-issued forms of identification:

- ✓ Montana Driver's License,
- ✓ Montana state identification card issued pursuant to 61-12-501,
- ✓ Military Identification card,
- ✓ Tribal photo identification card,
- ✓ United States Passport, or
- ✓ Montana concealed carry permit.

Similarly, a voter may identify themselves by presenting any combination of identification forms that meet the following criteria:

1. Any other form of **photo ID showing the elector's name**,
(For instance, a ski area season pass, health club membership card, school enrollment card, or shopping membership card, etc., so long as the identification contains both the elector's name and photo)
AND
2. A current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address.
(For example, a voter registration confirmation card, vehicle registration, WIC documentation, etc., that contains the elector's name and address)

Note: Montana law and rule provide additional processes for reasonable identification impediments (see Identification section starting on page 93 for information on Polling Place Elector Identification form and Declaration of Reasonable Impediment form).

Elector's ID differs from information in Register is incorrect:

- If the ID provided has information that differs from the information in the precinct register and the election judge determines the information provided is enough to verify the elector's identity and eligibility to vote, the elector may sign the register and vote. The elector must also complete an updated registration form.

Elector did not bring an acceptable form of ID, or the information presented is insufficient to verify the elector's identity and eligibility to vote:

- Allow the elector to return to the polling place with a required form of identification, or
- If the elector is unable to provide the required forms of identification, the elector is allowed to cast a provisional ballot.

Elector's name not in the Register:

- Call the election office to verify whether the elector's name **should** be on the Register:
 - If confirmed and the elector was omitted erroneously from the Register, have the elector complete the *Certificate of Erroneous Omission* form.
 - **Example:** An elector updates their registration address but it was not updated due to an administrative error such as an error in Motor Vehicle Division forwarding a requested change.
 - The elector votes a **regular ballot** in this scenario.
- If the election office cannot confirm the elector was erroneously omitted from the Register, the elector can vote a provisional ballot.
- If the elector chooses **not** to vote **provisionally** at the polls, direct them to the election office or designated location to resolve the problem.

Elector's address in Register is incorrect:

- Have the elector fill out a *Voter Registration* form with updated information and the elector then votes a **regular ballot**.

Register says elector was issued an Absentee Ballot:

- The elector must vote a **provisional ballot**. Inform elector that the **provisional ballot** will be counted only if the **absentee ballot** is not turned in.

A provisionally registered elector appears to vote (status will be noted on the Register).

- If the provisionally registered elector provides required polling place ID and other missing information and the ID and/or information is verified by the election administrator, the elector can vote a **regular ballot**.
- If the provisionally registered elector does not provide a form of required ID or the ID number or other missing information cannot be verified by the election administrator, the elector may vote a **provisional ballot**. Inform the elector that the **provisional ballot** will be counted if the elector provides verifiable ID and any applicable missing registration information to the election office by 5pm the day following the election.

An inactive elector appears at the polls to vote:

- An elector can be placed on "Inactive" status for a variety of reasons that are established in law (see MCA 13-2-220, ARM 44.3.2014). These reasons include not responding to correspondence during annual voter list maintenance or having a ballot returned to the election office as undeliverable in a mail ballot election.
- An **inactive** elector may reactivate their registration on election day by appearing at the polls or by requesting an absentee ballot. The elector may vote a **regular ballot** on election day at the county election administrator's office or a central location designated by the county election administrator (which may include the polling place). See [44.3.2015](#), ARM.
- An **inactive** elector should fill out a *Voter Registration Form* if any information in their voter record has changed.

Elector is challenged:

- If a challenge is resolved (see *Resolving Challenges - Special Situations* section of the *Election Judge Handbook*), then the elector may vote a **regular ballot**.
- If the challenge is not resolved, they may vote a **provisional ballot**.

Elector unable to sign the Register:

- Instruct the elector to mark the spot with a fingerprint or another identifying mark like an X.
- Note in the register that you witnessed the elector marking the register.
- If elector is unable to provide a fingerprint or identifying mark and does not have a designated agent, the election judge (or the Election Administrator) may sign for the elector after verifying elector's ID.

Elector requires assistance to vote:

- The polling place is for everyone. The elections process in Montana facilitates voters with disabilities in a variety of ways. Avoid making assumptions about ability. Listen to understand which part of the voting process an elector may need help with.
- Be accommodating and talk with the Chief Election Judge about ways that you can assist electors with disabilities with the voting process.
- The elector may use the AutoMARK™ or ExpressVote®. (See *AutoMARK™ Voting System Setup, Use, and Troubleshooting*, section 4 or *ExpressVote® User Guide*, section 5, *Election Judge Handbook*.)
- The elector may request the designated assistance of an individual to aid the elector in the marking of the elector's ballot, with a few exceptions.
 - The individual chosen **may not** be the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union.
- An individual designated to assist the elector shall sign the individual's name on the precinct register beside the name of the elector assisted.
- A properly designated agent may assist the elector with the voting process in a variety of ways.
- The elector has the option to be assisted by two election judges who represent different parties. The elector and assigned judges will complete the “Oath of Elector Needing Assistance within Polling Place” form (see bottom half of “*Oath of Elector Unable to Enter Polling Place*” form).
 - If election judges who represent different political parties are not available, the chief election judge shall appoint two election judges to assist the elector (MCA § [13-13-119](#)).
 - The judges appointed must make a notation on the voter's signature line in the Register and file the signed *Oath of Elector Unable to Enter Polling Place form* in the back flap of the Register binder.
- If an elector has difficulty entering the polling place, they may cast their ballot by requesting that a ballot be delivered to the elector outside the building where the polling place is located.
 - After identifying the disabled voter and confirming registration status, the chief election judge shall appoint two election judges (representing different political parties, if possible) to take the ballot to the elector.
 - The elector must sign the *Oath of Elector Unable to Enter Polling Place* form.
 - The judges appointed must make a notation on the voter's signature line in

the Register and file the signed *Oath of Elector Unable to Enter Polling Place form* in the back flap of the Register binder.

Elector makes a mistake on the ballot (see “Special Situations” section):

- Ballot judge will write “spoiled” on stub and the elector will write “spoiled” on the ballot.
- Judge will remove stub and elector places spoiled ballot in an envelope marked “Spoiled.”
- Instruct poll book judge to mark poll book accordingly for the spoiled ballot number. The word “SPOILED” must be marked beside elector’s name for that ballot number in the poll book.
- Give elector a new ballot and state to the poll book judge what the new number is for the ballot.
- **DO NOT** place stickers or labels to cover up and correct errors on the spoiled ballot. Additionally, **DO NOT** provide stickers or labels to electors to place on their ballot.

A ballot is missing or blank:

- If the next sequential ballot is missing, the poll book judge will note it by writing “missing” next to the number in the poll book.
- If the ballot is missing a number due to misprint, fold it and place in a “Spoiled” ballot envelope. Place it in the ballot box with the stub attached. Verify the next ballot has the correct sequential number. If not, repeat the steps above for that ballot.

Elector brings a voted Absentee Ballot to drop off at the polls (see *Absentee Voters at the Polls* section of this handbook):

- Electors can drop off **absentee ballots** at any polling place in the county that issued the ballot.
- On election day, electors may return ballots to the election office or any polling place in the county where the elector is registered to vote. For school districts, ballots can be returned to any polling place in the school district.
- **Absentee ballots** dropped off at the polling place must be sealed in a secrecy envelope and an affirmation signature envelope. The signature envelope must be signed and dated by the elector.
- An **absentee ballot** dropped off at a polling place other than the one in which the elector appears on the register must be:
 - Delivered to the election office for signature verification and tabulation if

tabulation of **absentee ballots** is done at a central location or as directed by the Election Administrator.

- Delivered to the election office for signature verification. The ballot will then need to be delivered by the election office to the correct precinct if all counting is done at the precinct location or as directed by the Election Administrator.

An Elector asks about Write-In Candidates:

- The Election Administrator will provide the chief election judge at each precinct a list of declared write-in candidates, along with copies of the filing form with name variations. The list may be shown to any elector who requests the information. Lists must **not** be posted in the polling place or in a voting booth.
- The Election Administrator will provide copies of filing forms listing name variations to ballot tabulating judges.

Elector requests ballot be hand-counted:

- When the elector returns the voted ballot, remove the stub, and place it in the stub container. Return the ballot to the elector, have the elector place it in an envelope marked *Hand-Count*, and place in the ballot box.

Poll Watchers:

- A candidate may not be a poll watcher at a polling place where electors are voting on ballots with the candidate's name on them.
- A candidate, family member of a candidate, or worker or volunteer for a candidate's campaign may not distribute alcohol, tobacco, food, drink, or anything of value to an elector within a polling place or a building in which an election is being held or within 100 feet of an entrance to a polling place.
- At the time when each elector signs their name, the register judge shall pronounce the name loud enough to be heard by the poll watchers.
- A poll watcher who does not understand the pronunciation has the right to request that the judge repeat the name.
- Poll watchers can obtain permission from the chief election judge to view the Register during a time that does not interfere with any voting with permission of the chief election judge.
- Poll watchers and observers are entitled to observe all vote counting procedures.

- Poll watchers and observers for early tabulation before the polls close must sign the proscribed affirmation [13-15-207\(4\) MCA](#) and may not disclose results learned prior to polls closing on election day under penalty of law.
- Access to an electronic system containing early tabulation results is limited to the Election Administrator and the elections administrator's designee. Results may not be released prior to the close of polls on election day.
- Poll watchers may challenge any elector using the completed prescribed form.
- Poll watchers and observers may speak to an election judge at a polling place to discuss application or interpretation of election procedures/laws, providing it **does not interfere** with election procedures as determined by the chief election judge.
- Ensure poll watchers and observers are not soliciting information or promoting an issue or candidate to electors in the polling place.
- If cell phones are allowed, poll watchers, observers, and signature gatherers using cell phones should be asked to go to a secluded area or outside the polling place, where electors will not hear the call and will not be distracted. Cameras or other electronic devices should be handled in a similar fashion. The elector must be able to vote in secrecy and without interruption.
- If you encounter an issue with a poll watcher, observer, or signature gatherer, contact the election office.

Questions: Call the local county election office or Secretary of State – Elections Division (406) 444-9608 or (888) 884-8683.

Polling Place Electioneering questions: Call the Commissioner of Political Practices (406) 444-2942.

Exhibit 2-10

AGENCY VOTER REGISTRATION MONTHLY TRANSMITTAL FORM

(For combined counties, please list data for each county individually)

Reporting for the Month/Year: **January (1-31) / 2022**

Site Coordinator: **Randy Dye – DPHHS – DET – Blind and Low Vision Services**

<u>Beaverhead</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total = 1	<u>(C) Already Registered</u> Total =	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total =
<u>Butte-Silver Bow</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total =	<u>(C) Already Registered</u> Total = 3	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total =
<u>Cascade</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total = 1	<u>(C) Already Registered</u> Total = 2	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total = 1
<u>Fergus</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total =	<u>(C) Already Registered</u> Total = 1	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total =
<u>Flathead</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total =	<u>(C) Already Registered</u> Total = 1	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total = 1
<u>Jefferson</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total = 1	<u>(C) Already Registered</u> Total =	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total =

<u>Lewis & Clark</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total =	<u>(C) Already Registered</u> Total = 1	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total =
<u>Pondera</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total =	<u>(C) Already Registered</u> Total = 1	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total =

Reporting for the Month/Year: January (1-31) / 2021		Site Coordinator: Randy Dye - DPHHS – DET – Blind and Low Vision Services		
<u>Toole</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total =	<u>(C) Already Registered</u> Total = 1	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total =
<u>Yellowstone</u> <u>DPHHS Blind & Low Vision Services</u>	<u>(A) Registered This Month</u> Total =	<u>(B) Declined This Month</u> Total = 1	<u>(C) Already Registered</u> Total = 4	<u>(D) Other than those clients who declined (B) or indicated they were already registered (C), client did not register but staff provided or mailed voter registration application to client (includes clients who left Voter Registration Questionnaire blank)</u> Total =

Exhibit 2-11

Agency Voter Registration Monthly Report

Report Month/Year:	*List all counties separately*		State Agency & Site Coordinator:		
County	Total new registrations	Total declined	Total already registered	Total change of address	Total other: 1) provided blank registration form. 2) client questionnaire blank. 3) under age 18 unable to register.
LAKE	0	0	2	0	0
FLATHEAD	2	5	6	0	0
Save an Excel file with the following information: Month, Year, Agency, County(s).xlsx (Ex: Oct_2019_VR_Flathead.xlsx)					
Email by the 5th of the month to: soselections@mt.gov					

Exhibit 2-12



MONTANA SECRETARY OF STATE

LINDA McCULLOCH

ELECTION DIRECTIVE #01-2015

Issued: October 15, 2015

TOPIC: Satellite Election Offices

As the State of Montana's chief election officer, I am responsible for obtaining and maintaining uniformity in the application, operation and interpretation of election laws pursuant to Mont. Code Ann. §§ 13-1-201 and 13-1-202(1)(c).

Over the last three weeks I have been conducting outreach to counties and Tribes for the purpose of gathering information to provide further guidance to election administrators with regard to establishing satellite election offices on reservations. I reached out to county election administrators (as required by law, Mont. Code Ann. § 13-1-102) requesting their input on specifics that should be included in guidance issued by this office. I also reached out to all Tribal presidents and chairmen to seek direct input from them with regard to their views about the need for satellite election offices on reservations.

In addition, I have received letters and emails of support for satellite election offices on American Indian reservations from interest groups.

AUTHORITY:

This directive is issued under the authority provided to the Secretary under Title 13, Montana Code Annotated, as interpreted by the U. S. District Court, District of Montana, having stated that the Secretary of State "has ... the ability to issue a directive telling the counties that they *must* establish satellite voting offices for in-person absentee voting and late voter registration." (Order, March 26, 2014, Judge Molloy, Document 153, *Wandering Medicine et al. v. McCulloch, et al.*).

DIRECTIVE:

The Secretary of State directs each county with an American Indian reservation that includes voting-eligible residents to open satellite election offices on those reservations, if certain conditions are present as discussed below. Said offices must provide in-person absentee voting and late registration services equivalent to the services at the main election office of the county.

How these services and offices are provided on the reservation should be determined by county election administrators and county commissioners, working in conjunction with Tribal governments and keeping mindful of the protections offered American Indians under the Voting Rights Act (VRA) and the settlement agreement in the *Wandering Medicine* lawsuit, as well as the cost in both time and resources of any future litigation on this issue. This process must

include outreach to Tribes to assess whether a Tribe desires a satellite office on their reservation and what resources are available.

If it is determined that opening a satellite absentee office will create a required improvement of access to the voting process under the VRA, the information provided in this directive must be used in opening such offices.

1. Analysis

Each county with an American Indian reservation must conduct an analysis under the VRA to determine whether a satellite office would be appropriate or required to protect the voting rights of Tribal members. In conducting these analyses, counties must consult with relevant Tribal governments. These analyses must be completed by January 1 of the year in which an election for federal office is held.

2. Cooperation with Tribal governments

If a satellite office is required on a given American Indian reservation to comply with the VRA, the county is directed to work with Tribal government to open and staff such offices.

The success of administering satellite election offices for federal elections is dependent on cooperation between the county government and Tribal government. Additionally, the following process must be followed:

- a. Prior to January 1, the county must notify the Tribal government in writing that if the Tribe desires a satellite office, the county must receive a written request from the Tribal government by January 31 (or by a deadline agreed upon between the county and the Tribal government) of each year in which an election for federal office will be held, requesting a satellite office. The county must also inform the Tribal government that the Tribal government request letter must include confirmation that the Tribal government will provide a location for the satellite office pursuant to the minimum requirements outlined in Section 3 below.
- b. Counties must work with and consult the Tribal government to arrive at a determination and mutual agreement of the location and days and times of operation for each satellite office.

3. Location

The determination of an appropriate location for a satellite election office is left to the discretion and knowledge of the local election administrator with the advice and consent of Tribal governments.

Satellite election offices must be large enough to accommodate at least two county election staff and at least one voter at a time, and equipment the county deems necessary for issuing absentee ballots. They must be equipped with adequate security features including a door that can be securely locked each evening and accessed only by the election administrator or designee(s); they must have telephone coverage and a secure wired internet connection that is consistent with the MT Votes Security and Access Plan; and they must be able to accommodate people with disabilities per ARM 44.3.104.

4. Staffing

Ideally, ballots should always be handled by two people. However, there are circumstances when this is not possible, including but not limited to those counties that have a one- or two-person election office. In order to maintain the security of the ballots, officials must use the tamper-resistant seals provided by the Secretary of State, must keep a security seal log, and must reconcile their ballots each day using the prescribed form. Additionally, the person(s) staffing the satellite office and transporting ballots must have on file a sworn oath, consistent with election official oaths and/or election judge oaths.

If the county is able to provide multiple staff, the staff should be from different political parties if possible. See also Election Directive #01-08 Testing and Security Procedures.

5. Security

Satellite election offices must follow all ballot security procedures. These include: all ballots and materials should be returned to the main election office at the end of each day, and delivered to the satellite election office at the beginning of the next day; **or** they must be locked in a secure room or cabinet at the satellite election office each night. Such room or cabinet must be accessible to only the election administrator or designee(s). Tamper resistant/evident seals and double-locked cabinets or rooms should be used. See Election Directive #01-08, Testing and Security Procedures.

6. Providing Appropriate Ballots

Satellite election offices must be equipped to provide absentee ballots for all precincts in a county. Election officials staffing a satellite election office must be trained and highly cognizant of the many different ballot styles in order to provide each voter with the appropriate ballot.

The statewide voter registration system will allow issuance of ballots from several different locations. However, the election administrator must develop a process that allows the sequential tracking of each ballot for each absentee voter, and must reconcile absentee ballots daily following the absentee ballot reconciliation process. Reconciliation of ballots is a necessary and critical part of election administration and the security and transparency of the election. Mont. Code Ann. §§ 13-13-232, 13-13-233, 13-13-241.

It is not the intent of the Secretary of State to direct one method over any other method. The method used must be decided at a local level where knowledge of voters' needs and county resources can be determined by the county officials responsible for providing services to its citizens. Some possible methods to track ballots issued from multiple locations follow.

a. Use of Ballot-on-Demand:

A ballot-on-demand system, as described below, is the preferred method of issuing ballots at a satellite office because use of the system will provide the least disruption of regular election activity at the election office. Importantly, these machines allow ballots to be issued from two locations while conforming to the legal requirement that ballots be issued consecutively.

A ballot-on-demand system is a dedicated application that can be integrated with the voter registration system and that prints out a ballot of the correct ballot style based on each voter's registration information. It allows election officials to print only the number of ballots needed.

Ballot-on-demand systems have recently been acquired by several Montana counties, and are used in other states. The same testing and security measures in place for voting equipment are applicable to a ballot-on-demand system.

Counties may choose to establish use of a ballot-on-demand system at a satellite election office, eliminating the need for a known quantity of pre-numbered ballots for each precinct and split to be available at the satellite office.

The benefits of using a ballot-on-demand system include not having to transport to and store at the satellite office a quantity of unvoted ballots, and, if a ballot-on-demand system is located at both the election office and at the satellite office, being able to issue absentee ballots from both locations. Importantly, ballots are still issued consecutively through the MT Votes system when using a ballot-on-demand system and the paper ballots issued must be reconciled daily.

b. Alternate option of manually changing stub numbers on ballots issued at a satellite office:

The satellite election office sequentially numbers the ballot stub based on the next sequential ballot number issued by the statewide voter registration system by crossing out the ballot number pre-printed on the paper stub and writing a number which indicates the satellite election office it was issued from and the sequential number assigned by the statewide voter registration system (e.g., EH #004 – East Helena ballot #4).

The main election office must then be contacted and must VOID the paper ballot at that location with the corresponding number.

This option requires constant communication between the satellite office and the election office, and careful attention to detail.

c. Additional Options:

A county may propose to the Secretary of State an alternate method that includes accuracy and security protections.

7. Time Period

An election administrator providing services at a satellite election office must ensure that starting at least 30 days prior to the election absentee ballots are available at the satellite election office during the days and hours the satellite election office is open for business as agreed upon by the Tribal government and approved by the county commissioners. Mont. Code Ann. § 13-13-205.

The time period for applying for an absentee ballot ends at noon on the day before election day. Mont. Code Ann. § 13-13-211. Absentee ballots must be returned to the election office **or** a polling place by 8 p.m. on election day. Mont. Code Ann. § 13-13-201.

Exhibit 2-13

James, Austin

From: Corson, Dana
Sent: Thursday, February 10, 2022 12:46 PM
To: Georgette; James, Austin
Cc: Candy Wells; lpedersen@bighorncountymt.gov; Levi.BlackEagle@crow-nsn.gov
Subject: RE: FYI & Satellite Office Demand

Georgette,

Thank you for your email and a copy of Chairman Frank White Clay's letter sharing your concerns about your satellite office in Big Horn County.

The Secretary of State's Office will gladly assist where possible on these concerns and I would look forward to being a part of conversations with you when elections are the topic.



Dana Corson | Elections Director
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.3334

[website](#) | [email](#) | [map](#)

From: Georgette Boggio <gboggio@elkriverlaw.com>
Sent: Monday, January 31, 2022 9:30 AM
To: Corson, Dana <DCorson@mt.gov>; James, Austin <Austin.James@mt.gov>
Subject: [EXTERNAL] FYI

From: Georgette Boggio
Sent: Monday, January 31, 2022 8:57 AM
To: dbeardontwalk@bighorncountymt.gov
Cc: cwells@bighorncountymt.gov; lpedersen@bighorncountymt.gov; Levi Black Eagle <Levi.BlackEagle@crow-nsn.gov>
Subject: FW: Satellite Office Demand

Dear Dulcie,

Please find attached the Crow Tribe's request for a Satellite Office. Please do not hesitate to contact Levi Black Eagle or me if you have any questions.

Let me know if you would like a hardcopy version of the letter, or if this email is sufficient.

Thank you on behalf of the Crow Tribe.

Georgette Boggio

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

Alexander H. Rate (Attorney)
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Service Method: eService

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Missoula MT 59802
Representing: Blackfeet Nation
Service Method: eService

Rylee Sommers-Flanagan (Attorney)
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Helena MT 59601
Representing: Forward Montana Foundation, Montana Public Interest Reserch Grp., Blackfeet Nation,
Montana Youth Action
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Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Confederated Salish And Kootenai Tribes (Plaintiff)
Service Method: Other Means by Consent

Fort Belknap Indian Community (Plaintiff)
Service Method: Other Means by Consent

Northern Cheyenne Tribe (Plaintiff)
P.O. Box 128
Lame Deer 59043
Service Method: Other Means by Consent

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Service Method: Other Means by Consent

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Ian McIntosh (Attorney)
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Service Method: eService
E-mail Address: imcintosh@crowleyfleck.com

Electronically Signed By: Dale Schowengerdt
Dated: 02-17-2022

David M.S. Dewhirst (MT Bar #65934132)

Solicitor General

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Telephone: (406) 449-4165

*Attorneys for Defendant Christi Jacobsen, in her
official capacity as Montana Secretary of State*

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party,

Plaintiff,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

DECLARATION OF CALEB S. LOWE

WESTERN NATIVE VOICE, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

I, Caleb S. Lowe, declare as follows:

1. My name is Caleb S. Lowe. I am over the age of eighteen years. I make this declaration based on my personal knowledge of the facts stated in this declaration.

2. As set forth below above my signature, I declare under penalty of perjury and under the laws of the state of Montana that the facts in this declaration are true and correct. I would testify in this Court to the facts declared in this declaration.

3. I was born in 2000 and am 21 years old. I have been in Montana since I was 12 years old.

4. I currently attend college at Montana State University in Bozeman. I am studying mechanical engineering.

5. I support voter identification laws because I believe voter identification laws are the best way to secure elections and verify that people are who they say they are.

6. I believe I first registered to vote in Montana when I was 18 years old. I registered in Yellowstone County because that was my permanent address. I recall using the internet to register and believe I printed the voter registration form and mailed it into the county office. It was very simple and straightforward. I checked the box on the form to vote by absentee ballot and to have my ballot mailed to me.

7. Like almost every Montanan I know, I have a Montana driver's license. Like many Montanans, I got my driver's license as soon as I could at 15 or 16 years old. I had no difficulties getting a Montana driver's license and have not met another Montanan who had difficulties obtaining a Montana driver's license. All I had to do to get a driver's license was go to the DMV office, fill out a form with supporting documents, and then receive a driver's license.

8. I also received a university ID from MSU Bozeman. All students at MSU Bozeman receive a university ID. The ID is called a CatCard.

9. Students at MSU are constantly asked on campus if they are registered to vote. Many organizations have tables set up that ask students to register to vote. It is likely that every student at MSU has been asked if they are registered to vote and if they want to register to vote right there at the table on campus. All the various organizations have the voter registration forms. All it takes is for a student to stop at a table, fill out the form, and return it. I cannot imagine any easier way to register to vote for students in Montana.

10. It is very easy to get the CatCard. MSU sent an email to me and told me to upload a picture or come into an office to have my picture taken. I uploaded my senior picture. The CatCard is used to access numerous things on campus, such as dorms, dining halls, etc.

11. I voted in 2020 for the first time. I voted by mail using an absentee ballot. It was very easy and straightforward. At the time, I was living in an apartment complex in Bozeman near campus. I recall being concerned about whether my ballot would be mailed to my Bozeman address. I believe I went to an online system to check on the status of my ballot, and I believe I updated my address. Ultimately, I received my absentee ballot in the mail and voted by absentee.

12. If I had voted in person in 2020, I could have easily satisfied the voter identification requirements that were in place at the time, and I could easily satisfy the voter identification requirements in place for the 2022 election if I were to choose to vote in person. I understand that no photo identification is required to vote absentee.

13. I am more likely to vote—and to trust the legitimacy of Montana election results—if voter identification laws are in place because that is the only way I will be confident my vote will count and not be offset by invalid or unlawful votes.

14. I am a current MSU student. I do not know any university students at MSU or other Montanans in my age range who would be unable to satisfy voter identification requirements. I do not know any students who lack a driver's license. I do not know any students who lack a university identification card. I do not know any students who do not have a bank account in their name.

15. I would be surprised to learn that there are students who do not have a bank account, a driver's license, or a university identification card.

16. Currently, I do not know any college students in Montana, or other Montanans in my age range, who are unable to satisfy the voter identification requirements set by current Montana law for in-person voting.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

2-11-22 Bozeman, MT

Date and place

Caleb S. Lowe

Caleb S. Lowe

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

Alexander H. Rate (Attorney)
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Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Ryan Ward Aikin (Attorney)
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Representing: Blackfeet Nation
Service Method: eService

Rylee Sommers-Flanagan (Attorney)
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Helena MT 59601
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Montana Youth Action
Service Method: eService

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*Attorneys for Defendant Christi Jacobsen, in her
official capacity as Montana Secretary of State*

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party,

Plaintiff,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

**DECLARATION OF DALE
SCHOWENGERDT**

WESTERN NATIVE VOICE, Montana Native
Vote, Blackfeet Nation, Confederated Salish
and Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

I, Dale Schowengerdt, state and affirm that the following facts are true and correct to the
best of my knowledge:

1. I am counsel of record for Defendant Christi Jacobsen, in her official capacity as
Montana Secretary of State, in the above-captioned matter.

2. To the best of my knowledge, attached are true and correct copies of the following
exhibits referenced in Defendant's Statement of Undisputed facts:

Exhibit 1-1: NPR/Ipsos Poll, *Seven in ten Americans say the country is in crisis, at risk of failing*
(Jan. 3, 2022), available at

<https://www.ipsos.com/sites/default/files/ct/news/documents/2022-01/Topline-NPR-Ipsos-poll.pdf> (last accessed Feb. 10, 2022).

Exhibit 1-2: ABC News/Ipsos Poll, *A survey of the American general population* (Jan. 6, 2022), available at

https://www.ipsos.com/sites/default/files/ct/news/documents/2022-01/Topline%20ABC_Ipsos%20Poll%20January%206%202022.pdf (last accessed Feb. 10, 2022).

Exhibit 1-3: Pippa Norris, *Do perceptions of electoral malpractice undermine democratic satisfaction? The US in comparative perspective*, *International Political Science Review* (2019, Vol. 40), available at

<https://journals.sagepub.com/doi/pdf/10.1177/0192512118806783> (last accessed Feb. 10, 2022).

Exhibit 1-4: Harvard Kennedy School's Electoral Integrity Project, *Election Integrity in the 2020 U.S. Elections* (Dec. 1, 2020), available at

<https://static1.squarespace.com/static/58533f31bebafe99c85dc9b/t/604784f8451f52636f8315bb/1615299838676/PEI-US-2020+Report.pdf> (last accessed Feb. 10, 2022).

Exhibit 1-5: Center for Democracy and Election Management at American University, *Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform* (Sept. 2005).

Exhibit 1-6: Charles Stewart III, *Managing Polling Place Resources*, Caltech/MIT Voting Technology Project (Dec. 2015), available at

<https://web.mit.edu/vtp/Managing%20Polling%20Place%20Resources.pdf> (last accessed Feb. 10, 2022).

- Exhibit 1-7: Kyle Endres and Costas Panagopoulos, *Photo identification laws and perceptions of electoral fraud*, Research & Politics (July 2021), available at <https://journals.sagepub.com/doi/pdf/10.1177/20531680211030435> (last accessed Feb. 10, 2022).
- Exhibit 1-8: Enrico Cantoni and Vincent Pons, *STRICT ID LAWS DON'T STOP VOTERS: EVIDENCE FROM A U.S. NATIONWIDE PANEL, 2008-2018*, National Bureau of Economic Research (Revised May 2021), available at https://www.nber.org/system/files/working_papers/w25522/w25522.pdf (last accessed Feb. 10, 2022).
- Exhibit 1-9: John Bowden, *House Dems signal possible probe of disputed North Carolina election*, Capitol Hill Publishing Corp. (Jan. 5, 2019).
- Exhibit 1-10: Max Greenwood, *North Carolina board calls for new election in contested House race*, Capitol Hill Publishing Corp. (Feb. 21, 2019).
- Exhibit 1-11: Michael Graff and Nick Ochsner, 'This Smacks of Something Gone Awry': A True Tale of Absentee Vote Fraud, Politico Magazine (Nov. 29, 2021), available at <https://www.politico.com/news/magazine/2021/11/29/true-tale-absentee-voter-fraud-north-carolina-523238> (last accessed Feb. 11, 2022).
- Exhibit 1-12: Montana Secretary of State Corey Stapleton, *2018 Statewide General Election Canvass* (Nov. 6, 2018), available at <https://sosmt.gov/wp-content/uploads/2018GeneralReportStateCanvass.pdf> (last accessed Feb. 10, 2022).
- Exhibit 1-13: Montana Legislature, *Ballot Language for Legislative Referendum No. 129* (May 3, 2017), available at <https://sosmt.gov/wp-content/uploads/LR-129.pdf> (last accessed Feb. 10, 2022).

- Exhibit 1-14: Sam Wilson, *2 Phillips County residents charged with falsifying voter registrations*, Helena Independent Record (Feb. 7, 2022), available at https://helenair.com/news/state-and-regional/govt-and-politics/2-phillips-county-residents-charged-with-falsifying-voter-registrations/article_f388ec04-aa90-5892-b889-9dc27cdd00a4.html (last accessed Feb. 10, 2022).
- Exhibit 1-15: Phillips County Criminal Complaints—Jannet B. Zeta and Grace O. Albia (Oct. 12, 2021).
- Exhibit 1-16: Associated Press, *Montana man sentenced for falsifying voter registration*, Billings Gazette (Jun. 8, 2021), available at https://billingsgazette.com/news/state-and-regional/crime-and-courts/montana-man-sentenced-for-falsifying-voter-registration/article_67f360f9-3539-54ff-8b29-163533b4e7d0.html (last accessed Feb. 10, 2022).
- Exhibit 1-17: Hugh B. Brown, *Information on Voter Fraud*, Liberty County Attorney’s Office (June 20, 2012).
- Exhibit 1-18: Sharad Goel, Marc Meredith, Michael Morse, David Rothschild, and Houshmand Shirani-Mehr, *One Person, One Vote: Estimating the Prevalence of Double Voting*, American Political Science Review (2020).
- Exhibit 1-19: HB 176, 67th Mont. Legis. (Apr. 9, 2021).
- Exhibit 1-20: HB 506, 67th Mont. Legis. (May 4, 2021).
- Exhibit 1-21: HB 530, 67th Mont. Legis. (May 4, 2021).
- Exhibit 1-22: SB 169, 67th Mont. Legis. (Apr. 12, 2021).
- Exhibit 1-23: Plaintiff Western Native Voice’s Response to Defendant’s First Combined Discovery Requests.
- Exhibit 1-24: Document from Plaintiff Western Native Voice’s Discovery Responses

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I declare under penalty of perjury that the foregoing is true and correct.

Dated this 16th day of February, 2022, in Helena, Montana.

By Dale Schowengerdt

CROWLEY FLECK PLLP
P.O. Box 797
Helena, MT 59624-0797

Attorney for Defendant Christi Jacobsen, in her
official capacity as Montana Secretary of State

Exhibit 1-1



PUBLIC POLL FINDINGS AND METHODOLOGY

Seven in ten Americans say the country is in crisis, at risk of failing

New NPR/Ipsos poll finds a year after January 6th, Americans remain divided on interpretation of the event

Topline Findings

Washington, DC, January 3, 2022- A new NPR/Ipsos poll, conducted nearly a year after the January 6th incident at the U.S. Capitol, finds that Americans hold mixed views on how to characterize the events that unfolded that day – views that are driven primarily by partisan affiliation and news consumption.

Moreover, more than one-fifth of the American public agrees that it is sometimes okay to engage in violence, either to protect American democracy or our culture and values. More than three in five disagree. Though many items in this survey underscore the deep political and cultural divisions that exist, one thing is clear: most say American democracy, and America itself, is in crisis and at risk of failing.

Detailed findings:

1. A strong majority of Americans are feeling pessimistic about the state of the country, feeling it is in crisis.
 - Overall, 64% agree that American democracy is in crisis and at risk of failing. Even more, 70%, feel the same about America itself.
 - A majority, regardless of their gender, racial/ethnic group, generation, or region of the country, feel that America is in crisis and at risk of failing. There is also broad consensus among Democrats (68%), Republicans (79%), and independents (67%) on this.
 - However, when you zoom in on political affiliation, Republicans feel this sentiment more acutely than Democrats: 47% of Republicans “strongly agree” with this sentiment, compared to 29% of Democrats.
2. Nearly a year after the Jan. 6th events at the U.S. Capitol, Americans hold mixed perceptions on the event. Moreover, nearly one in four agree there can be certain scenarios where political violence is justified.
 - Around one in three (32%) believe the January 6th assault on the U.S. Capitol building was an attempted coup or insurrection, while 28% say it was a riot that got out of control. However, 17% cite a conspiracy – that the events were actually carried out by opponents of Donald Trump, including Antifa and government agents.
 - Perceptions vary slightly by education level – those with college degrees are more likely to call it an attempted coup than those without – but the bigger cleavages emerge by partisan affiliation and related factors (such as who you voted for, where you consume news, and the frequency of consuming political news).
 - For example, there is a more than 50 percentage point difference between Democrats who consume political news at least weekly and Republicans who do the same, when it comes to beliefs that the event was an attempted coup (65% of Democrats who fall into this category feel this way vs. 11% of Republicans).
 - On the other hand, nearly one in three Republicans who are regular political news consumers (30%) say the events were carried out by Antifa/government agents, compared to 7% of Democrats who follow political news closely.
 - More than one in five Americans say sometimes it is okay to engage in violence to protect American democracy (24%) or American culture and values (22%). There is no significant difference between all partisans on this; however, there is a difference between Biden voters and Trump voters, specifically, with the latter more inclined to agree with engaging in violence.





PUBLIC POLL FINDINGS AND METHODOLOGY

3. Around two-thirds of Americans accept the outcome of the 2020 presidential election. However, around a third believe there was fraudulent voting in the election, and another fifth say they are unsure – meaning under half of respondents unequivocally state there was no, or very little, fraudulent voting in the election.
 - Sixty-five percent of Americans agree with the statement, “I accept the outcome of the 2020 presidential election.” However, this number falls to fewer than half among Republicans, Trump voters, and those who get their news from Fox News or conservative news media.
 - Just under half, 48%, say there was either no fraudulent voting (29%), or very little but it had no impact on the results (19%).
 - Twenty-two percent say there was major fraudulent voting, and it changed the results of the election. This number jumps to a 54% majority among those whose primary news source is Fox News or conservative news media, 52% of Trump voters, and 45% of all Republicans.
4. Few Americans are very familiar with the efforts of Republican states legislatures to re-work the mechanisms of elections and when read a short description, more say those efforts will make elections less fair rather than more. On the other hand, several of the measures included in Democrats’ national voting rights plans are broadly viewed as more positive developments.
 - Forty-nine percent say standardizing voting rules across states will make American elections more fair compared to only 19% who say it would make elections less fair.
 - i. Notably, an equal number of Democrats and Republicans, 54%, say this will make things more fair. Just 40% of independents feel the same.
 - The other leading proposal – allowing any eligible voter to vote by mail – is cited by 44% as a way to make the system more fair. This proposal does not have bipartisan support: twice as many Democrats (62%) as Republicans (31%) say it will make the system more fair.
 - Just 15% of Americans say giving state legislatures the power to determine the outcome of an election would make American elections more fair, while 57% say it will make them less fair. In general, views toward proposed election reforms in this poll also vary based on news consumption and the candidate supported in the 2020 election.

These are the findings of an NPR/Ipsos poll conducted between December 17 - 20, 2021. For this survey, a sample of 1,126 adults ages 18+ from the continental U.S., Alaska, and Hawaii was interviewed online in English. The poll has a credibility interval of plus or minus 3.3 percentage points for all respondents.

For full results, please refer to the following annotated questionnaire:

PUBLIC POLL FINDINGS AND METHODOLOGY

Full Annotated Questionnaire

1. How much trust, if any, do you have in the following?

Total A great deal/A fair amount summary

	Total (n=1126)	Democrat (n=499)	Republican (n=395)	Independent (n=143)
Local election officials	39%	48%	41%	25%
State election officials	35%	44%	35%	23%
Election officials in Democratic states	35%	60%	16%	23%
Your state legislature	33%	42%	35%	20%
Election officials in Republican states	31%	23%	52%	17%

a. Local election officials

	Total	Democrat	Republican	Independent
A great deal	11%	14%	10%	5%
A fair amount	28%	33%	30%	20%
Just a little	29%	28%	34%	27%
None at all	22%	15%	20%	33%
Don't know	10%	9%	5%	16%
<i>A great deal/ A fair amount (Net)</i>	39%	48%	41%	25%
<i>Just a little/ None at all (Net)</i>	51%	43%	54%	59%

b. State election officials

	Total	Democrat	Republican	Independent
A great deal	9%	12%	7%	6%
A fair amount	26%	32%	27%	17%
Just a little	29%	28%	33%	31%
None at all	27%	17%	28%	36%
Don't know	9%	10%	5%	10%
<i>A great deal/ A fair amount (Net)</i>	35%	44%	35%	23%
<i>Just a little/ None at all (Net)</i>	56%	46%	61%	67%

c. Your state legislature

	Total	Democrat	Republican	Independent
A great deal	8%	11%	8%	4%
A fair amount	25%	30%	27%	16%
Just a little	28%	27%	28%	31%
None at all	29%	21%	32%	36%
Don't know	10%	10%	5%	13%
<i>A great deal/ A fair amount (Net)</i>	33%	42%	35%	20%
<i>Just a little/ None at all (Net)</i>	57%	48%	60%	67%

PUBLIC POLL FINDINGS AND METHODOLOGY

d. Election officials in Democratic states

	Total	Democrat	Republican	Independent
A great deal	10%	20%	2%	7%
A fair amount	24%	40%	14%	16%
Just a little	19%	19%	18%	23%
None at all	34%	7%	60%	41%
Don't know	12%	13%	7%	12%
<i>A great deal/ A fair amount (Net)</i>	35%	60%	16%	23%
<i>Just a little/ None at all (Net)</i>	53%	27%	78%	64%

e. Election officials in Republican states

	Total	Democrat	Republican	Independent
A great deal	10%	6%	18%	4%
A fair amount	21%	16%	33%	13%
Just a little	25%	22%	29%	26%
None at all	33%	44%	13%	43%
Don't know	11%	11%	6%	14%
<i>A great deal/ A fair amount (Net)</i>	31%	23%	52%	17%
<i>Just a little/ None at all (Net)</i>	58%	66%	42%	69%

2. Generally speaking, how do you feel toward the following:

Total Favorable Summary

	Total	Democrat	Republican	Independent
Democratic voters	44%	82%	15%	24%
Democratic elected officials	41%	80%	13%	22%
Republican voters	40%	20%	78%	17%
Republican elected officials	37%	20%	73%	16%

a. Republican voters

	Total	Democrat	Republican	Independent
Very favorable	13%	3%	33%	3%
Somewhat favorable	12%	6%	24%	6%
A little favorable	14%	12%	21%	8%
A little unfavorable	14%	16%	9%	22%
Somewhat unfavorable	12%	19%	4%	13%
Very unfavorable	19%	37%	3%	13%
Don't know	16%	8%	6%	35%
<i>Total favorable (Net)</i>	40%	20%	78%	17%
<i>Total unfavorable (Net)</i>	44%	72%	16%	47%

PUBLIC POLL FINDINGS AND METHODOLOGY

b. Democratic voters

	Total	Democrat	Republican	Independent
Very favorable	13%	30%	1%	2%
Somewhat favorable	15%	29%	4%	8%
A little favorable	16%	24%	10%	15%
A little unfavorable	13%	7%	17%	21%
Somewhat unfavorable	12%	2%	26%	8%
Very unfavorable	15%	1%	32%	12%
Don't know	17%	8%	9%	34%
<i>Total favorable (Net)</i>	<i>44%</i>	<i>82%</i>	<i>15%</i>	<i>24%</i>
<i>Total unfavorable (Net)</i>	<i>40%</i>	<i>11%</i>	<i>75%</i>	<i>41%</i>

c. Republican elected officials

	Total	Democrat	Republican	Independent
Very favorable	9%	3%	22%	2%
Somewhat favorable	13%	8%	26%	4%
A little favorable	14%	9%	25%	10%
A little unfavorable	15%	15%	12%	23%
Somewhat unfavorable	12%	16%	7%	15%
Very unfavorable	23%	42%	3%	19%
Don't know	13%	7%	4%	26%
<i>Total favorable (Net)</i>	<i>37%</i>	<i>20%</i>	<i>73%</i>	<i>16%</i>
<i>Total unfavorable (Net)</i>	<i>50%</i>	<i>73%</i>	<i>22%</i>	<i>58%</i>

d. Democratic elected officials

	Total	Democrat	Republican	Independent
Very favorable	10%	23%	1%	2%
Somewhat favorable	17%	33%	6%	7%
A little favorable	14%	24%	6%	13%
A little unfavorable	11%	7%	13%	21%
Somewhat unfavorable	11%	2%	23%	14%
Very unfavorable	23%	5%	47%	17%
Don't know	13%	7%	4%	26%
<i>Total favorable (Net)</i>	<i>41%</i>	<i>80%</i>	<i>13%</i>	<i>22%</i>
<i>Total unfavorable (Net)</i>	<i>45%</i>	<i>13%</i>	<i>83%</i>	<i>52%</i>

PUBLIC POLL FINDINGS AND METHODOLOGY

3. How familiar are you, if at all, with the following?

Total Familiar Summary

	Total	Democrat	Republican	Independent
The January 6, 2021 assault on the U.S. Capitol building	75%	85%	73%	68%
Efforts by Donald Trump and his allies to overturn the results of the 2020 election at the state/local level	72%	78%	76%	64%
Claims of fraudulent voting in the 2020 election	71%	74%	79%	63%
Investigations, arrests, and trials of people involved in the January 6, 2021 events at the U.S. Capitol building	68%	80%	65%	59%

a. Claims of fraudulent voting in the 2020 election

	Total	Democrat	Republican	Independent
Very familiar	39%	44%	45%	24%
Somewhat familiar	31%	29%	34%	38%
Heard of, but know very little	18%	16%	17%	18%
Have not heard of	4%	3%	2%	10%
Don't know	8%	8%	3%	10%
<i>Total familiar (Net)</i>	71%	74%	79%	63%

b. Efforts by Donald Trump and his allies to overturn the results of the 2020 election at the state/local level

	Total	Democrat	Republican	Independent
Very familiar	40%	49%	41%	28%
Somewhat familiar	32%	29%	35%	37%
Heard of, but know very little	15%	12%	18%	11%
Have not heard of	6%	4%	3%	13%
Don't know	7%	5%	2%	11%
<i>Total familiar (Net)</i>	72%	78%	76%	64%

c. The January 6, 2021 assault on the U.S. Capitol building

	Total	Democrat	Republican	Independent
Very familiar	44%	58%	41%	28%
Somewhat familiar	31%	27%	33%	40%
Heard of, but know very little	15%	9%	21%	15%
Have not heard of	3%	1%	4%	6%
Don't know	7%	4%	2%	12%
<i>Total familiar (Net)</i>	75%	85%	73%	68%

PUBLIC POLL FINDINGS AND METHODOLOGY

- d. Investigations, arrests, and trials of people involved in the January 6, 2021 events at the U.S. Capitol building

	Total	Democrat	Republican	Independent
Very familiar	33%	43%	31%	22%
Somewhat familiar	35%	36%	34%	37%
Heard of, but know very little	20%	13%	25%	24%
Have not heard of	7%	3%	9%	9%
Don't know	6%	5%	1%	8%
<i>Total familiar (Net)</i>	68%	80%	65%	59%

4. Which of the following is closest to your point of view about the claims of fraudulent voting in the 2020 presidential election?

	Total	Democrat	Republican	Independent
There was virtually no fraudulent voting in the election	29%	51%	9%	21%
There was very little fraudulent voting, and it had no impact on the results	19%	23%	17%	17%
There was significant fraudulent voting, but it had no impact on the results	9%	6%	14%	11%
There was major fraudulent voting, and it changed the results of the election	22%	5%	45%	17%
Don't know	22%	15%	15%	34%

5. Which of the following is closest to your point of view about efforts by Donald Trump and his allies to overturn the results of the 2020 election at the state/local level?

	Total	Democrat	Republican	Independent
Trump and his allies broke the law trying to overturn the election	39%	67%	14%	29%
Trump and his allies went too far, but were within the law	11%	8%	15%	11%
Trump and his allies were exercising their correct legal right to contest the election	20%	8%	39%	15%
Trump and his allies did not go far enough in contesting the election	10%	4%	18%	6%
Don't know	21%	14%	13%	39%

PUBLIC POLL FINDINGS AND METHODOLOGY

6. Which of the following is closest to your point of view on the January 6, 2021 assault on the U.S. Capitol building?

	Total	Democrat	Republican	Independent
The Jan. 6th events were an attempted coup or insurrection	32%	57%	10%	26%
The Jan. 6th events were a riot that got out of control	28%	20%	38%	32%
The Jan. 6th events were a reasonable protest	6%	4%	9%	4%
The Jan. 6th events were actually carried out by opponents of Donald Trump, including Antifa and government agents	17%	8%	30%	12%
Don't know	18%	11%	13%	26%

7. How familiar are you, if at all, with the following?

Total Very/Somewhat Familiar Summary

	Total	Democrat	Republican	Independent
Proposals allowing any eligible voter to vote by mail.	53%	62%	55%	43%
State proposals reducing access to absentee ballots, limiting early voting times, or reducing the number of voting locations in areas.	44%	56%	41%	35%
Proposals standardizing voting rules across the states.	41%	50%	40%	29%
State legislatures changing election laws to give them the power to determine the outcome of an election.	39%	49%	36%	28%
State legislatures limiting the independence of elected state and local election officials.	36%	48%	31%	25%
Proposals moving redistricting authority in every state to nonpartisan redistricting commissions.	36%	47%	31%	27%
Proposals giving the vice president the right to decide which electoral votes should be counted.	32%	39%	30%	31%

PUBLIC POLL FINDINGS AND METHODOLOGY

- a. State legislatures changing election laws to give them the power to determine the outcome of an election.

	Total	Democrat	Republican	Independent
Very familiar	16%	24%	13%	8%
Somewhat familiar	23%	25%	23%	20%
Heard of, but know very little	21%	21%	25%	17%
Have not heard of	27%	19%	31%	36%
Don't know	13%	11%	7%	20%
<i>Total familiar (Net)</i>	39%	49%	36%	28%

- b. State legislatures limiting the independence of elected state and local election officials.

	Total	Democrat	Republican	Independent
Very familiar	15%	25%	9%	9%
Somewhat familiar	21%	23%	22%	15%
Heard of, but know very little	23%	24%	25%	23%
Have not heard of	26%	15%	33%	36%
Don't know	15%	13%	11%	17%
<i>Total familiar (Net)</i>	36%	48%	31%	25%

- c. Proposals giving the vice president the right to decide which electoral votes should be counted.

	Total	Democrat	Republican	Independent
Very familiar	12%	18%	10%	6%
Somewhat familiar	20%	20%	20%	25%
Heard of, but know very little	17%	19%	18%	12%
Have not heard of	36%	29%	46%	36%
Don't know	15%	13%	7%	21%
<i>Total familiar (Net)</i>	32%	39%	30%	31%

- d. State proposals reducing access to absentee ballots, limiting early voting times, or reducing the number of voting locations in areas.

	Total	Democrat	Republican	Independent
Very familiar	18%	27%	14%	10%
Somewhat familiar	26%	29%	27%	25%
Heard of, but know very little	24%	21%	33%	18%
Have not heard of	19%	13%	19%	31%
Don't know	13%	10%	7%	16%
<i>Total familiar (Net)</i>	44%	56%	41%	35%

PUBLIC POLL FINDINGS AND METHODOLOGY

e. Proposals allowing any eligible voter to vote by mail.

	Total	Democrat	Republican	Independent
Very familiar	23%	32%	21%	13%
Somewhat familiar	30%	30%	34%	30%
Heard of, but know very little	20%	19%	23%	15%
Have not heard of	15%	10%	15%	21%
Don't know	13%	9%	7%	21%
<i>Total familiar (Net)</i>	53%	62%	55%	43%

f. Proposals standardizing voting rules across the states.

	Total	Democrat	Republican	Independent
Very familiar	16%	23%	16%	7%
Somewhat familiar	24%	27%	24%	22%
Heard of, but know very little	24%	24%	26%	22%
Have not heard of	22%	15%	27%	30%
Don't know	13%	11%	7%	19%
<i>Total familiar (Net)</i>	41%	50%	40%	29%

g. Proposals moving redistricting authority in every state to nonpartisan redistricting commissions.

	Total	Democrat	Republican	Independent
Very familiar	12%	16%	10%	7%
Somewhat familiar	24%	31%	21%	20%
Heard of, but know very little	23%	22%	28%	20%
Have not heard of	26%	17%	30%	34%
Don't know	16%	13%	10%	19%
<i>Total familiar (Net)</i>	36%	47%	31%	27%

PUBLIC POLL FINDINGS AND METHODOLOGY

8. Based on what you may know or feel, do you think the following proposals will make American elections more or less fair?

Total More Fair Summary

	Total	Democrat	Republican	Independent
Proposals standardizing voting rules across the states.	49%	54%	54%	40%
Proposals allowing any eligible voter to vote by mail.	44%	62%	31%	36%
Proposals moving redistricting authority in every state to nonpartisan redistricting commissions.	36%	45%	34%	33%
State proposals reducing access to absentee ballots, limiting early voting times, or reducing the number of voting locations in areas.	24%	22%	33%	15%
State legislatures limiting the independence of elected state and local election officials.	22%	23%	25%	15%
Proposals giving the vice president the right to decide which electoral votes should be counted.	17%	20%	15%	19%
State legislatures changing election laws to give them the power to determine the outcome of an election.	15%	18%	16%	11%

- a. State legislatures changing election laws to give them the power to determine the outcome of an election.

	Total	Democrat	Republican	Independent
Much more fair	6%	7%	8%	4%
Somewhat more fair	9%	11%	8%	7%
Somewhat less fair	12%	10%	15%	13%
Much less fair	45%	49%	50%	32%
No impact	8%	6%	5%	17%
Don't know	20%	16%	15%	27%
Total more fair (Net)	15%	18%	16%	11%
Total less fair (Net)	57%	59%	65%	45%

- b. State legislatures limiting the independence of elected state and local election officials.

	Total	Democrat	Republican	Independent
Much more fair	9%	9%	9%	7%
Somewhat more fair	13%	14%	16%	8%
Somewhat less fair	15%	13%	20%	16%
Much less fair	25%	32%	23%	17%
No impact	9%	6%	7%	20%
Don't know	29%	25%	24%	31%
Total more fair (Net)	22%	23%	25%	15%
Total less fair (Net)	40%	45%	43%	33%

PUBLIC POLL FINDINGS AND METHODOLOGY

- c. Proposals giving the vice president the right to decide which electoral votes should be counted.

	Total	Democrat	Republican	Independent
Much more fair	7%	10%	6%	6%
Somewhat more fair	10%	11%	9%	13%
Somewhat less fair	10%	11%	12%	9%
Much less fair	43%	43%	52%	30%
No impact	9%	7%	9%	16%
Don't know	21%	19%	13%	27%
<i>Total more fair (Net)</i>	17%	20%	15%	19%
<i>Total less fair (Net)</i>	53%	54%	64%	39%

- d. State proposals reducing access to absentee ballots, limiting early voting times, or reducing the number of voting locations in areas.

	Total	Democrat	Republican	Independent
Much more fair	10%	7%	16%	8%
Somewhat more fair	13%	15%	17%	7%
Somewhat less fair	14%	11%	17%	17%
Much less fair	33%	46%	25%	26%
No impact	9%	8%	7%	14%
Don't know	21%	14%	17%	28%
<i>Total more fair (Net)</i>	24%	22%	33%	15%
<i>Total less fair (Net)</i>	47%	57%	42%	43%

- e. Proposals allowing any eligible voter to vote by mail.

	Total	Democrat	Republican	Independent
Much more fair	26%	42%	14%	20%
Somewhat more fair	18%	20%	17%	16%
Somewhat less fair	9%	6%	15%	4%
Much less fair	16%	6%	30%	13%
No impact	12%	13%	10%	16%
Don't know	19%	14%	13%	31%
<i>Total more fair (Net)</i>	44%	62%	31%	36%
<i>Total less fair (Net)</i>	25%	12%	45%	17%

- f. Proposals standardizing voting rules across the states.

	Total	Democrat	Republican	Independent
Much more fair	26%	33%	26%	21%
Somewhat more fair	22%	21%	28%	19%
Somewhat less fair	9%	10%	10%	11%
Much less fair	10%	8%	13%	8%
No impact	9%	9%	6%	14%
Don't know	23%	19%	17%	27%
<i>Total more fair (Net)</i>	49%	54%	54%	40%
<i>Total less fair (Net)</i>	19%	18%	23%	19%

PUBLIC POLL FINDINGS AND METHODOLOGY

g. Proposals moving redistricting authority in every state to nonpartisan redistricting commissions.

	Total	Democrat	Republican	Independent
Much more fair	16%	24%	12%	12%
Somewhat more fair	20%	21%	22%	21%
Somewhat less fair	10%	9%	15%	6%
Much less fair	15%	15%	18%	10%
No impact	10%	8%	8%	20%
Don't know	29%	23%	26%	32%
<i>Total more fair (Net)</i>	<i>36%</i>	<i>45%</i>	<i>34%</i>	<i>33%</i>
<i>Total less fair (Net)</i>	<i>25%</i>	<i>24%</i>	<i>33%</i>	<i>16%</i>

9. How much do you agree or disagree with the following statements?

Total Agree Summary

	Total	Democrat	Republican	Independent
Traditional parties and politicians don't care about people like me	63%	61%	71%	61%
The American economy is rigged to advantage the rich and powerful	61%	70%	53%	60%
When jobs are scarce, employers should prioritize hiring people of this country over immigrants	48%	36%	68%	49%
These days I feel like a stranger in my own country	48%	44%	59%	44%
American cultural and entertainment leaders have gotten to be too liberal	45%	25%	71%	48%
Social policies, such as affirmative action, discriminate unfairly against white people	35%	18%	57%	38%
Traditional family structures, with a wage-earning father and home-making mother, best equips children to succeed	35%	27%	53%	30%

PUBLIC POLL FINDINGS AND METHODOLOGY

a. Social policies, such as affirmative action, discriminate unfairly against white people

	Total	Democrat	Republican	Independent
Strongly agree	14%	6%	24%	14%
Somewhat agree	21%	12%	33%	24%
Neither agree nor disagree	25%	23%	25%	27%
Somewhat disagree	11%	16%	7%	8%
Strongly disagree	17%	33%	5%	11%
Don't know	12%	9%	7%	15%
<i>Total agree (Net)</i>	35%	18%	57%	38%
<i>Total disagree (Net)</i>	28%	49%	12%	19%

b. When jobs are scarce, employers should prioritize hiring people of this country over immigrants

	Total	Democrat	Republican	Independent
Strongly agree	27%	13%	46%	30%
Somewhat agree	21%	23%	22%	19%
Neither agree nor disagree	27%	35%	19%	27%
Somewhat disagree	10%	12%	9%	7%
Strongly disagree	7%	12%	3%	4%
Don't know	8%	6%	2%	13%
<i>Total agree (Net)</i>	48%	36%	68%	49%
<i>Total disagree (Net)</i>	17%	24%	11%	12%

c. The American economy is rigged to advantage the rich and powerful

	Total	Democrat	Republican	Independent
Strongly agree	33%	40%	25%	38%
Somewhat agree	27%	31%	28%	22%
Neither agree nor disagree	16%	16%	19%	13%
Somewhat disagree	10%	6%	15%	13%
Strongly disagree	5%	2%	10%	5%
Don't know	8%	6%	3%	10%
<i>Total agree (Net)</i>	61%	70%	53%	60%
<i>Total disagree (Net)</i>	15%	8%	25%	18%

PUBLIC POLL FINDINGS AND METHODOLOGY

d. Traditional parties and politicians don't care about people like me

	Total	Democrat	Republican	Independent
Strongly agree	32%	29%	36%	35%
Somewhat agree	31%	32%	35%	26%
Neither agree nor disagree	19%	21%	17%	17%
Somewhat disagree	5%	7%	5%	3%
Strongly disagree	3%	4%	2%	4%
Don't know	10%	7%	4%	14%
<i>Total agree (Net)</i>	63%	61%	71%	61%
<i>Total disagree (Net)</i>	8%	11%	7%	7%

e. American cultural and entertainment leaders have gotten to be too liberal

	Total	Democrat	Republican	Independent
Strongly agree	27%	10%	52%	24%
Somewhat agree	18%	16%	19%	25%
Neither agree nor disagree	21%	25%	15%	23%
Somewhat disagree	10%	15%	4%	11%
Strongly disagree	12%	24%	2%	4%
Don't know	13%	11%	8%	14%
<i>Total agree (Net)</i>	45%	25%	71%	48%
<i>Total disagree (Net)</i>	21%	39%	7%	15%

f. These days I feel like a stranger in my own country

	Total	Democrat	Republican	Independent
Strongly agree	21%	18%	25%	19%
Somewhat agree	27%	26%	33%	25%
Neither agree nor disagree	24%	25%	21%	25%
Somewhat disagree	10%	13%	11%	5%
Strongly disagree	9%	13%	5%	13%
Don't know	8%	5%	4%	13%
<i>Total agree (Net)</i>	48%	44%	59%	44%
<i>Total disagree (Net)</i>	20%	26%	16%	18%

PUBLIC POLL FINDINGS AND METHODOLOGY

- g. Traditional family structures, with a wage-earning father and home-making mother, best equips children to succeed

	Total	Democrat	Republican	Independent
Strongly agree	18%	9%	31%	17%
Somewhat agree	17%	18%	22%	13%
Neither agree nor disagree	29%	26%	28%	34%
Somewhat disagree	12%	16%	11%	8%
Strongly disagree	15%	24%	3%	15%
Don't know	9%	7%	5%	12%
<i>Total agree (Net)</i>	35%	27%	53%	30%
<i>Total disagree (Net)</i>	27%	40%	14%	23%

10. Do you agree or disagree with the following?

Total Agree Summary

	Total	Democrat	Republican	Independent
America is in crisis and at risk of failing	70%	68%	79%	67%
I accept the outcome of the 2020 presidential election	65%	85%	47%	68%
American democracy is in crisis and at risk of failing	64%	67%	70%	60%
Voter fraud helped Joe Biden win the 2020 election	36%	13%	66%	34%
Sometimes it is okay to engage in violence to protect American democracy	24%	23%	30%	22%
Sometimes it is okay to engage in violence to protect American culture and values	22%	21%	27%	17%

PUBLIC POLL FINDINGS AND METHODOLOGY

a. I accept the outcome of the 2020 presidential election

	Total	Democrat	Republican	Independent
Strongly agree	43%	66%	25%	33%
Somewhat agree	22%	19%	22%	36%
Somewhat disagree	11%	5%	17%	10%
Strongly disagree	14%	3%	30%	6%
Don't know	11%	6%	6%	16%
<i>Total agree (Net)</i>	65%	85%	47%	68%
<i>Total disagree (Net)</i>	24%	9%	47%	16%

b. Voter fraud helped Joe Biden win the 2020 election

	Total	Democrat	Republican	Independent
Strongly agree	20%	4%	43%	17%
Somewhat agree	15%	9%	23%	17%
Somewhat disagree	9%	7%	8%	16%
Strongly disagree	40%	68%	15%	30%
Don't know	16%	11%	12%	20%
<i>Total agree (Net)</i>	36%	13%	66%	34%
<i>Total disagree (Net)</i>	48%	76%	22%	46%

c. American democracy is in crisis and at risk of failing

	Total	Democrat	Republican	Independent
Strongly agree	35%	34%	41%	29%
Somewhat agree	30%	33%	29%	31%
Somewhat disagree	11%	14%	11%	8%
Strongly disagree	7%	8%	8%	6%
Don't know	17%	11%	11%	26%
<i>Total agree (Net)</i>	64%	67%	70%	60%
<i>Total disagree (Net)</i>	19%	22%	19%	14%

PUBLIC POLL FINDINGS AND METHODOLOGY

d. America is in crisis and at risk of failing

	Total	Democrat	Republican	Independent
Strongly agree	37%	29%	47%	38%
Somewhat agree	33%	39%	33%	28%
Somewhat disagree	11%	13%	12%	9%
Strongly disagree	5%	7%	3%	4%
Don't know	14%	11%	5%	20%
<i>Total agree (Net)</i>	70%	68%	79%	67%
<i>Total disagree (Net)</i>	16%	20%	15%	13%

e. Sometimes it is okay to engage in violence to protect American culture and values

	Total	Democrat	Republican	Independent
Strongly agree	6%	4%	7%	6%
Somewhat agree	16%	17%	20%	10%
Somewhat disagree	21%	18%	22%	31%
Strongly disagree	45%	51%	43%	39%
Don't know	12%	9%	9%	13%
<i>Total agree (Net)</i>	22%	21%	27%	17%
<i>Total disagree (Net)</i>	66%	70%	64%	70%

f. Sometimes it is okay to engage in violence to protect American democracy

	Total	Democrat	Republican	Independent
Strongly agree	7%	7%	10%	3%
Somewhat agree	17%	17%	20%	19%
Somewhat disagree	20%	22%	19%	23%
Strongly disagree	42%	47%	40%	37%
Don't know	13%	8%	11%	17%
<i>Total agree (Net)</i>	24%	23%	30%	22%
<i>Total disagree (Net)</i>	62%	68%	59%	61%

PUBLIC POLL FINDINGS AND METHODOLOGY

11. Over the last few years, do you think American democracy has gotten...

	Total	Democrat	Republican	Independent
A lot healthier	4%	6%	3%	2%
A little healthier	7%	11%	4%	8%
About the same	24%	23%	13%	33%
A little more at risk	28%	27%	33%	26%
A lot more at risk	37%	33%	47%	31%
<i>Total healthier (Net)</i>	11%	16%	7%	10%
<i>Total more at risk (Net)</i>	65%	60%	80%	57%

12. **[IF HEALTHIER/AT RISK IN Q11, SHOW:]** In your own words, why do you think American democracy has gotten [INSERT RESPONSE Q11]?

[IF ABOUT THE SAME IN Q11, SHOW:] In your own words, why do you think American democracy has not changed over the last few years?

Open-ended verbatims provided separately.

13. Did you vote in the 2020 election and if yes, who did you vote for?

	Total	Democrat	Republican	Independent
Donald Trump	29%	3%	72%	16%
Joe Biden	33%	67%	7%	17%
Someone else	2%	1%	1%	7%
Did not vote	33%	28%	19%	53%
Don't know	3%	1%	*	8%

14. Which of the following is your main source of news?

	Total	Democrat	Republican	Independent
ABC / CBS / NBC News	20%	21%	21%	19%
Fox News	11%	5%	22%	8%
Social media	9%	8%	9%	11%
Digital or online news	8%	9%	7%	12%
CNN	6%	12%	2%	5%
Friends and Family	5%	6%	5%	6%
Public television or radio	5%	6%	4%	3%
New York Times, Washington Post, Wall Street Journal, or USA Today	4%	6%	3%	2%
Your local newspaper	4%	3%	5%	6%
MSNBC	3%	7%	*	3%
Conservative news media (e.g., Breitbart, Newsmax, OANN, conservative talk radio)	2%	*	7%	*
Other	6%	6%	6%	6%
None of these	14%	11%	8%	20%

PUBLIC POLL FINDINGS AND METHODOLOGY

15. How often do you read, watch, or listen to political news?

	Total	Democrat	Republican	Independent
Multiple times a day	12%	15%	11%	12%
Every day	23%	26%	26%	12%
A few times a week	26%	27%	30%	20%
A few times a month	13%	13%	13%	15%
Never or almost never	21%	13%	18%	35%
Don't know	6%	6%	1%	6%

16. [Asked among those who believed there was at least some fraud, in Q4] Where have you gotten information supporting allegations of voting fraud in the 2020 election?

	Total (n=542)	Democrat (n=162)	Republican (n=300)	Independent (n=60)
Fox News	31%	23%	38%	24%
Social media	27%	27%	25%	25%
Friends and Family	24%	15%	30%	26%
ABC / CBS / NBC News	22%	27%	19%	31%
Digital or online news	20%	14%	19%	29%
Conservative news media (e.g., Breitbart, Newsmax, OANN, conservative talk radio)	17%	6%	23%	16%
CNN	14%	21%	10%	13%
Your local newspaper	14%	13%	15%	11%
New York Times, Washington Post, Wall Street Journal, or USA Today	13%	16%	11%	15%
Public television or radio	13%	15%	11%	18%
Personally witnessed	9%	3%	14%	2%
MSNBC	6%	7%	5%	7%
Religious leader	4%	6%	3%	1%
Other	13%	9%	14%	20%
None of these	7%	6%	8%	9%



PUBLIC POLL FINDINGS AND METHODOLOGY

About the Study

These are the findings of an NPR/Ipsos poll. The poll was conducted between December 17 - 20, 2021. For this survey, a sample of 1,126 adults ages 18+ from the continental U.S., Alaska, and Hawaii was interviewed online in English. This topline also shows results among those who identify as Democrats, Republicans, and independents. The sample sizes for each are as follows: n=499 Democrats, n=395 Republicans, n=143 independents.

The sample was randomly drawn from [Ipsos' online panel](#), partner online panel sources, and "[river sampling](#)" and does not rely on a population frame in the traditional sense. Ipsos uses fixed sample targets, unique to each study, in drawing a sample. After a sample has been obtained from the Ipsos panel, Ipsos calibrates respondent characteristics to be representative of the U.S. Population using standard procedures such as raking-ratio adjustments. The source of these population targets is U.S. Census 2018 American Community Survey data. The sample drawn for this study reflects fixed sample targets on demographics. Posthoc weights were made to the population characteristics on gender, age, race/ethnicity, region, education, and 2020 vote history.

Statistical margins of error are not applicable to online non-probability polls. All sample surveys and polls may be subject to other sources of error, including, but not limited to coverage error and measurement error. Where figures do not sum to 100, this is due to the effects of rounding. The precision of Ipsos online polls is measured using a credibility interval. In this case, the poll has a credibility interval of plus or minus 3.3 percentage points for all respondents. Ipsos calculates a design effect (DEFF) for each study based on the variation of the weights, following the formula of Kish (1965). This study had a credibility interval adjusted for design effect of the following (n=1,126, DEFF=1.5, adjusted Confidence Interval=+/- 5.0 percentage points).

The credibility interval for Democrats is plus or minus 5.0 percentage points; for Republicans, it is plus or minus 5.6 percentage points; and for independents, it is plus or minus 9.3 percentage points.

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PUBLIC POLL FINDINGS AND METHODOLOGY

About Ipsos

Ipsos is the world's third largest Insights and Analytics company, present in 90 markets and employing more than 18,000 people.

Our passionately curious research professionals, analysts and scientists have built unique multi-specialist capabilities that provide true understanding and powerful insights into the actions, opinions and motivations of citizens, consumers, patients, customers or employees. We serve more than 5000 clients across the world with 75 business solutions.

Founded in France in 1975, Ipsos is listed on the Euronext Paris since July 1st, 1999. The company is part of the SBF 120 and the Mid-60 index and is eligible for the Deferred Settlement Service (SRD).

ISIN code FR0000073298, Reuters ISOS.PA, Bloomberg IPS:FP www.ipsos.com



Exhibit 1-2



TOPLINE & METHODOLOGY

ABC News/Ipsos Poll

Conducted by Ipsos using the probability-based KnowledgePanel®

A survey of the American general population (ages 18+)

Interview dates: December 27 – December 29, 2021

Number of interviews, adults: 982

Margin of error for the total sample: +/- 3.5 percentage points at the 95% confidence level

NOTE: All results show percentages among all respondents, unless otherwise labeled. Reduced bases are unweighted values.

*NOTE: * = less than 0.5%, - = no respondents*

Annotated Questionnaire:

1. How confident are you in the integrity of the U.S. electoral system overall:

	Total
Very confident	20
Somewhat confident	39
Not so confident	27
Not confident at all	14
Skipped	-
Total confident (Net)	59
Total not confident (Net)	41

2. What one word comes to mind when you think about what happened on January 6, 2021 at the U.S. Capitol?

Open-ended responses provided separately

3. If you had to choose, do you think the people involved in the attack on the U.S. Capitol on January 6th, 2021 were mostly threatening democracy or mostly protecting democracy?

	Total
Threatening democracy	72
Protecting democracy	25
Skipped	3

TOPLINE & METHODOLOGY

4. How much responsibility do you think Donald Trump bears for the attack on the U.S. Capitol:

	Total
A great deal	42
A good amount	16
Just some	16
None at all	25
Skipped	1
<i>A great deal/a good amount (Net)</i>	58
<i>Just some/none at all (Net)</i>	41

5. Do you think that Joe Biden's victory in the 2020 presidential election was legitimate or not legitimate?

	Total	January 8-9 2021
Legitimate	65	68
Not legitimate	33	32
Skipped	2	*



TOPLINE & METHODOLOGY

About the Study

This ABC News/Ipsos Poll was conducted December 27 to December 29, 2021 by Ipsos using the probability-based KnowledgePanel®. This poll is based on a nationally representative probability sample of 982 general population adults age 18 or older with small oversamples among Black and Hispanic respondents.

The survey was conducted using KnowledgePanel, the largest and most well-established online probability-based panel that is representative of the adult US population. Our recruitment process employs a scientifically developed addressed-based sampling methodology using the latest Delivery Sequence File of the USPS – a database with full coverage of all delivery points in the US. Households invited to join the panel are randomly selected from all available households in the U.S. Persons in the sampled households are invited to join and participate in the panel. Those selected who do not already have internet access are provided a tablet and internet connection at no cost to the panel member. Those who join the panel and who are selected to participate in a survey are sent a unique password-protected log-in used to complete surveys online. As a result of our recruitment and sampling methodologies, samples from KnowledgePanel cover all households regardless of their phone or internet status and findings can be reported with a margin of sampling error and projected to the general population.

The study was conducted in both English and Spanish. The data were weighted to adjust for gender by age, race/ethnicity, education, Census region, metropolitan status, household income, party identification, race/ethnicity by gender, race/ethnicity by age, and race/ethnicity by education. The demographic benchmarks came from the 2019 American Community Survey (ACS). Party ID benchmarks came from recent ABC News/Washington Post telephone polls. The weighting categories were as follows:

- Gender (Male, Female) by Age (18–29, 30–44, 45–59, and 60+)
- Race/Hispanic Ethnicity (White Non-Hispanic, Black Non-Hispanic, Other or 2+ Races Non-Hispanic, Hispanic)
- Education (High School graduate or less, Some College, Bachelor and beyond)
- Census Region (Northeast, Midwest, South, West)
- Metropolitan status (Metro, non-Metro)
- Household Income (Under \$25,000, \$25,000–\$49,999, \$50,000–\$74,999, \$75,000–\$99,999, \$100,000–\$149,999, \$150,000+)
- Party ID (Democrat, Republican, Independent, Something else)
- Race/ethnicity (White/Other Non-Hispanic, Black Non-Hispanic, Hispanic) by Gender (Male, Female)
- Race/ethnicity (White/Other Non-Hispanic, Black Non-Hispanic, Hispanic) by Age (18–44, 45+)
- Race/ethnicity (White/Other Non-Hispanic, Black Non-Hispanic, Hispanic) by Education (Some College or less, Bachelor and beyond)



TOPLINE & METHODOLOGY

The margin of sampling error is plus or minus 3.5 percentage points at the 95% confidence level, for results based on the entire sample of adults. The margin of sampling error takes into account the design effect, which was 1.28. The margin of sampling error is higher and varies for results based on sub-samples. In our reporting of the findings, percentage points are rounded off to the nearest whole number. As a result, percentages in a given table column may total slightly higher or lower than 100%. In questions that permit multiple responses, columns may total substantially more than 100%, depending on the number of different responses offered by each respondent.

About Ipsos

Ipsos is the world's third largest market research company, present in 90 markets and employing more than 18,000 people.

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Exhibit 1-3



Article

Do perceptions of electoral malpractice undermine democratic satisfaction? The US in comparative perspective

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Abstract

Doubts about the legitimacy of the 2016 US elections continue to reverberate and deepen partisan mistrust in America. A perfect storm followed Republican allegations of fake news and massive voter fraud, Democratic complaints of voter suppression and gerrymandering, discontent with the Electoral College's awarding of victory to a presidential candidate who lost the popular vote, compounded by intelligence reports of Russian meddling. These issues raise the broader question: how serious do perceived electoral flaws have to be to raise doubts not just about the election but about democracy itself? Do ordinary people actually care about the quality of their elections or are they more concerned with jobs, growth and taxes and/or influenced by partisan cues? And how do attitudes vary among electoral winners and losers? The key findings of this research, based on World Values Survey data, are that doubts about electoral integrity do indeed undermine general satisfaction with how democracy works.

Keywords

Election, integrity, fraud, public satisfaction with democracy

Introduction

Doubts about the legitimacy of the 2016 United States (US) presidential elections continue to reverberate and deepen partisan mistrust in America. A perfect storm has heightened concern about the election following Republican allegations of fake news and massive voter fraud, Democratic rebuttals claiming voter suppression and gerrymandering, and the way that the Electoral College awarded victory to the presidential candidate who lost the popular vote.¹ These doubts have been compounded by intelligence reports of foreign cyber-security attempts to gain access to state election records and Russian meddling through fake news and social media disinformation campaigns (Isikoff and Corn, 2018).

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These events raise the broader question: how serious do any perceived electoral flaws usually have to be to raise doubts not just about the process and results – or even the legitimacy of the declared winner – but about democracy itself? Is satisfaction with the performance of democracy among ordinary citizens influenced most by the perceived quality of their elections (input legitimacy), or by policy performance (output legitimacy) and/or partisan cues (the winner–loser thesis)? And how do attitudes vary among winners and losers?

To understand these issues, the article begins with a theoretical and conceptual framework, looking at input and output theories of democratic legitimacy and the role of partisan cues in evaluating elections. We then present the evidence used to investigate these propositions, drawn from cross-national and US data. To measure the quality of elections, we use the Perceptions of Electoral Integrity (PEI) expert global and US surveys. For public opinion, we draw upon the sixth wave of the World Values Survey (WVS) comparing 42 societies, and the seventh wave of the 2016 US WVS. On the basis of this data we establish key cross-national findings as well as findings relating specifically to the 2016 US election. We conclude by summarizing the implications of a flawed electoral process for confidence in democracy.

Conceptual and theoretical framework

Evidence of low or eroding political trust has aroused considerable concern ever since Almond and Verba's *Civic Culture* (1963) theorized that regimes are most durable when built upon political legitimacy. Popular support for democratic regimes is thought to rest upon public trust and confidence in representative institutions connecting citizens and the state, including political parties, legislative assemblies, the courts and elections, as well as the news media, social movements and interest groups in civil society. Where the popular legitimacy of these institutions declines, democratic regimes have fewer effective bulwarks against the risks of backsliding under authoritarian leaders.

These issues resonate today since citizens appear to have grown increasingly distrustful of politicians, cynical about national and global governance institutions, and disillusioned with democratic processes and principles. Lack of confidence in a broad range of public institutions is believed to have behavioural consequences – eroding civic engagement, voting turnout and conventional forms of political participation, while heightening protest politics (Birch, 2010). Loss of trust in governing authorities – from judges, politicians and parties to bureaucrats, the news media and scientific experts – is also thought to fuel mass support for authoritarian-populist leaders who exploit suspicions that votes are stolen, all politicians are corrupt and the system is rigged (Norris and Inglehart, 2018).

Resilient democracies develop a deep reservoir of popular legitimacy over many decades or even centuries, allowing them to survive particular shocks, such as government corruption, economic crisis, or leadership scandals. Hybrid regimes, however, which are neither fully democratic nor autocratic, are more vulnerable to democratic backsliding under authoritarian-populist leaders (Levitsky and Ziblatt, 2018). Trust in elections is even more important for the peaceful and orderly transfer of power in deeply divided societies (Norris et al., 2015). If contests are widely regarded as illegitimate, this may trigger protests and boycotts (Beaulieu, 2014). Snyder (2000) has warned that elections held as part of post-conflict peace settlements can in fact backfire, exacerbating violent conflict, inter-communal tension and social intolerance.

Studies of support for political systems conventionally build on the conceptual framework of David Easton as expanded by Norris (1999) and Dalton (2004). This includes:

1. feelings of belonging to a *national community*, such as feelings of patriotism and a sense of national identity;
2. support for *regime principles*, such as endorsement of the democratic ideals of freedom, inclusion, tolerance, pluralism and equality;

3. evaluations of *regime performance*, such as satisfaction with how democracy works;
4. confidence in *political institutions*, such as political parties, parliaments, governments, the news media, the courts and elections; and,
5. support for *specific political authorities*, such as leaders and politicians.

What theories help us to understand the links between public perception of elections and more diffuse levels of satisfaction with democracy? An extensive literature in comparative politics has used cross-national survey data to examine trust and confidence in political institutions and public support for the 'd' word and its sub-components, including satisfaction with democracy, the endorsement of democratic normative principles and, more recently, perceptions of electoral fraud and malpractice (Booth and Seligson, 2009; Inglehart and Welzel, 2005).

Theories differ in the weight they place upon the input or output side of the policymaking process and also the role of winner and loser. Let us unpack these theories and then consider the evidence.

Procedural performance

'Input' or 'procedural performance' accounts suggest that satisfaction with democracy is likely to reflect evaluation of institutions at the heart of well-functioning liberal democracies, including standards of electoral integrity (Tyler and Trinkner, 2017). The concept of '*electoral integrity*' refers to international standards and global norms governing the appropriate conduct of elections. There are several general reasons to expect PEI to be closely related to evaluations of democracy. Following the spread of elections to all but a handful of states around the world, legitimate political authority is widely understood to flow from the ballot box. Office-holders are recognized to have the rightful authority to govern where electoral rules ensure that leaders are ultimately accountable to the popular consent of the governed. Trust in the electoral process and rules of the game can be expected to secure acceptance of the legitimacy of the outcome.

Free and fair elections, meeting international standards of electoral integrity and leading to the orderly and peaceful transfer of power, are likely to strengthen public assessment of democratic performance in general (Linde and Ekman, 2003). And conversely, if citizens believe, for whatever reason, that an election is deeply flawed or even stolen, doubts are likely to spread rapidly to other core political institutions. Like necrotizing fasciitis, mistrust can spread horizontally, undermining confidence in leaders, parties, parliaments and governments, as well as moving upwards, corroding satisfaction with the overall performance of democratic regimes and deepening scepticism about democratic ideals.

Yet if procedural legitimacy is important, it still remains unclear how ordinary citizens make judgements about the performance of democratic regimes. Elections provide only one criterion. Alternative democratic benchmarks could include: whether the courts and police uphold access to justice for all and the rule of law; whether governments respect civil liberties and minority rights; and whether the news media reflect a diversity of views. Studies report that the main determinants of trust in government are perceived integrity, reliability, fairness, and responsiveness, as well as satisfaction with certain public services (Murtin et al., 2018). Yet electoral integrity is likely to be a central part of forming such judgments because most people regard free and fair elections and rule of law as the core pillars of democracy (Ferrin and Kriesi, 2016). Competitive elections are essential for standard conceptualizations of liberal democracy, whether understood more minimally, or else as the core institution which are buttressed by a more extensive range of civil liberties and political rights. Elections are the most common way that most people can and do participate in representative democracy. If these contests are seen to work well, this is likely to lead to positive impressions of liberal democracy in general. Other political

institutions such as the courts or the national parliament are important, but their operations are typically more distant from the experience of the average citizen, making it harder to judge their performance (Andrain and Smith, 2006).

Therefore, if procedural theories are correct, the first proposition to be tested (H1) is whether *those who believe in the integrity of electoral processes are more likely to express general satisfaction with the performance of democracy*. By contrast, (H2) *citizens perceiving flawed contests and malpractice*, such as voter fraud, unfair officials or vote-buying, *are expected to express less general satisfaction with how democracy works in their country*.

A number of comparative studies, drawing upon survey evidence from diverse world regions, provide empirical support for the plausibility of these claims (Alvarez et al., 2008; Fortin-Rittberger et al., 2017). For example Bratton and Mattes compared political attitudes in Ghana, Zambia and South Africa, reporting that satisfaction with democracy in these countries is based on an appreciation of political reforms, perceptions of government responsibility and honesty, and guarantees of civil liberties, voting rights and equal treatment under the law, as much as by perceptions of material benefits, improved living standards and the delivery of economic goods (Bratton and Mattes, 2001). In Europe, Wagner and colleagues analysed a series of Euro-barometer surveys from 1990 to 2000, demonstrating that quality of governance indicators for rule of law, well-functioning regulation and low corruption, strengthened satisfaction with democracy more strongly than economic considerations (Wagner et al., 2009: 30–41). Similarly, multilevel analysis comparing 40 nations, also concluded that political goods such as freedom, accountability and representativeness, were more important sources of democratic satisfaction than narrower indices of policy performance (Bishin et al., 2006; Huang et al., 2008).

Nevertheless, there are several reasons why we need to re-examine the evidence to test whether the integrity of elections influences general satisfaction with democracy.

Firstly, if we compare satisfaction with the performance of democracy using the fifth and sixth wave of the WVS (WVS-6), several cases appear to challenge procedural theories, for example, relatively high levels of democratic satisfaction in autocracies lacking free and fair multiparty elections. These include China and Vietnam, despite these states repressing political rights and civil liberties. By contrast, relatively low levels of democratic satisfaction can be observed in the same survey among citizens living in some long-standing democracies such as Italy, the US and the UK (Norris, 2011).

Moreover, there are disputes about several of the commonly used measures; it remains unclear whether the ‘satisfaction with democracy’ measure reflects citizens’ satisfaction with democratic performance or is an expression of support for democratic ideals (Linde and Ekman, 2003). Much of the literature on so-called ‘democratic disenchantment’ uses evidence such as low or declining levels of political participation (Hay, 2007). But it is a common mistake to read political attitudes directly from behavioural indicators; mass membership of political parties and voting turnout can fall for many reasons, such as the frequency of elections, reduction in the age of voting, or practical barriers in getting to the polls (Norris, 2003).

Most longitudinal research within the US has focused on measuring trust in Congress and the federal government; there is little longitudinal data on satisfaction with the quality of American elections or the performance of American democracy. By contrast in Europe, and in many other countries, surveys have measured satisfaction with the performance of democratic regimes and support for democratic ideals and principles, using resources such as the Eurobarometer, the European Social Survey and the Global-barometers and WVS/European VS (Ferrín and Kreisi, 2016). There is also a growing literature measuring trust and confidence in elections and PEI, and the implications for cultural attitudes and civic engagement (Norris, 2014).

Finally, we also need to understand more about the conditions under which PEI and malpractice are most likely to shape satisfaction with democracy. Electoral integrity is a multidimensional concept and flaws can emerge at different stages of the electoral cycle. The Electoral Integrity Project has identified 11 sequential stages in the electoral cycle, ranging from the pre-election period, the campaign itself, polling day and the post-election period (Norris, 2014). Some malpractice – such as manipulated laws, pervasive vote-buying, partisan bias of the electoral commission, opposition boycotts and election-related violence – may be so severe that they call the legitimacy of the outcome into question, triggering protests and even deadly violence. Other malpractice is arguably less serious, such as maladministration in one or two local polling stations, with machine malfunctions, shortages of ballots, or slight delays in opening hours. These types of human error do not necessarily mean that people reject the overall results, especially in long-established democracies with a reservoir of legitimacy and in contests where minor flaws are unlikely to alter a decisive victory for the winner.

Policy performance

Theories of input legitimacy are challenged by accounts emphasizing output legitimacy, where legitimacy arises from economic policy performance. These accounts suggest that citizens care mainly about the impact of government decisions, including the pocketbook economy, and much less about the procedures leading up to them. Policy performance theories emphasize that citizens evaluate how democracy works in light of the issues they care most about, such as household pay-packets and savings. Where successive governments have succeeded in meeting public expectations it is believed this builds up generalized support for the regime, anchoring support for democratic governance through bad times as well as good.

Previous studies have used time-series data to predict confidence in governance and satisfaction with democracy based on national economic conditions, or individual-level evaluations of the economy. The evidence provides some support for the policy performance account. However, in an examination of the evidence for how far trends in political trust mirror the economic record of successive governments in the US, Lawrence concludes that any links are not straightforward (Lawrence, 1997).

In the present study, the third proposition (H3) suggests that *satisfaction with democracy will be greater among the economically better-off*. Our models incorporate three individual-level indicators of the pocketbook economy, including household income, reported level of financial satisfaction and reported economic security (household savings).

Partisan cues and the winner–loser gap

Judgments of both policy and procedural performance can also be coloured by the intermediary roles of political parties, as the main mechanism connecting citizens and the state. Partisanship is thought to cue evaluations of democracy, in particular an extensive literature has found that satisfaction with democracy is consistently shaped by whether citizens support the winners or losers in any election (Blais and Gélinau, 2007). The gap between winners and losers in democratic satisfaction is said to be amplified in majoritarian systems like that of the US, compared with consensual systems based on proportional representation, like many European states (Anderson and Guillory, 1997).

At the same time, however, recent work suggests that perceptions of the fairness of the electoral process may also condition the winner–loser gap. In most elections, leaders and parties returned to power praise the process and outcome. By contrast, ‘sore losers’ claim that the election was illegitimate and unfair, that fraud or vote-buying determined the outcome, or even that democracy was

flawed. Where there is widespread fraud or malpractice, however, winning and losing no longer influence satisfaction with democracy (Fortin-Rittberger et al., 2017). What may help explain these findings is the role of political leadership cues and media framing of the electoral process.

Yet the 2016 US election provides an interesting contrarian ‘natural experiment’ where the eventual winner, Donald Trump, made the loudest claims of electoral fraud. In general, partisan cues are linked with leadership rhetoric and processes of political communication, framing information for supporters about how elections work, and priming evaluations of these contests by voters (Coffe, 2017). If claims of fraud are believed by ordinary citizens, then these partisan frames may outweigh the impact of their party winning or losing the election. The winner–loser thesis suggests that *winners will usually express greater general democratic satisfaction* (H4). To test evidence for the winner–loser thesis, both cross-nationally and in the unique environment of the 2016 US election, our models therefore control for individual-level partisanship (voting for the winning party) in each society.

Data and methods

For all these reasons it is important to establish how the public evaluates the performance of elections and, in particular, whether perceived problems with elections contribute to more general dissatisfaction with the state of democracy (van Ham et al., 2017). To examine the evidence about these issues we can use the sixth wave of the WVS, which monitored PEI in 42 diverse societies, with fieldwork conducted 2010–2014. The cross-national comparison includes long-established democracies with relatively high levels of electoral integrity, such as Germany, India and Australia. It also includes third-wave democracies such as Ghana, Taiwan, Poland and Chile, and countries with authoritarian regimes and poor records of electoral integrity such as Kazakhstan, Azerbaijan, Rwanda, Algeria and Egypt. In addition, to provide a more detailed examination of public reactions to the 2016 American presidential election, we can draw on new data from the 2017 US survey contained in the seventh wave of the WVS.

Both the sixth and seventh waves of the WVS survey use a new battery of questions designed to monitor public PEI and malpractice. These items are designed to tap into common issues which do not require any detailed technical expertise: asking whether citizens think votes are counted fairly in national elections, whether voters are offered a genuine choice, whether rich people buy elections, or voters are threatened with violence at the polls. It should be emphasized that these questions aim to capture ordinary people’s *perceptions* of how often problems occur in elections in their own country; these judgments are arguably what is most important for satisfaction with democracy, institutional trust and political behaviour, irrespective of whether the perceptions are factually accurate or not. Moreover, for some issues such as perceptions of electoral threats and intimidation, ordinary people are the best judge. Public concerns about malpractice are measured by a multi-item battery tapping into citizen’s evaluation of different qualities of elections occurring throughout the electoral cycle. The alternative positive (P) and negative (N) items, with Likert-type responses, generate two scales. The question preamble asks ‘*In your view, how often do the following things occur in this country’s elections?*’.

Electoral Integrity scale

- Election officials are fair (P)
- Women have equal opportunities to run for office (P)
- Journalists provide fair coverage of elections (P)
- Voters are offered a genuine choice in the elections (P)
- Votes are counted fairly (P)

Electoral Malpractice scale

- Opposition candidates are prevented from running (N)
- Rich people buy elections (N)
- TV news favours the governing party (N)
- Voters are bribed (N)
- Voters are threatened with violence at the polls (N)

Principle component factor analysis of the battery of items contained in Table 1 shows that these fall into two dimensions, as expected: several items reflect the positive notion of electoral integrity, while the remainder highlight perception of common malpractice. Factor analysis and Cronbach Alpha tests suggests that the positive and negative items fall into consistent and robust scales. They are therefore summed and standardized to 100-point measures for ease of comparison, to generate the Electoral Integrity and Electoral Malpractice scales respectively.

Table 1. Electoral integrity and malpractice scales.

	Malpractice	Integrity
Voters are bribed	0.81	
Rich people buy elections	0.79	
Voters are threatened with violence at the polls	0.73	
TV news favours the governing party	0.64	
Opposition candidates are prevented from running	0.63	
Election officials are fair		0.80
Votes are counted fairly		0.72
Journalists provide fair coverage of elections		0.69
Voters are offered a genuine choice in the elections		0.68
% Variance	32.6	21.4

Q: 'How often do the following things occur in your country's elections?' Individual-level principal component factor analysis with varimax rotation and Kaiser normalization. $N = 46,073$.

Source: World Values Survey-6 www.worldvaluessurvey.org.

Expert evaluations

To provide external robustness checks on public PEI, we can compare the mean evaluations of electoral integrity by ordinary people in each country against the expert rolling survey measuring PEI, run by the Electoral Integrity Project. The global study has asked experts to evaluate national parliamentary and presidential elections around the world using 49 indicators, grouped into 11 categories reflecting the whole electoral cycle. In total, the latest release, PEI 6.0, covers 285 elections held in 164 nations worldwide from mid-2012 to the end of 2017. The country coverage represents 94% of all independent nation-states (defined by UN membership). The global PEI-6.0 survey gathered 3253 completed responses, representing just under one third of the contacted experts (28%). The dataset generates a summary 100-point PEI Index based on summing all 49 indicators.

There is a moderately strong correlation between the public evaluations of electoral integrity (in the WVS-6) and the expert perceptions (from PEI-6.0) as shown in the Online Appendix in Figure A1. In countries such as Germany, Australia and the Netherlands, elections are regarded as high in integrity by both the public and experts. By contrast, in Malaysia, Jordan

and Azerbaijan, contests are assessed far more negatively by both. There are some outliers, such as Tunisia (judged more positively by experts, following the contests held after the ousting of President Ben Ali) and Singapore (seen more favourably by citizens than experts) but overall the national-level correlations show that public assessments of elections are fairly similar to expert evaluations.

Democratic satisfaction

The meaning of the question used for the dependent variable, democratic satisfaction, continues to be debated, and it is treated here as an evaluation of performance, rather than principles (Linde and Ekman, 2003: 391–408). It is measured in the WVS using a scale with the following question: *‘And how democratically is this country being governed today? Again, using a scale from 1 to 10, where 1 means that it is “not at all democratic” and 10 means that it is “completely democratic,” what position would you choose?’*

Comprehensive models analysing democratic satisfaction need to incorporate a series of control variables commonly thought to be important for both PEI and satisfaction with democracy. Individual-level variables include attitudes such as political interest, life satisfaction and the standard socio-demographic background characteristics of sex, age, education and urbanization. The pocketbook economy is measured at individual level by reported household income and by feelings of financial security (household savings). The comparative models include indicators of economic performance, per capita GDP in purchasing power parity. Partisan winner–loser cues are monitored by voting for the winning party.

Comparative results and analysis

We can start by analysing the comparative evidence and the observed cross-national patterns. As shown in Figure A2 in the Online Appendix, there is a moderately strong correlation between these measures at the national level, meaning that in countries where most citizens are relatively positive about free and fair elections, such as Australia, the Netherlands and Uruguay, they are also generally more satisfied with how their democracy works. By contrast, poor PEI are linked with low democratic satisfaction in cases such as Tunisia, Ukraine, Egypt and Georgia. This relationship is not surprising: elections are central to theoretical concepts of liberal democracy and they are most commonly selected criteria when ordinary people are asked what qualities they associate most strongly with ‘democracy’ (Ferrín and Kriesi, 2016).

At the same time, liberal democracy requires many other conditions beyond elections with party competition. It requires constitutional arrangements that ensure representation, accountability and responsiveness, including competitive political parties, an independent judiciary, parliamentary oversight and checks and balances on executive power. Hence not surprisingly, there remain some outliers which can be observed in Figure A2; in particular, citizens are more positive about the quality of their elections in Germany, Estonia and Libya than they are satisfied with democracy more generally.

Many factors could be generating these correlations, however, so we need to use multiple regression models which incorporate many controls. Table 2 shows the cross-national results in 42 societies where democratic satisfaction is the dependent variable. Model A examines the impact of the summary scales of electoral integrity and malpractice on democratic satisfaction, with controls. To understand different types of malpractice, Model B breaks down the disaggregated items in the survey. Both models were tested and found to be free of problems of multicollinearity.

Table 2. Cross-national models predicting public satisfaction with democracy, WVS-6.

	Model A: Summary				Model B: Disaggregated			
	B	SE	Beta	Sig.	B	SE	Beta	Sig
Electoral Integrity index	0.03	0.00	0.19	***				
Electoral Malpractice index	−0.02	0.00	−0.13	***				
How often: Votes are counted fairly					0.35	0.02	0.14	***
How often: Journalists provide fair coverage of elections					0.04	0.02	0.01	***
How often: Election officials are fair					0.13	0.02	0.05	***
How often: Voters are offered a genuine choice in the elections					0.13	0.02	0.05	***
How often: Opposition candidates are prevented from running					−0.04	0.02	−0.02	n/s
How often: TV news favours the governing party					−0.25	0.02	−0.10	***
How often: Voters are bribed					−0.08	0.02	−0.03	***
How often: Rich people buy elections					−0.11	0.02	−0.05	***
How often: Voters are threatened with violence at the polls					0.06	0.02	0.02	***
VALUES								
Importance of living in a democracy	0.18	0.01	0.15	***	0.19	0.01	0.16	***
Importance of having honest elections	−0.05	0.02	−0.02	***	−0.05	0.02	−0.02	***
WINNERS-LOSERS								
Voted for governing party(ies)	0.56	0.03	0.10	***	0.52	0.03	0.10	***
POCKETBOOK ECONOMY								
HH Income	0.07	0.01	0.06	***	0.06	0.01	0.05	***
Financial security	0.04	0.02	0.01	***	0.03	0.02	0.01	***
Financial satisfaction	0.14	0.01	0.14	*	0.14	0.01	0.13	n/s
CONTROLS								
Sex (male)	−0.10	0.03	−0.02	*	−0.10	0.03	−0.02	*
Age (years)	0.00	0.00	−0.02	***	0.00	0.00	−0.02	***
Education (Low to high, 4 cat)	−0.04	0.01	−0.03	***	−0.03	0.01	−0.03	***
Level of urbanization	−0.04	0.02	−0.01	***	−0.03	0.02	−0.01	***
Subjective class	0.10	0.02	0.04	***	0.10	0.02	0.04	***
(Constant)	2.86	0.17		***	2.57	0.15		***
R ²	0.15				0.16			

OLS regression models. Dependent variable: Satisfaction with the performance of democracy, 0–10 scale. Models were tested and found to be free of problems of multicollinearity.

Source: WVS-6 Pooled N = 31,106 in 42 societies, 2010–2014 N = 26,595 respondents.

* $p < 0.10$; *** $p < 0.01$; n/s: not significant.

The results of the cross-national analysis in Model A confirm that public PEI and malpractice were significant predictors of satisfaction with democracy, in the expected direction. Indeed, among all the variables in the model, the public's electoral integrity index had the strongest relationship with democratic satisfaction (Beta 0.19***). The three indicators of the pocketbook economy (household income, financial security and satisfaction) were also significantly associated with greater democratic satisfaction, although the coefficients were weaker than for electoral integrity.

Finally, the winner–loser thesis behaved as expected, with voting for the governing party or parties generally expressing more satisfaction with democracy. Other socio-demographic controls in Model A proved significant but relatively weak. To look further, Model B then added the disaggregated measures of electoral integrity and malpractice to similar models. The results showed that overall the strongest predictors of democratic satisfaction were perceptions that votes are counted fairly, elections are fair and voters are offered a genuine choice, while the negative effects were associated with imbalanced media coverage, in particular the perception of pro-government bias on TV news.

To look further at the winner–loser thesis, Figure A3 in the Online Appendix illustrates the cross-national evidence for the size of the winner–loser gap in PEI and malpractice. As illustrated, the gap between winners and losers was particularly strong in countries with a history of conflict, such as Zimbabwe, Azerbaijan, Iraq, Thailand and Malaysia. In these states there are the largest observed differences in perception of the quality of the election. By contrast, there often tended to be more modest gaps between winners and losers in countries closer to international standards of electoral integrity.

Analysing American elections

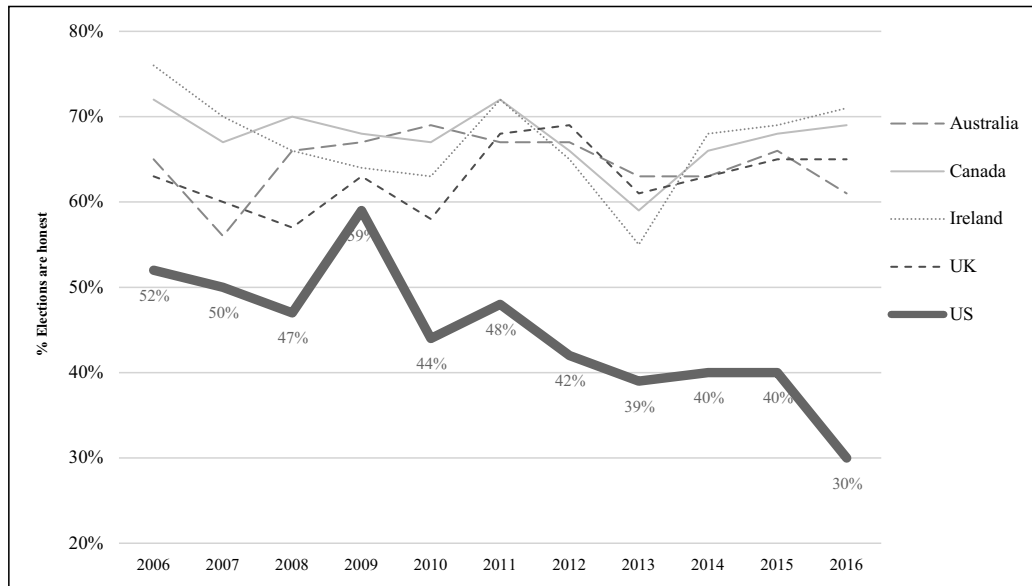
Do similar relationships hold in the US case? Here we turn to the 2016 US presidential election. This is an important ‘natural experiment’ since, as mentioned at the beginning, American concerns about the contest were fed by a ‘perfect storm’, including Republican assertions of massive electoral fraud and fake news (Cottrell et al., 2018: 123–142; Knight-Gallup, 2018) and Democratic counter-claims of voter suppression and Russian/FBI interventions (Foley, 2016; Hicks et al., 2015). And Russian meddling in the 2016 contest astutely exploited these vulnerabilities, through breaches of cyber-security as well as online misinformation campaigns by the Internet Research Agency (McFadden, 2018; Office of the Director of National Intelligence, 2017).

Russian hackers targeted the official voter registration rolls of 21 US states, including Illinois and Arizona. They stole personal information on 500,000 voters from one state office and they had opportunities to alter voter registration data and vote tallies, although the Senate Intelligence Committee concluded that they did not actually do so (Senate Intelligence Committee, 2018). President Trump’s victory also rested on a close outcome, turning on around 80,000 votes in three states, with the Electoral College anointing the candidate who lost the popular vote. The winner-takes-all system, and Republican control of the legislative and executive branches of the federal government, exacerbates polarization.

In the US election, both the major parties claimed problems with the campaign and results. Stymied by partisan gridlock, it is by no means evident that the political response has been effective or sufficient to reverse the damage to public confidence. The challenges to electoral integrity in America are far from new; the current fault lines started with flawed ballots in Florida in the presidential election of 2000 (Hasen, 2012).

Not surprisingly, in reaction to all these developments, there is now plummeting public trust in the integrity of American elections (Norris, 2017; Norris et al., 2018). As Figure 1 illustrates, the Gallup World Poll reports that in 2016 only one third of Americans (30%) expressed confidence in the honesty of their elections, down from a majority (52%) a decade earlier. Moreover, this is not simply the bitter fruit of the 2016 election nor is it common to all Western countries; American trust in their elections has been persistently lower than many comparable democracies during the last decade. Not surprisingly, assessments of how well US elections work are also sharply split by party, with Democrats expressing more concern about gerrymandering and low voter turnout, while Republicans are more worried about problems of ineligible votes being cast (Pew Research Center, 2018).

Figure 1. Public confidence in the honesty of their country's elections in five Anglo-American democracies, 2006–2016.



Q: 'In this country, do you have confidence in each of the following, or not? How about honesty of elections?' Response options: Yes/No/Don't know. (% Yes)

Source: The Gallup World Poll <http://www.gallup.com/analytics/213704/world-poll.aspx>

Are perceived problems confined to the US electoral process, or have misgivings metastasized to infect faith in democracy? To consider the evidence, Table 3 replicates the analysis of the cross-national data, using a similar range of indices. Several substantive findings emerge. The results of Model A confirm that, as procedural theories suggest, *PEI and malpractice are significant and strong predictors of democratic satisfaction*, confirming similar patterns to those observed in the cross-national data. When broken down by disaggregated items, in Model B, the only items which emerged as significantly associated with democratic satisfaction were whether electoral officials are fair, rich people buy elections and women have equal opportunities to run for office. Secondly, contrary to policy performance theories, *only one indicator of the pocketbook economy emerged as significant* – namely financial satisfaction. By contrast, household income and financial security (savings) were not predictors of democratic satisfaction. Thirdly, as the winner–loser thesis suggests, *voting for President Trump (as the winner of the Electoral College) was by far the strongest predictor of democratic satisfaction*.

To look further into these results, we examine perceptions of the overall quality of US contests and how far these perceptions are shaped by partisanship. Clinton and Trump voters can be compared in their public assessments of the Electoral Integrity and Electoral Malpractice scales in the 2016 election, measured by the items in Table 1 from the WVS survey, as well as by satisfaction with both democracy and the US political system.

The results are illustrated in Figure 2. What is perhaps most striking, given the strength of party polarization on so many issues in contemporary America, and the literature on the winner–loser thesis, is that the gap between Clinton and Trump voters in the overall electoral integrity and malpractice scales is remarkably modest (two percentage points). Moreover, contrary to the cross-national evidence supporting the winner–loser thesis, the slight observable difference suggests that it was the losers in this election (Democrats voting for Clinton) who have *slightly* more positive assessments of the integrity of elections than the winners (Trump voters). By contrast, there is a

Table 3. Predicting public satisfaction with democracy, US 2017.

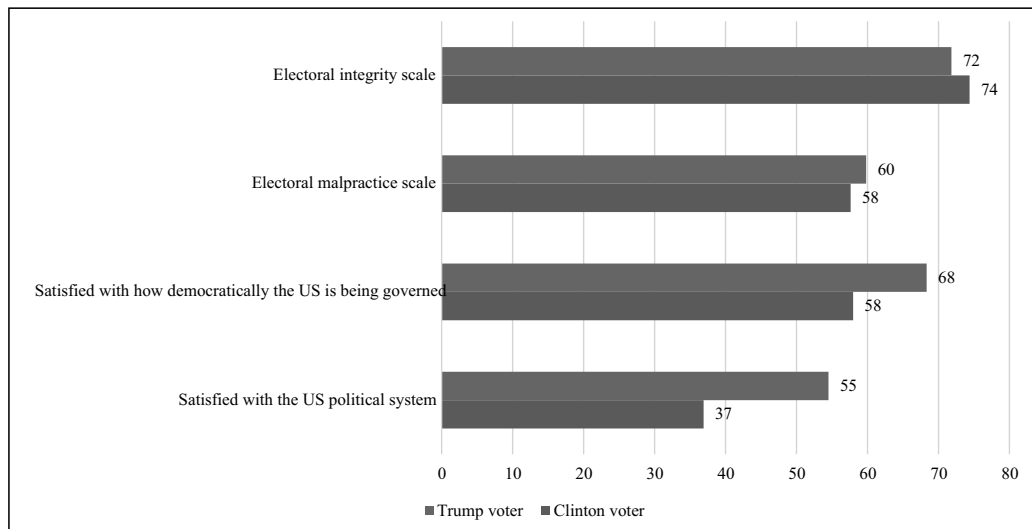
	Model A: Summary				Model B: Disaggregated			
	B	SE	Beta	Sig.	B	SE	Beta	Sig.
Electoral Integrity index	0.04	0.01	0.21	***				
Electoral Malpractice index	-0.02	0.01	-0.12	***				
How often: Votes are counted fairly					0.19	0.11	0.06	n/s
How often: Journalists provide fair coverage of elections					0.09	0.08	0.04	n/s
How often: Election officials are fair					0.23	0.10	0.08	**
How often: Voters are offered a genuine choice in the elections					0.10	0.09	0.04	n/s
How often: Opposition candidates are prevented from running					-0.10	0.08	-0.04	n/s
How often: TV news favours the governing party					-0.05	0.07	-0.02	n/s
How often: Voters are bribed					-0.07	0.09	-0.03	n/s
How often: Rich people buy elections					-0.22	0.07	-0.09	***
How often: Voters are threatened with violence at the polls					0.00	0.09	0.00	n/s
How often: Women have equal opportunities to run for office					0.30	0.09	0.11	***
VALUES								
Importance of living in a democracy	0.28	0.03	0.24	***	0.28	0.03	0.24	***
Importance of having honest elections	0.13	0.12	0.03	n/s	0.13	0.12	0.03	n/s
WINNERS-LOSERS								
Voted for Trump in 2016	1.43	0.13	0.32	***	1.21	0.17	0.27	***
POCKETBOOK ECONOMY								
HH Income	0.00	0.02	0.00	n/s	0.00	0.02	0.00	n/s
Financial security	0.13	0.07	0.05	n/s	0.12	0.07	0.05	n/s
Financial satisfaction	0.09	0.03	0.09	***	0.08	0.03	0.08	***
CONTROLS								
Sex (Male)	-0.01	0.13	0.00	n/s	-0.01	0.13	0.00	n/s
Race: White	0.03	0.16	0.01	n/s	0.02	0.16	0.00	n/s
Race: Black	-0.11	0.28	-0.01	n/s	-0.16	0.28	-0.02	n/s
Age (years)	-0.02	0.00	-0.11	***	-0.02	0.00	-0.11	***
Education (Low to High, 4-cat)	0.04	0.08	0.02	n/s	0.03	0.08	0.01	n/s
Level of urbanization	0.42	0.19	0.06	*	-0.25	0.09	-0.09	***
Subjective class	-0.25	0.09	-0.09	**	0.40	0.19	0.06	*
(Constant)	1.35	0.85		**	1.51	0.85		**
R ²	0.23				0.23			
N	1,127				1,127			

OLS Regression Models. Dependent Variable: Satisfaction with the performance of democracy, 0–10 scale. Models were tested and found to be free of problems of multicollinearity.

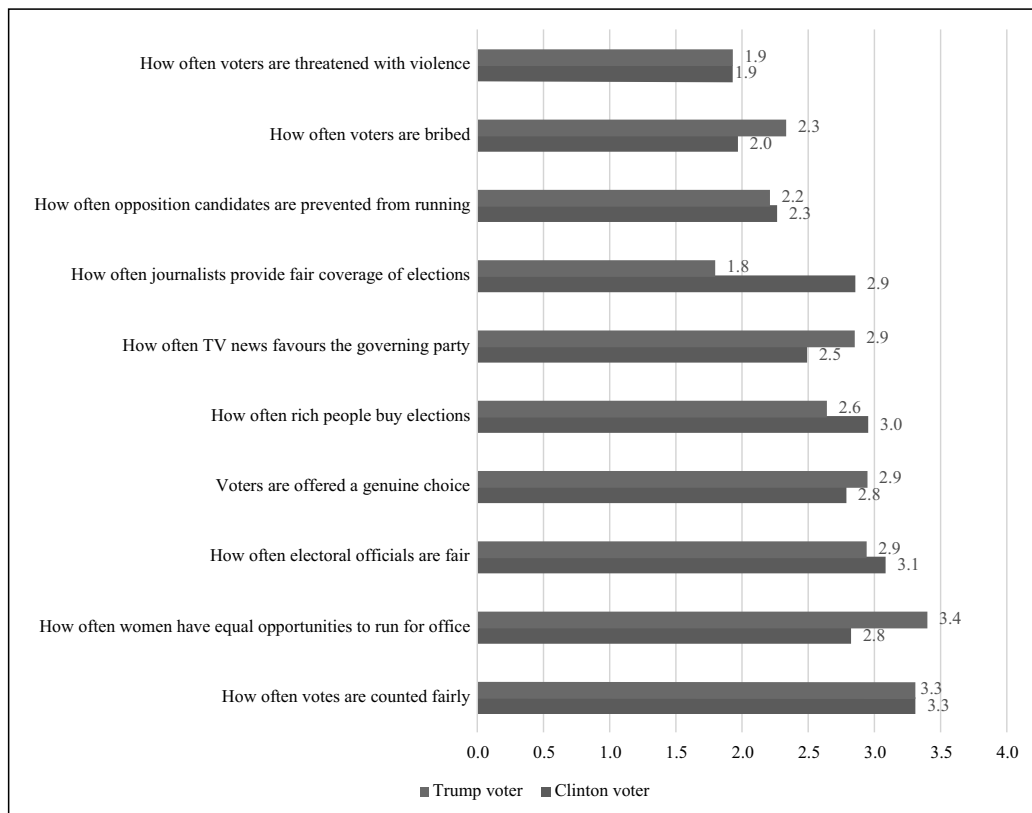
* $p < 0.10$; ** $p < 0.05$; *** $p < 0.01$; n/s: not significant.

Source: WVS-US-2017.

marked winner–loser difference if we examine overall satisfaction with how democratically the US is seen to be governed (a net 10 percentage point gap), and satisfaction with the American political system (an 18-point gap). Thus, despite the fact that after the election Trump voters expressed far

Figure 2. Satisfaction with democracy and perceptions of electoral integrity and malpractice by party, US.

Source: World Values Survey, US only, 2017.

Figure 3. Perceptions of electoral integrity and malpractice by party, US.

Source: World Values Survey, US only, 2017.

more satisfaction with the American system than Clinton supporters, this gap was not observed in assessment of electoral integrity.

What can explain this pattern? Figure 3 breaks down items measuring the PEI and malpractice by Clinton and Trump voters. Each item is scaled from low (1) to high (4), to identify the contrasts

in voters' assessments. The results show that Trump voters were far more likely than Clinton supporters to believe that voters are often bribed, TV news is often biased, and journalists often provide unfair coverage of elections. By contrast, Clinton supporters were far more likely to believe that rich people buy elections and that women do not have equal opportunities to run for office. Few clear partisan gaps can be observed on some other items, such as the fairness of the vote count or the fairness of electoral officials.

Conclusion and implications

Theories seeking to explain public satisfaction with democracy differ in the importance they place on measures of 'procedural performance', such as trust and confidence in parties, the news media and elections, as contrasted with 'output' measures of economic policy performance. Moreover, scholars suggest that public judgments of both procedures and policies may be coloured by partisan cues. The relative weight of each of these factors remains unresolved and interpretations differ, in part because studies adopt different comparative frameworks, measures, models and time periods and, until recently, few systematic social surveys monitored PEI (Hetherington and Rudolph, 2015).

Based on the cross-national evidence, we can conclude with several key substantive findings, namely:

1. As input or procedural theories predict, *public PEI and malpractice are usually significant and strong predictors of democratic satisfaction* in both the comparative and the US data (lending additional support confirming H1 and H2).
2. Of the procedural indicators, the results differed across the datasets. In the cross-national data, the fairness of the vote count and media bias were seen as most significant predictors of democratic satisfaction. In the US data, the fairness of electoral officials, the role of money in politics, and equal opportunities for women to run for office were the most significant predictors.
3. As policy performance theories suggest, *in the cross-national data, the pocketbook economy was also associated with greater satisfaction with democracy*, although these coefficients were usually weaker than the effects of electoral integrity. In the US data, only one indicator (financial satisfaction) predicted greater satisfaction with democracy. This suggests more mixed support for H3 which deserves to be evaluated more fully by direct indices of policy performance
4. Finally, as the winner-loser thesis posits, *voting for the victorious party or candidate was usually linked with greater democratic satisfaction*. In the case of the 2016 US presidential elections, Trump voters expressed far more satisfaction with democracy than those who had supported Clinton. This provides support for H4: *winners usually express greater democratic satisfaction*,

Based on the evidence presented in this study, we can conclude that citizens' views about the fairness and integrity of elections are closely linked with more diffuse evaluations of how liberal democracies work. Political elites such as officials, lawyers, politicians and commentators commonly express concern about malpractice, including the apportionment of electoral districts, the security of voting machines and the constitutional design of the Electoral College. It might be assumed that most ordinary citizens do not know or care much about these sorts of flaws in electoral procedures, compared with more bread-and-butter matters like whether the federal government delivers good jobs and low taxes, or affordable health care and social justice.

Yet this assumption would be incorrect: when it comes to how liberal democracy works, elections play a central role. If the public comes to believe that electoral malpractice is widespread, whether problems of ‘massive’ voting fraud or systematic restrictions on voters’ rights, then even in long-standing democracies this can corrode public faith in democracy itself, facilitating democratic backsliding under pressure from authoritarian-populist leaders.

These challenges face all countries, but they are particularly severe in the US where there has been a steady drumbeat of criticism of the electoral process on both sides of the aisle. This includes repeated cries of ‘massive voter fraud’ by the GOP leadership in successive elections since Florida in 2000 as well as repeated Democratic counter-claims of violations of voting rights through overly-restrictive state registration requirements. The reports of Russian meddling through hacking attempts and disinformation campaigns has exacerbated a climate of mistrust.

Leadership messages have subsequently been amplified by legacy and social media sympathetic to each party; for example, the story of Russian interference in the campaign and its aftermath was framed dramatically differently on Fox News and CNN (Boczkowski and Papacharissi, 2018). Concern about fraud among Republican supporters is likely to have been amplified by President Trump’s assertions that he won the popular vote ‘if you deduct the millions of people who voted illegally’ (Trump, 2017a). After inauguration, President Trump continued to allege that more than three million fraudulent votes were cast in the 2016 elections (Trump, 2017b). Similar allegations have been made repeatedly: *The Washington Post* Fact Checker estimates that from inauguration until the end of July 2018, Trump made over 100 false or misleading claims about the 2016 election, averaging around one a week. This could be dismissed as partisan hot-air and rhetorical hyperbole, but many Americans find these types of claims credible. In January 2017, for example, a poll found that one quarter of Americans said that they believed that voter fraud was ‘widespread’ in the November 2016 general election – including one third of Republicans (Politico, 2017).

Leading watchdog agencies report the damage to the quality of American democracy. Freedom House has recently downgraded the country’s political rating from 1 to 2 ‘due to growing evidence of Russian interference in the 2016 elections...’ (Freedom House, 2018). Similarly, *The Economist* Intelligence Unit’s 2018 annual report has downgraded the rating of the US from a ‘full democracy’ to a ‘flawed democracy’, noting the problems of growing party polarization, partisan gerrymandering, and the erosion of public trust in government, ranking America 21st in the 2017 global comparison. Other reports by the Electoral Integrity Project, Reporters without Borders, Transparency International and Human Rights Watch have largely concurred with these assessments of the risks facing US elections and democracy (Reporters without Borders, 2017; Roth, 2016).

Partisan dispute over the outcome of the 2016 US elections is only the latest set of problems, adding to a system already creaking under the strain of excess money in politics, the lack of gender equality and minority representation in elected office and restriction of effective electoral choice through partisan gerrymandering (Norris, 2017; Norris et al., 2018). The persistence of many serious flaws in American contests, together with partisan attacks on elections and the lack of capacity for reform, has far-reaching implications because it threatens faith in American democracy.

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Note

1. The Electoral College translates the popular vote into the constitutional body electing the president. Each state is allotted votes in a formula of one elector per member of Congress and two electors for the Senate. This gives greater weight to the rural states at the expense of more populous metropolis.

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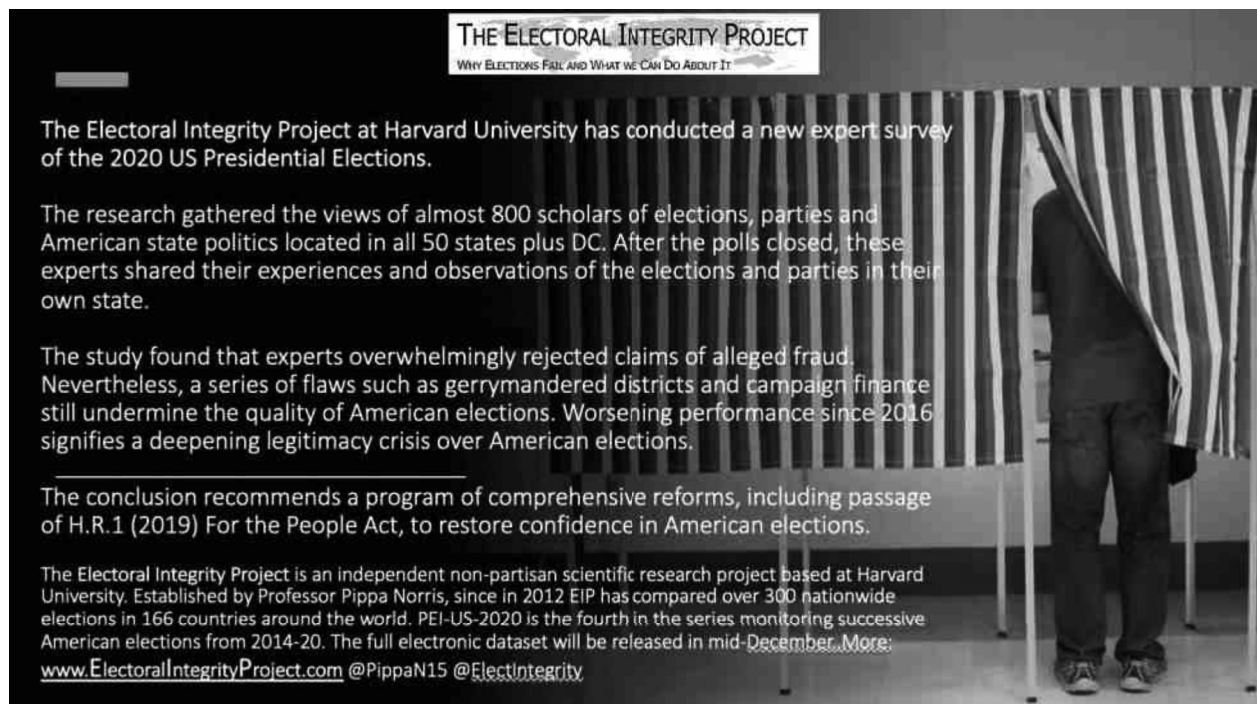
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Exhibit 1-4

Electoral Integrity in the 2020 U.S. Elections

Pippa Norris

Harvard University



THE ELECTORAL INTEGRITY PROJECT
WHY ELECTIONS FAIL AND WHAT WE CAN DO ABOUT IT

The Electoral Integrity Project at Harvard University has conducted a new expert survey of the 2020 US Presidential Elections.

The research gathered the views of almost 800 scholars of elections, parties and American state politics located in all 50 states plus DC. After the polls closed, these experts shared their experiences and observations of the elections and parties in their own state.

The study found that experts overwhelmingly rejected claims of alleged fraud. Nevertheless, a series of flaws such as gerrymandered districts and campaign finance still undermine the quality of American elections. Worsening performance since 2016 signifies a deepening legitimacy crisis over American elections.

The conclusion recommends a program of comprehensive reforms, including passage of H.R.1 (2019) For the People Act, to restore confidence in American elections.

The Electoral Integrity Project is an independent non-partisan scientific research project based at Harvard University. Established by Professor Pippa Norris, since in 2012 EIP has compared over 300 nationwide elections in 166 countries around the world. PEI-US-2020 is the fourth in the series monitoring successive American elections from 2014-20. The full electronic dataset will be released in mid-December. More: www.ElectoralIntegrityProject.com @PippaN15 @ElectIntegrity

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I: Executive Summary

There is widespread concern that disputes over the 2020 U.S. elections have generated a legitimacy crisis for American democracy. For weeks after Election Day, President Trump denied the outcome, refused to concede, and claimed he had won if the count took account of alleged voting irregularities. His team filed at least three dozen lawsuits around the country, challenging legal ballots cast in majority-Black cities in several swing states, and attempted to delay recounts in Wisconsin and block vote certification in Michigan, Nevada, and Pennsylvania. In defeat after defeat, judges dismissed the lawsuits and appeals for lack of credible proof. Despite pressures and personal threats, state and local Republican electoral officials testified that the balloting and vote count process was carried out in strict accordance with the law, with the certified vote outcome reflecting the will of the people.

The protracted challenges to the election from President Trump and his allies are likely to have important consequences. Not surprisingly, confidence in American elections tumbled and a series of polls suggest that millions of Republicans falsely believe that Trump won. For example, YouGov report that by late-November, following weeks of rightwing misinformation and conspiracy theories, around 78% of Trump voters expressed little or no confidence that the 2020 presidential election was held fairly, 79% thought that Trump should *not* concede, while 85% believe that Biden did not legitimately win the election.¹ To a certain extent, some dissatisfaction reflects a common reaction among ‘sore losers’.² If doubts about the legitimacy of American elections persist and even deepen among citizens, however, comparative evidence suggests that these have the capacity to corrode civic engagement and undermine public faith in the principles and practices of liberal democracy.³ The fruitless quest to overturn the results also matters for public policy by initially delaying the presidential transition, as well as exacerbating Us-Them party polarization in Congress, and reducing prospects for bipartisan cooperation designed to tackle the urgent challenges facing America ranging from COVID-19 to the economy, racial justice, and climate change.

Performance evaluations of elections across America by 800+ election experts

Most media coverage after Election Day has focused on the results and litigation over alleged fraud cases in several swing states – but how did the 2020 election perform more generally across America? Did other serious problems commonly arise, such as voter suppression for communities of color, barriers facing women seeking elected office, difficulties in safely voting during the pandemic, or lack of transparency in campaign finance? This report, the first to address these sorts of broader concerns, presents new systematic evidence concerning three questions:

1. *Did experts detect any evidence of incidents of widespread voting fraud in their state during the election?*
2. *More generally, beyond fraud, what are the overall strengths – and weaknesses—of elections in all 50 states across America?*
3. *And, finally, has the overall performance of American elections got better – or worse – over time?*

For the last eight years, the [Electoral Integrity Project](#) (EIP) has gathered evidence about the performance of elections across states in America and among countries around the globe. Based at Harvard University and the University of Sydney, EIP was first established in 2012 by Professor Pippa Norris as a scientific research project involving a team of international scholars. Since then, EIP has evaluated the strengths and flaws of over 300

parliamentary and presidential elections in 166 nations around the world. As part of this research, EIP monitored the performance of American elections across 50 states after the 2014, 2016 and 2018 contests.⁴

Extending this series, this report summarizes the results of the new EIP expert survey monitoring the performance of the 2020 U.S. elections. The study (PEI-US-2020) was conducted among political scientists based in American universities and colleges in all 50 states across the country. Experts were selected as knowledgeable about American elections and parties, as demonstrated through their formal qualifications, teaching and research specialization, professional affiliations and publication record (see Part III and the Technical Appendix for details). After the close of polls, participants were invited to complete a questionnaire with 120 items designed to provide a multidimensional assessment of the electoral performance of the state where they were registered to vote. At least 20 political scientists were invited to participate in each of the 50 U.S. states plus DC. Responses were collected online from 6th to 23rd November 2020. In total, **789 experts completed the survey**, generating a 20% response rate, meeting the target of around 15 experts per state. Internal validity tests indicate that performance ratings of electoral integrity in each state were not significantly influenced by the personal characteristics of the experts, including their partisanship, socio-economic and demographic characteristics (except for race), ideological values, and level of familiarity with elections in their state (see Part III).

Key findings and recommendations

The report suggests three key findings:

1. **Election experts overwhelmingly rejected claims of widespread fraud occurring in their state during the balloting and vote tabulation stages of the 2020 U.S. elections.** These assessments are fully consistent with evidence from the courts and the series of reports by state officials, federal agencies, and other authoritative sources.
2. **At the same time, this does not imply that experts believe that the performance of all stages in the 2020 American elections should be given a clean bill of health.** Many commentators have been too quick to assume that if claims of voter fraud are baseless, and turnout rose, then other stages of the contest are likely to have worked equally well across all states. But election experts identified a series of structural problems undermining American democracy. As repeatedly highlighted in previous EIP reports,⁵ these include: Electoral laws and gerrymandered districts favoring incumbents; campaign coverage by local press and TV news lacking fairness and balance while social media amplified misinformation; campaign finance lacking transparency and equitable access; communities of color experiencing difficulties in registering and voting; women and minorities candidates encountering barriers to elected office; and, the declaration of results generating lengthy disputes. At the same time, several strengths in the electoral process were also identified, namely: the fair and efficient management of electoral procedures and voting processes, and the professional performance of electoral authorities.
3. Finally, expert assessments also indicate that **compared with 2016, the performance of this contest displays several warning flags**, namely worsening confidence in the integrity of American elections and falling public trust, challenges to legitimacy arising from threats of campaign violence, legal disputes about the process and results, and public protests about the outcome, as well as growing attempts at voter suppression. Some of the worst fears of foreign meddling and outright violence did not materialize during the election and its immediate aftermath, although these potential risks persist.

To prevent further deterioration of public confidence in future elections, this report recommends that structural weaknesses should be addressed by a program of comprehensive reforms, thereby restoring feelings of

legitimacy in the electoral process.⁶ The incoming Biden-Harris administration should work with Congress, federal and state officials, independent organizations, and academic experts to identify effective ways to strengthen American elections and democracy. This includes passing H.R.1 (2019) “*For the People Act*” which would strengthen democracy by making it easier to vote, limiting partisan gerrymandering, fixing the campaign finance system, and strengthening ethics rules.⁷

To support these recommendations, *Part II* of this report goes on to summarize the background to the 2020 US elections and concerns raised by both Republicans and Democrats about the process and outcome. *Part III* describes the survey methods, evidence and validity tests. *Part IV* highlights the key findings. *Part V* presents the conclusions and recommendations.

II: Background

Recent years have seen growing debate whether U.S. elections meet standards of electoral integrity. These issues are far from new; given deep division over the expansion of Civil Rights in earlier eras. More recently, ever since the 2000 Bush v. Gore US presidential election, America has experienced increasing partisan polarization and litigation over basic electoral procedures and voting rights.⁸ Even before he was elected in 2016, and in speeches and Tweets throughout the 2020 campaign, Mr. Trump has long complained loudly about voter fraud and rigged elections. Acrimonious disputes about electoral integrity in the aftermath of the 2020 campaign reflect the logical culmination of this rhetoric. President Trump, leading members of his administration, and right-wing allies have sought to litigate alleged irregularities concerning ‘voter fraud’, ‘rigged counts’, and ‘stolen’ elections. The Associated Press declared victory for Joe Biden at 11.25 a.m. EST on Saturday 7th November 2020, after projecting his winning Pennsylvania. President-Elect Biden has a comfortable lead estimated to be around 80 million popular votes (6 million more than Trump), winning 306 Electoral College votes, comfortably above the 270 threshold.

Legal challenges concerning alleged voter fraud

Nevertheless, for weeks after AP and networks projected the result, President Trump sought to block the transition, invalidate votes, delay certification, and overturn the popular vote count in several states to let state legislatures name a new set of presidential electors.⁹ In a blizzard of Tweets, the President repeatedly claimed to have won. His team of lawyers alleged that voting irregularities occurred in swing states like Michigan, Pennsylvania, Wisconsin and Georgia, particularly in communities of color which voted heavily Democrat, like Wayne County in Detroit. When legal suits failed, Michigan state legislators were summoned to DC and reportedly pressured by the president to discard the vote count and delay accreditation. In press conferences, the president’s lawyer, Rudy Giuliani, spread bizarre conspiracy stories about nefarious plots to stuff ballot boxes and undermine the Trump victory.

A series of court cases litigated the President’s complaints and judges dismissed almost three dozen lawsuits for lack of credible proof.¹⁰ Agencies responsible for maintaining the integrity and security of American elections issued public statements rejecting the president’s concerns, including the federal Election Infrastructure Government Coordinating Council and cybersecurity experts in the Department of Homeland Security.¹¹ Both Democratic and Republican Governors pushed back on the Trump campaign’s claims, as did Secretaries of State in charge of running elections.¹² International election observers from the OSCE reported that the contests were free of fraud in the balloting and vote tabulation processes, noting that baseless allegations of systematic deficiencies by the president harmed public trust in democratic institutions.¹³ Journalists fact-checked the president’s claims, with the Associated Press and news divisions in all major networks and newspapers reporting that they were baseless (although commentators within Fox News were divided). Some technical errors were uncovered during the recount, including some previously uncounted legal

ballots in Georgia. But minor flaws in the process were incapable of overturning the declared popular vote winner in any single state, still less letting President Trump suddenly gain enough Electoral College votes to win back the White House.

Despite the lack of evidence, persistent and repeated allegations of voter fraud from President Trump, his spokespersons, and his army of lawyers continue to challenge the voting process and count for weeks after polling day. On 21st November, two weeks after the polls closed, Trump tweeted that “...*my investigators have found hundreds of thousands of fraudulent votes, enough to ‘flip’ at least four States, which in turn is more than enough to win the Election.*”¹⁴ And a week later, after many states have already certified their votes: “*Biden can only enter the White House as President if he can prove that his ridiculous “80,000,000 votes” were not fraudulently or illegally obtained. When you see what happened in Detroit, Atlanta, Philadelphia & Milwaukee, massive voter fraud, he’s got a big unsolvable problem!*”¹⁵ In three weeks after Election Day, Trump posted around 300 Tweets, two-thirds of which sought to challenge the integrity of the election.¹⁶ This string of unverified complaints was subsequently amplified through conservative allies, such as One America News Network, right-wing talk radio, and social media platforms without content moderation policies, like Perler.¹⁷ After the race was called by AP, prior to the completion of the certification process on 14th December, a trickle of senior Republicans challenged the White House narrative. But most remained silent during November, or they expressed uncertainty about the final outcome. This continued despite the delay in the transition period for the new Biden-Harris administration, violating core democratic norms about a peaceful transfer of power where the election losers graciously concede defeat.

The rhetoric may be political theatre, but the barrage of repeated allegations has the capacity to sow confusion and harm public faith in U.S. elections and democracy. Conspiratorial beliefs about fraud persist, despite pushback against these claims from major media outlets, the string of court defeats, and statements endorsing the integrity of the process and outcome by federal, state, and local election officials. Doubts about electoral integrity among ordinary citizens have the capacity to undermine general satisfaction with the electoral process and how democracy works.¹⁸ The General Services Administration delayed the transition to President Elect Biden for around two weeks after the outcome had been called by all major media outlets, hindering the handover. Disputes may damage the image of American democracy abroad. Democratic anger over Republican reluctance to acknowledge the winner is also likely to further exacerbated party polarization in Congress. Legal disputes in this election have also laid the groundwork for passage of new state laws and further challenges to integrity in future contests.

Other potential risks to electoral integrity

The immediate aftermath of the election has been dominated by legal disputes about alleged irregularities in the balloting and vote counting process. But the challenges of maintaining integrity in any election are manifold, compounded by the additional difficulties of holding any contests safely during a pandemic. The primary concern among Democrats in recent years has focused on claims of voter suppression where states restrict voting rights, especially in poorer communities of color. This includes where state laws have implemented restrictive registration procedures and voter ID requirements, purged voter rolls, limited access to mail ballots and advance voting, closed polling places, and generated excessively long wait lines for citizens to cast advance ballots in person.¹⁹ There was also concern during the campaign about the effectiveness of get-out-the-vote efforts, given restrictions on local in-person canvassing and rallies in a pandemic. In fact, however, intense polarization and mobilization efforts in the election generated record levels of voter turnout, rising by 6 percentage points to 67% of the eligible electorate.²⁰

Following threats detected in 2016, national security officials had expressed fears that American elections remained vulnerable to foreign attack and cybersecurity risks.²¹ In 2018 Congress appropriated \$380 million to help states improve election cybersecurity. During the runup to the 2020 election, the Department of Homeland Security worked closely with many state and local electoral officials to tighten computer defenses against foreign

meddling. These efforts appear to have paid off; after the polls closed, experts on cybersecurity in the Cybersecurity and Infrastructure Security Agency in the Department of Homeland Security reported that the 2020 election was the ‘most secure in American history’.²² Nevertheless, the campaign saw a flood of domestic misinformation, amplified through official channels like White House briefings and presidential rallies, as well as through legacy and social media.²³ Debate continues about issues of free speech, especially the role and effectiveness of major social media platforms in restricting or flagging sensitive political content.

Additional concerns in the run up to polling day involved a climate of intense polarization and protests, with law enforcement officials responding by developing contingency plans to deal with potential threats of intimidation and violent protests disrupting the contest, and cities prepared for riots or looting, with stores boarded up. In fact, other than sporadic reports of scattered incidents like robocalls designed to mislead voters, polling day and its immediate aftermath passed largely peacefully, without major incidents. All these issues can be understood to be important aspects of electoral integrity throughout the campaign and its aftermath, above and beyond any claims of fraudulent ballots cast or vote count irregularities.

III: Methods and Evidence

The Electoral Integrity Project

In the light of all these concerns, what additional systematic evidence is available to evaluate the overall integrity of the 2020 elections across America? Were there indeed widespread problems of illegal voting, fraudulent ballots or inaccurate vote counts capable of determining the outcome, as President Trump and his allies have claimed, or indeed evidence for other major malpractices, including the systematic suppression voting rights in communities of color, as alleged by many Democrats. These issues should also be understood in a broader context since there has also been concern for many years about broader flaws in U.S. elections, such as district boundaries gerrymandered to favor incumbents, barriers restricting opportunities for women and ethnic minorities when running for office, mechanical and technical flaws in balloting arising from the localized process of electoral administration, foreign interference and domestic misinformation, and the undue impact of unequal access to money and media in American campaigns.²⁴

Since 2012 the Electoral Integrity Project (EIP), a scientific research initiative at Harvard University among a team of international scholars, has gathered new evidence providing insights into these issues. Since it was established by the Director, Pippa Norris (McGuire Lecturer in Comparative Politics at Harvard’s Kennedy School of Government), the project has conducted expert surveys among senior academic scholars of elections and parties. The EIP methodology has been used to evaluate the strengths and flaws of over 300 parliamentary and presidential elections in 166 nations around the world. As part of this research, the project has also used this technique to compare elections at sub-national levels, including since 2014 in contests every two years in 50 states across America.

EIP supplements this evidence with many other forms of data collection, including monitoring public opinion towards electoral integrity in America and more than 80 societies worldwide, in conjunction with the 6th and 7th waves of the World Values Survey.²⁵ EIP’s scientific research program also collaborates closely with national election surveys like the ANES and BES, hold regular workshops with national and international professional associations, as well as consulting with a wide range of electoral assistance organizations such as International IDEA, IFES, OAS, OSCE, UNDP, and the Carter Center, and advising national election management bodies in several countries, like Australia and the UK. Over the last eight years, the research program has published a series of datasets, books, journal research papers, and policy reports.²⁶ The expert survey of the 2020 US elections was conducted by EIP in collaboration with the International Federation of Electoral Systems, a

leading organization in the field of electoral assistance, as well as being generously assisted by the American Political Science Association, the primary professional network of political scientists in the US.

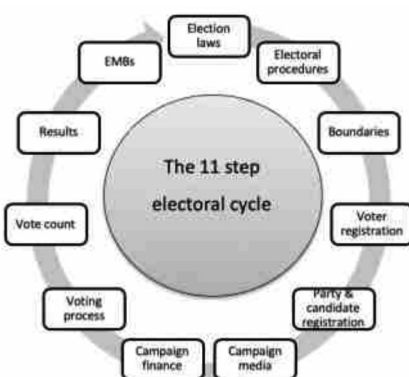
Perception of Electoral Integrity expert surveys

This report summarizes the initial key results of the Perceptions of Electoral Integrity expert survey (PEI-US-2020), which monitored the 2020 elections across all 50 U.S. states plus DC. Expert surveys have rapidly become a common data-gathering technique in the social sciences used to evaluate a wide range of complex phenomena, like ranking countries worldwide in their ratings on human rights, civil society, media freedom, or democracy. A study recently documented almost a hundred international rating indices and rankings produced by this method, which is most common where directly observable empirical indicators are lacking, as exemplified by Transparency International's Perception of Corruption Index and the Varieties of Democracy project at the University of Gothenburg.²⁷ Like any technique, measurements derived from expert surveys have advantages but also limits, and ideally any estimates should be used in conjunction with other sources of national or state-level data, such as public opinion and social surveys, international observer reports, electoral forensics, case-studies, experimental studies, and news media reports.

Expert respondents

To gather the data, after the polls closed, the survey invited selected political scientists to complete a comprehensive questionnaire. Scholars were invited if they were teaching or studying political science at American universities and colleges. Within the discipline, experts on elections, political parties and state politics were identified through their research, publications, teaching, and professional membership affiliations. The survey aimed to gather respondents' experience and observations of the process of elections in the state where they were registered to vote. A minimum of 20 experts on American elections, parties and state politics were invited to participate from each state and DC. Qualtrics was used to administer the survey online. After the polls closed, one emailed invitation and two reminders were distributed from 6th to 12th November 2020 to the selected participants.

Figure 1: The 11-stages in the electoral cycle



Perceptions of the integrity of the 2020 US elections were gathered across all stages of the electoral cycle using a comprehensive questionnaire with around 120 items. The international community has long recognized that problems in elections can arise at any stage of the process, so it is better to monitor integrity throughout the long-term electoral cycle, rather than focusing attention exclusively upon polling day and its immediate aftermath. The 11-steps in the electoral cycle are illustrated above, ranging from election laws and procedures which may be established years in advance of the event, to the conduct of the campaign, and then the voting and tabulation process. The questionnaire was designed to monitor all stages of this cycle.

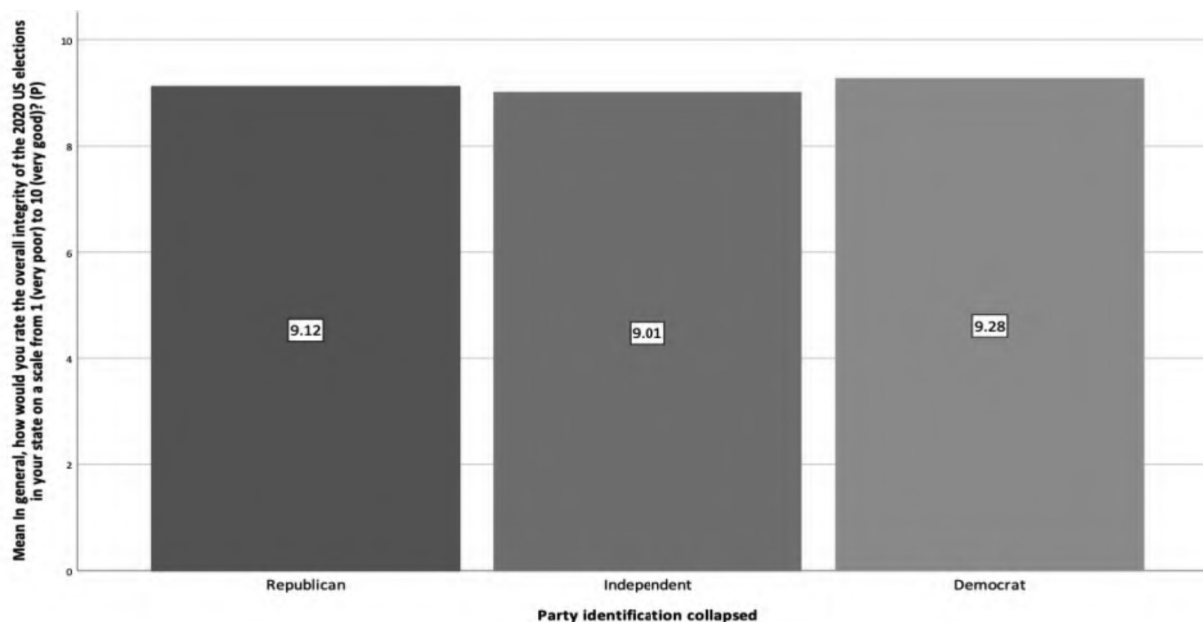
The items with imputed values for missing data were summed and standardized to compute the indexes for each dimension, such as the Electoral Law and Electoral Procedures indexes (see Figure 6). Several new items were added in 2020 to the new 100-point PEI Index, so the ratings in 2020 are not identical those used in earlier studies. The comparisons which are consistent over time are the 10-point scale where respondents are asked to rate the overall integrity of the US elections in their state (see Figure 8), so this measure should be used for monitoring changes in ratings over time.

The survey was completed in total by **789 political scientists**. This represents a response rate of 20% from those contacted with valid email addresses, comparable to several previous expert surveys. The study generated completed replies from around 15 experts on average per state and DC, meeting our target, although considerable caution is still needed when interpreting the results in smaller states, given the lower number of responses and thus the larger margin of error. The number of respondents per state reflects differences in state population size and the geographical location of departments of political science in American universities and colleges. The majority of respondents (51%) were senior faculty employed as full professors of political science. Most others were faculty employed as Associate Professors, Assistant Professors, or Lecturers, while 6% were advanced-level graduate students completing their PhD research.

Validity tests

It is important to check whether the data is valid and reliable. In particular, social scientists might be expected to be biased in their perceptions of the quality of elections, given the well-known skew towards liberal and leftwing values in academia.²⁸ In fact, however, *no significant differences were evident when Democrats, Independents and Republicans were asked to rate the overall integrity of elections in their own state*, using on a 10-point scale from low to high. As Figure 2 shows, similarly positive ratings were given by each group of partisan identifiers.

Figure 2: Expert evaluations of the integrity of elections in their state by party identification



Note: Q: "In general, how would you rate the overall integrity of the 2020 US elections in your state on a scale from 1 (very poor) to 10 (very good)?"
Source: PEI-US-2020 Expert level N. 789.

To explore further, OLS regression models tested whether several social and political characteristics predicted respondents' ratings of electoral integrity in their own state. Models included the 3-category collapsed scale of partisanship and also respondents' self-identified position on 10-point scales measuring Left-Right economic values and Liberal-Conservative social values. Standard controls included age, gender, race (White), and also indicators of levels of expertise, including respondent's familiarity with elections in their own state, the length of time they had lived in the state where they are currently registered, and their reported difficulty in completing the survey.

Figure 3: *Validity tests predicting expert evaluations of electoral integrity*

	B	Std. Error	Standardized Beta	Sig.
Party identification 3-categories collapsed	0.04	0.10	0.02	0.730
Age (in years)	0.00	0.00	-0.05	0.273
Gender	0.04	0.11	0.02	0.704
Race: White/Other	0.45	0.16	0.12	0.004
Left-Right position towards economic values scale	-0.02	0.04	-0.03	0.689
Liberal-Conservative position towards social value scale	-0.04	0.04	-0.06	0.351
How familiar are you with elections in your state?	0.06	0.04	0.08	0.093
How long have you lived in the state where you are currently registered to vote?	0.02	0.07	0.01	0.791
Overall, how easy or difficult did you find the questions?	0.03	0.03	0.04	0.346
(Constant)	8.24	0.57		0.000
Adjusted R ²	0.024			
Number of respondents	575			

Note: Q: "In general, how would you rate the overall integrity of the 2020 US elections in your state on a scale from 1 (very poor) to 10 (very good)?"

Source: PEI-US-2020 Expert level

The results suggest that, almost *none of these factors were statistically significant predictors of evaluations of electoral integrity*. The important exception of race where White respondents were significantly more positive than those from other ethnic groups, for reasons which remain unclear, although this may relate to the historical legacy of racial disparities in voter suppression in America. By contrast, perhaps surprisingly in an age of deep polarization, *values and partisanship did not matter*; there was similar ratings of electoral integrity among Democrats, Independents, and Republicans

IV: Key Findings

1. EXPERT ASSESSMENTS OF VOTER FRAUD IN THE 2020 ELECTION

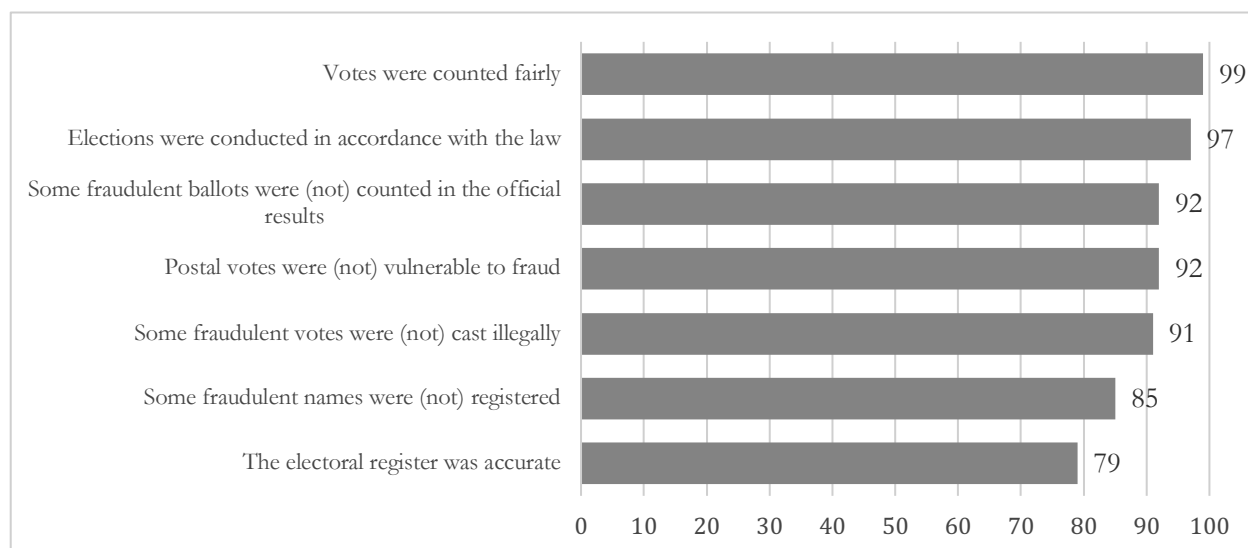
The most heated disputes after the polls closed concern the Trump campaign's claims of extensive voter fraud where illegal ballots are alleged to have been cast or counted on sufficient scale to determine the outcome in several swing states. Figure 3 illustrates expert assessments of a series of common statements about problems of fraud.

The results suggest that election experts overwhelmingly rejected claims of widespread fraud occurring during the 2020 elections. As Figure 4 shows, respondents overwhelmingly agreed that the vote count was fair and elections were conducted in accordance with the law in their own state. More than three quarters of the election experts also thought the electoral register was accurate, and journalists provided fair coverage.

By contrast, there was almost universally disagreement with statements that some fraudulent votes were cast illegally, postal ballots were vulnerable to fraud, some fraudulent ballots were counted in the official results, and some fraudulent names were registered to vote.

These assessments correspond with the conclusions reached by a series of news media investigative reports, the statements issued by election observers, official agencies, and state authorities, and the judicial reaction tossing litigation in almost three dozen court cases. A series of public opinion polls show that Trump supporters believe that Joe Biden only won through fraud. Evidence in PEI-US-2020 from a wide range of experts on American elections suggests that these concerns are groundless.

Figure 4: Expert assessments of fraud and fairness in their state during the 2020 elections



Note: Q: "In your state, do you agree or disagree with the following statements?" Responses were measured on a 5-point 'Agree-Disagree' scale, recorded to reflect positive assessments. The figure shows the % who 'Agree' or 'Agree Strongly', excluding the DKs. **Source:** PEI-US-2020

2. WHAT WERE THE MAJOR CHALLENGES TO ELECTORAL INTEGRITY IN U.S. ELECTIONS?

At the same time, this does not mean that U.S. elections should be given an automatic clean bill of health. Electoral integrity involves multiple stages during the whole electoral cycle. Contests can be flawed by many malpractices which do not involve voter fraud, for example, if state laws restrict minor parties from ballot access, if gerrymandered boundaries favor incumbents, if elections lack equitable access to campaign money or media, or if the electoral authorities fail to be fair and impartial.

Since 2012, a series of annual reports by EIP have examined electoral integrity in over 300 contests in 166 nations worldwide. The comparisons suggest that, even before the 2020 disputes, the conduct and procedures used in a series of previous American presidential and mid-term elections fall short. On average, in elections from 2012-2018, the Perceptions of Electoral Integrity (PEI) Index ranked the U.S. 57th out of 165 countries around the globe. The PEI Index in America was worse than most liberal democracies in affluent post-industrial

societies such as Denmark, the Netherlands, and Germany, as well as worse than in newer democracies like Estonia, Taiwan, and Costa Rica.²⁹

Strengths and weaknesses in American elections

How did experts evaluate the strengths and weaknesses of multiple aspects of the 2020 American elections in their own state? Respondents were asked whether a series of 54 statements applied to the 2020 contest in their state, using a 5-point agree-disagree response scale. Responses were re-coded in direction for consistent comparison across the items, so that a higher mean score in Figure 5 represents a more positive assessment.

The results in Figure 5 largely confirm the strengths and weaknesses of American elections repeatedly observed in previous reports.³⁰ The primary challenges to the integrity during the 2020 electoral cycle center upon the stages of electoral laws, district boundaries, campaign media and campaign finance.

Several specific flaws were also highlighted, (scoring on average less than 3 on the 5-point scale), including district boundaries that unfairly benefitted incumbents and discriminated against minority communities, misinformation disseminated by social media platforms, problems of equitable access to campaign finance for parties and candidates, and difficulties of voting for communities of color. By contrast, experts assessed several other stages of the campaign more positively, including the performance of electoral authorities, the use of fair and well-managed electoral procedures, the availability of convenient voting facilities, and the accuracy and transparency of the ballot tabulation process.

This evidence therefore highlights several stages where we should be genuinely concerned about the integrity of American elections – especially the roles of money and media during the campaign.³¹ But as already noted, problems of fraud in voting and the count, the focus of Republican concern and recent attempts at litigation, are not regarded by experts as the key challenges of electoral integrity facing America.

State performance

But, of course, there can be wide variations in the performance of elections across all US states. Even if the average record of voter fraud or tabulation irregularities in American elections is positive, this does not rule out the possibility that a few ‘bad apples’ with serious malpractices can still exist in certain states.

To examine this further, Figure 6 breaks down the expert assessment by state using a summary 100-point index for the performance of each stage of the electoral cycle, standardized to 100-point scales, for ease of comparison. The overall PEI Index is also listed in the first column, using multiple imputation where for any missing data. Minor differences in scores among states should be treated with due caution, given the size of the standard errors and confidence intervals. Certain states which each had fewer than the minimum of four respondents were dropped from the analysis in this table, namely Delaware, North Dakota, South Dakota, and West Virginia.

The results in Figure 6 confirm that the stages of greatest concern across many states involve the process of determining district boundaries, electoral laws, and campaign media and finance. By contrast, once again the stages of the vote count and electoral procedures are given a relatively clean bill of health across America. There are also some important contrasts in state performance which need to be explored further to explain how far the variations relate to state electoral laws and procedures, and to learn lessons from high integrity states.

Figure 5: Expert assessments of the 2020 election

	Component	Mean	Std. Deviation	N Experts
Electoral laws	Electoral laws restricted citizens' rights	3.4	1.37	750
	Electoral laws were unfair to minor parties	3.0	1.29	712
	Electoral laws favored incumbents	2.9	1.25	728
Electoral procedures	Elections were conducted in accordance with the law	4.7	0.66	744
	Election officials were fair	4.6	0.73	724
	Information about voting procedures was widely available	4.5	0.78	749
	Elections were well managed	4.5	0.78	754
District boundaries	Boundaries discriminated against minority communities	2.8	1.28	637
	Boundaries were impartial	2.3	1.21	661
	Boundaries favored incumbents	2.1	1.07	658
Voter registration	Some fraudulent names were registered	4.2	0.86	485
	The electoral register was accurate	3.9	0.90	497
	Some eligible citizens were not listed in the register	3.1	1.22	400
Candidates	Some parties/candidates were restricted from holding campaign rallies	4.0	1.04	598
	Women had equal opportunities to run for office	4.0	1.01	701
	Minority candidates had equal opportunities to run for office	3.8	1.09	702
	Some minor party or independent candidates were prevented from running	3.7	1.15	592
	Women candidates faced harassment or threats of violence	3.5	1.22	561
	Minority candidates faced harassment or threats of violence	3.5	1.21	561
Campaign media	Journalists provided fair coverage of the elections	3.9	0.93	678
	Parties/candidates had fair access to political advertising	3.9	0.96	606
	Local newspapers provided balanced election news	3.7	0.99	643
	Local TV news favored incumbents	3.2	0.96	545
	Social media spread misinformation about the elections in my state	2.1	1.12	579
Campaign finance	Some voters were bribed	4.5	0.74	564
	Some state resources were improperly used for campaigning	3.7	1.02	507
	Rich people bought the election	3.5	1.07	663
	Parties/candidates had equitable access to political donations	3.2	1.20	596
	Parties/candidates published transparent financial accounts	3.2	1.12	490
	Parties/ candidates had equitable campaign funds	2.7	1.16	571
Voting process	Some form of absentee voting was easily available	4.5	0.84	696
	Postal ballots were not vulnerable to fraud	4.4	0.84	680
	Fraudulent votes were not cast illegally	4.4	0.78	598
	National citizens living abroad could vote	4.4	0.59	572
	Postal ballots were easily available	4.3	1.08	691
	Voters were offered a genuine choice	4.2	1.04	706
	The process of voting was easy	4.1	1.03	707
	Special voting facilities were available for the disabled	4.1	0.86	477
	Voters were threatened with violence at the polls	4.0	1.06	602
	Citizens from communities of color faced greater difficulties in voting	2.9	1.26	632
Vote tabulation	Votes were counted fairly	4.6	0.57	678
	Ballots were secure	4.6	0.67	683
	Some fraudulent ballots were counted in the official results	4.4	0.80	568
	Domestic election monitors were unduly restricted	4.3	0.94	506
	The results were announced without undue delay	4.2	1.01	693
	International election monitors were unduly restricted	4.0	1.06	259
Declaration of results	The election triggered violent protests	4.3	0.83	635
	Any disputes in your state were resolved through legal channels	4.1	0.84	472
	Parties/ candidates challenged the results in court	3.8	1.31	595
	The election led to peaceful protests	3.1	1.27	616
Electoral authorities	The election authorities performed well	4.4	0.72	672
	The authorities distributed timely information to citizens	4.4	0.80	677
	The authorities allowed public scrutiny of their performance	4.3	0.78	625
	The election authorities were impartial	4.3	0.89	668

Note: Q. “When thinking about ...in your state, do you agree or disagree with the following statements?” Responses used 1-5 point scales from ‘Strongly agree’ to ‘Strongly disagree’, which were recoded so that a higher mean score consistently reflects a more positive assessment. **Source:** PEI-US-2020 www.electoralintegrityproject.org

Figure 6: Expert assessments of state performance in the 2020 US elections

State name	PEI index 2020	Electoral law index	Electoral procedures index	District boundaries index	Voter register index	Candidate index	Media index	Campaign finance index	Voting process index	Vote count index	Vote results index	Electoral authorities index
Alabama	76	45	86	31	75	75	68	66	72	78	85	77
Alaska	72	61	86	40	58	77	64	66	79	70	64	80
Arizona	77	59	94	48	65	73	63	68	86	82	53	96
Arkansas	75	52	88	44	73	74	67	68	73	87	85	76
California	81	64	94	62	74	74	65	66	86	85	79	89
Colorado	85	85	98	62	80	83	69	76	89	89	82	94
Connecticut	87	68	94	62	81	80	75	80	88	90	79	88
DC	81	66	92	62	76	82	71	70	85	80	75	86
Florida	75	48	88	37	67	72	65	64	79	82	72	80
Georgia	74	48	87	39	68	72	65	64	77	82	61	80
Hawaii	84	67	96	71	84	81	74	69	89	94	89	95
Idaho	82	73	94	52	81	73	71	72	85	91	88	88
Illinois	78	60	94	41	73	69	64	64	84	89	76	88
Indiana	73	48	83	35	66	62	63	64	71	84	77	75
Iowa	78	54	84	73	65	75	67	71	80	91	78	78
Kansas	71	41	76	52	65	70	67	71	75	84	77	77
Kentucky	81	59	98	42	77	72	75	76	88	94	94	91
Louisiana	82	75	95	55	77	81	69	75	79	87	88	85
Maine	86	78	96	66	82	79	72	76	88	89	85	91
Maryland	83	69	93	52	73	76	70	68	85	87	81	90
Massachusetts	82	73	93	57	75	78	69	73	87	87	83	89
Michigan	77	64	95	37	72	70	68	69	81	89	59	93
Minnesota	80	74	94	57	76	70	68	73	83	85	67	94
Mississippi	71	52	88	34	74	77	66	68	76	94	91	83
Missouri	75	47	82	42	65	69	64	65	76	84	85	85
Montana	77	62	95	63	80	68	61	55	81	81	75	85
Nebraska	79	54	96	36	79	68	56	69	84	89	86	93
Nevada	77	66	91	51	84	76	59	68	84	79	61	86
New Hampshire	87	71	98	54	80	86	63	75	86	94	86	96
New Jersey	82	64	94	50	78	77	68	71	87	86	79	90
New Mexico	81	81	87	58	70	84	76	74	86	80	73	79
New York	77	60	90	49	74	72	66	68	79	83	74	83
North Carolina	78	57	93	32	74	76	71	70	85	82	71	90
Ohio	74	49	85	33	67	71	64	64	78	85	81	77
Oklahoma	81	57	89	35	71	72	58	64	77	90	82	85
Oregon	86	76	97	54	88	76	75	67	89	95	80	93
Pennsylvania	74	55	91	43	69	67	64	67	78	81	59	87
Rhode Island	81	73	93	56	87	79	65	67	85	88	72	91
South Carolina	78	59	89	31	75	75	67	68	78	86	84	83
Tennessee	70	36	86	35	66	67	62	64	71	85	74	78
Texas	72	45	83	35	70	69	66	66	71	83	75	79
Utah	78	61	87	32	73	64	67	68	84	84	83	86
Vermont	89	79	93	69	87	80	77	80	93	95	89	96
Virginia	83	68	95	46	80	79	67	71	84	87	81	85
Washington	88	81	100	71	85	80	70	78	91	91	81	97
Wisconsin	73	49	93	23	70	63	62	62	80	92	60	89
Wyoming	79	74	90	53	71	76	62	64	83	87	77	90
Total	79	62	91	48	75	75	67	69	82	87	78	87

Note: The standardized 100-point indexes are calculated by summing the imputed values for the items listed for each sub-category and for all items in Figure 5. Several new items were added to the new 100-point PEI Index in 2020, so the ratings in 2020 are not identical those used in earlier studies. See p10 of this report and the Codebook for more details. For time-series comparisons see figure 8.

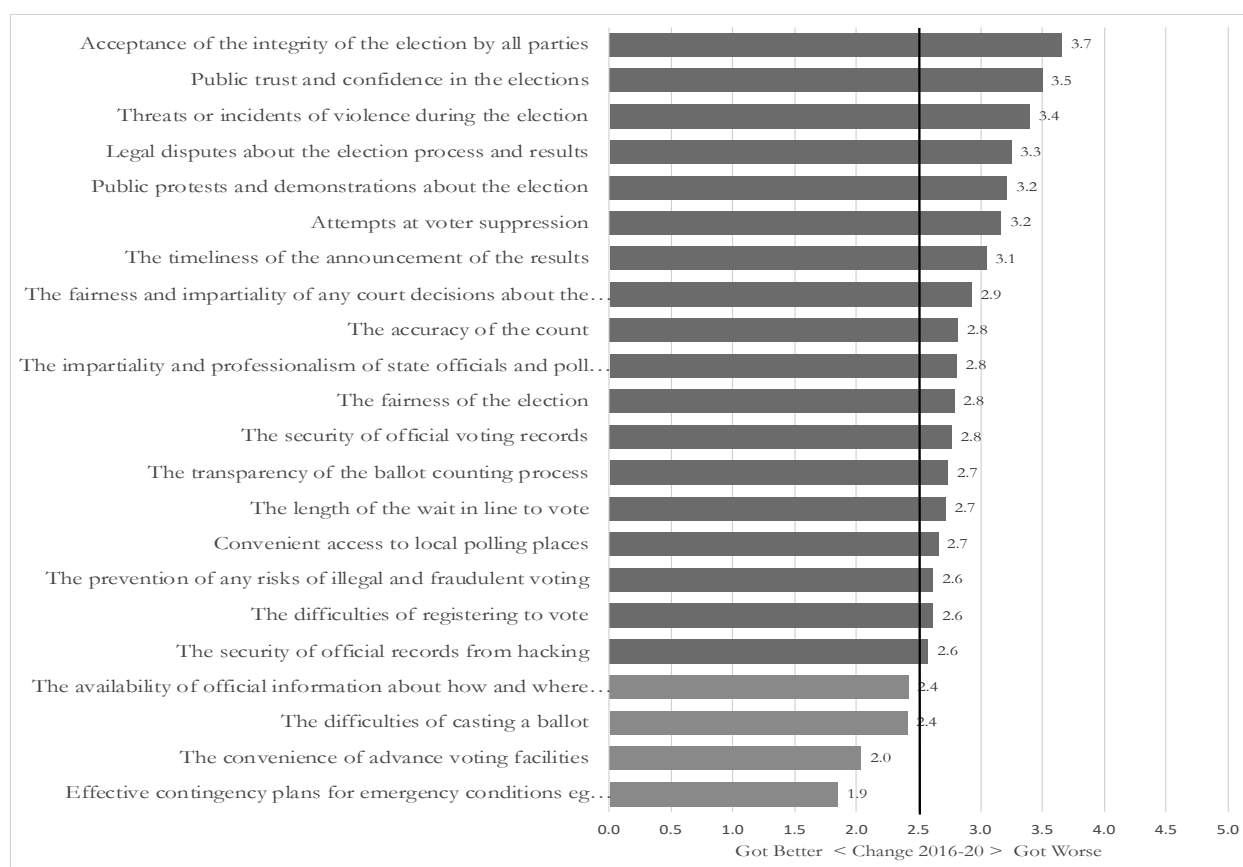
Source: PEI-US-2020 www.electoralintegrityproject

3. HAS ELECTORAL INTEGRITY IN AMERICA GOT WORSE – OR BETTER - OVER TIME?

The historical challenges of holding free and fair election are far from novel, and there has been growing contention over electoral laws during the last two decades. Nevertheless, a prevailing zeitgeist suggests that the 2020 election pose a stress-test for the resilience of American democracy. To gauge the degree of change compared with the previous presidential elections in 2016, experts were asked to say whether they thought that a series of issues had got better or worse in 2020. Figure 7 displays the mean scores on these items, each scaled 1-5, where a higher score indicates perceptions of growing problems.

The results suggest deteriorating confidence in the quality of presidential contests, notably the challenges to the integrity of the election by all parties, falling public trust and confidence in elections, threats or incidents of violence during the election, legal disputes about the process and results, as well as public protests and attempts at voter suppression. By contrast there are only a few areas where certain improvements were noted, including the convenience of advance voting facilities, reducing the difficulties of casting a ballot, and the contingency plans to keep citizens and poll workers safe during emergency conditions.

Figure 7: Expert assessment of changes to US elections from 2016 to 2020

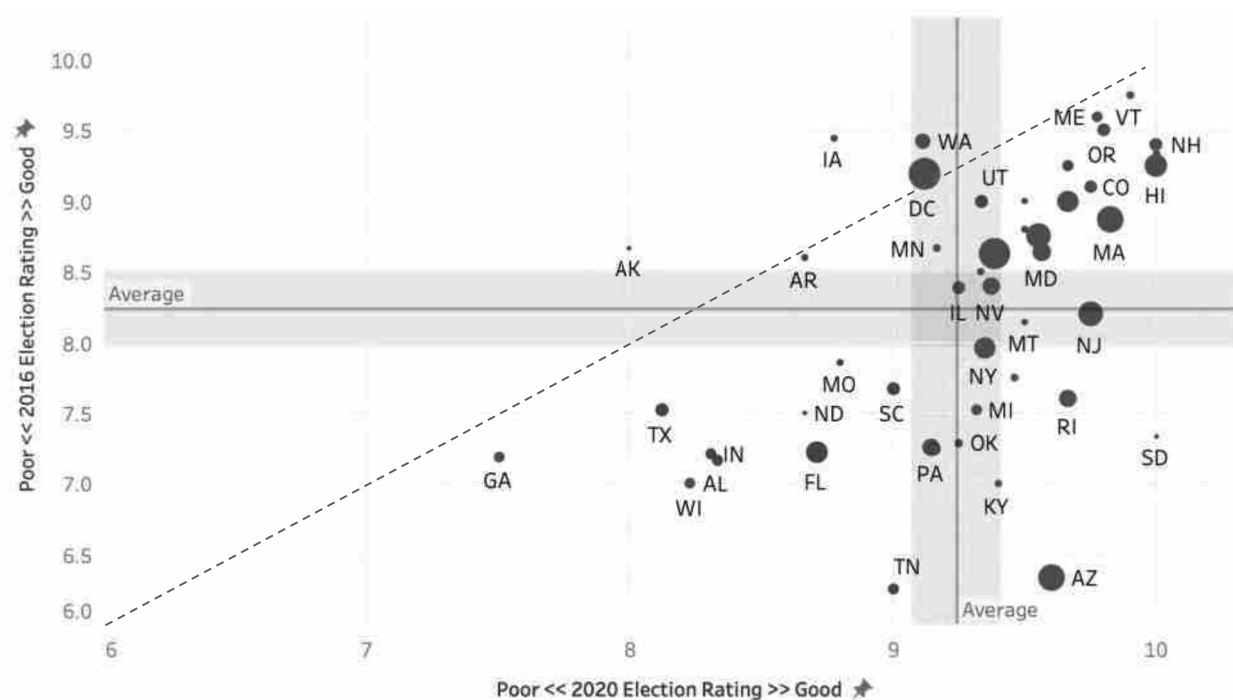


Note: Q. 'And we would like to ask you a few questions about the conduct of the election in your state...Thinking about the 2020 election, in your view were the following aspects better or worse than in 2016?' Responses were coded from Much better (1) to much worse (5). N. 789 respondents. **Source:** PEI-US-2020 www.electoralintegrityproject

Comparing the 2016 and 2020 election ratings

For comparisons of changes over time, the ratings experts gave to the integrity of elections in their own state can be compared in the 2016 and 2020 surveys. The question asked respondents to rate the overall performance of their state using a 10-point scale, displayed below. The dotted red line reflects no change in ratings between elections. The results show that the ratings of many states deteriorated significantly, probably reflecting contentious legal disputes occurring both during and after the 2020 contest. The decline was particularly marked in Arizona, but falls can be observed in most other states.

Figure 8: Changes in electoral integrity ratings in each state, 2016-2020



Note: Q: “In general, how would you rate the overall integrity of the US elections in your state on a scale from 1 (very poor) to 10 (very good)?” The dotted red line represents no change in state ratings from 2016-2020. The colored symbols show the state’s 2020 presidential winner and population size. Source: PEI-US-2016 and PEI-US-2020.

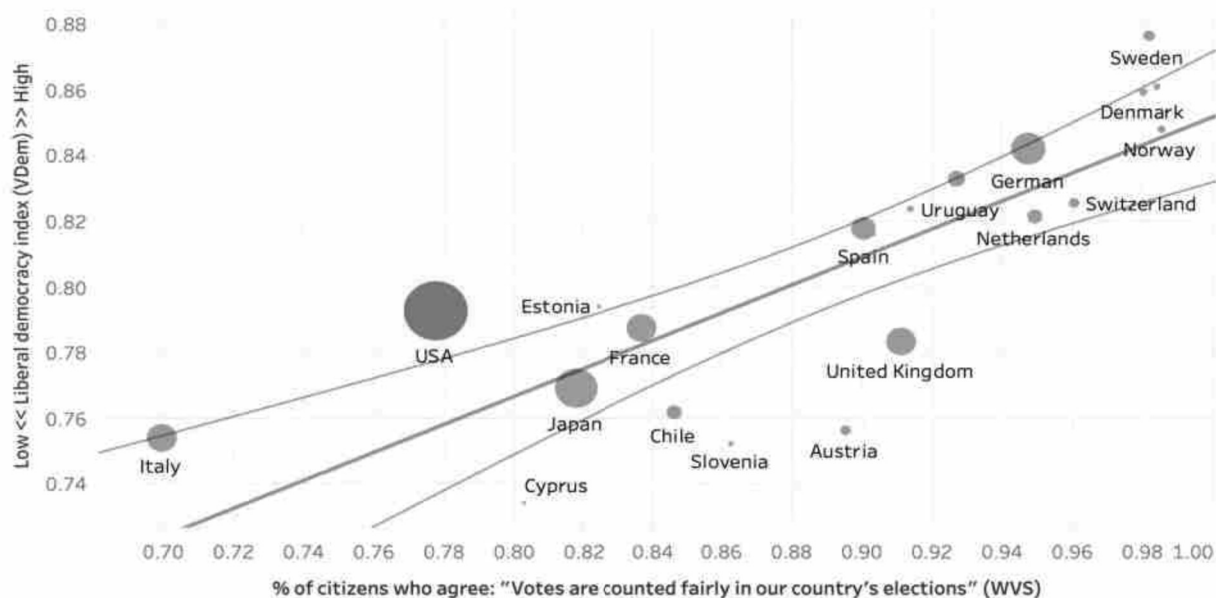
Confidence in American elections in comparative perspective

Finally, how does public confidence in American elections compare with similar post-industrial democracies? During the last decade, the 6th and 7th waves of the World Values Study have monitored this issue by including a battery of items about electoral integrity. The latest WVS survey in the United States was conducted in 2017, well before recent disputes. Figure 9 compares public beliefs about how often vote counts are fair in their national elections in 27 liberal democracies.

Attitudes vary substantially across liberal democracies. Citizens are overwhelmingly confident about fair vote counts in Scandinavia and several countries in North Europe, including Sweden, Denmark, Norway, the Netherlands, Germany, and Switzerland. The United States falls well below all these; 78%

of Americans expressed similar trust in fair vote counts, with only Italy proving more cynical in these societies. Therefore, compared with equivalent liberal democracies, American confidence in the vote count was exceptionally low in 2017, *before* the 2020 presidential elections.

Figure 9: Public views of how often votes are counted fairly in their national elections, 27 liberal democracies



Notes: Q. "How often are votes counted fairly in your national elections?" % of citizens responding 'very' or 'fairly' often. WVS (waves 6 & 7) with 47,180 respondents in 27 liberal democracies. The Liberal Democracy Index is from the Varieties of Democracy project (V-Dem). **Sources:** www.worldvaluessurvey.org; <https://www.v-dem.net/>

V: Conclusions and Recommendations

To prevent further deterioration of public confidence in future elections, this report recommends that structural weaknesses should be addressed by a program of comprehensive reforms designed to restore confidence and trust in the electoral process. The incoming Biden-Harris administration should work Congress, federal and state officials, democracy and electoral assistance NGOs, and academic experts to identify effective ways to strengthen American elections and democracy. Many practical steps have the capacity to strengthen American elections, learning from many other democracies. This includes expanding secure *and* convenient registration and balloting facilities, improving the independence and professional standards of electoral management, and strengthening impartial dispute resolution mechanisms.³² In particular, this includes passing H.R.1 (2019) "*For the People Act*" which would strengthen democracy by making it easier to vote, limiting partisan gerrymandering, fixing the campaign finance system, and strengthening ethics rules.³³ American elections survived a major legitimacy crisis in 2020 -- but not without incurring real damage. Given continued party polarization and the bitter legacy of this contest, unless comprehensive reforms are implemented by federal, state and local agencies, it is by no means apparent that public confidence in American democracy will survive another repetition.

VI: Technical Appendix

Conceptual framework

The concept of ‘electoral integrity’ refers to international standards and global norms governing the appropriate conduct of elections throughout the electoral cycle, including during the pre-election period, the campaign, polling day, and its aftermath.³⁴ These standards have been endorsed in a series of authoritative conventions, treaties, protocols, and guidelines by agencies of the international community, notably by the decisions of the UN General Assembly, by regional bodies such as the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS), and the African Union (AU), and by member states in the United Nations.

The survey is designed to measure the concept of electoral integrity, understood as only one component of liberal democracy. Democratic procedures involving free and fair elections are essential to the concept of liberal democracy, but many other political rights and civil liberties are also essential, as the basis for institutional checks and balances on the powers of the executive, including independent courts, effective and inclusive legislatures, freedom of information and association, a level playing field for party competition, a vibrant civil society, and opportunities for political participation. Thus, elections may meet standards of integrity without other conditions being present for liberal democratic governance to work well.

Measurement

As discussed earlier, the empirical evidence is gathered by EIP from rolling expert surveys gauging Perceptions of Electoral Integrity (PEI) globally since 2012, and across US states since 2014. The EIP has also conducted similar sub-national surveys across regions in Mexico, Russia, India, and the United Kingdom.

To measure this concept, the PEI-US-2020 questionnaire included 54 items on electoral integrity (see Table A1) ranging over the whole electoral cycle. These items fall into eleven sequential sub-dimensions. Most attention in detecting fraud focuses upon the final stages of the voting process, such as the role of observers in preventing ballot-stuffing, vote-rigging and manipulated results. Drawing upon the notion of a ‘menu of manipulation’,³⁵ however, the concept of an electoral cycle suggests that failure in even one step in the sequence, or one link in the chain, can undermine electoral integrity. The electoral integrity items in the survey were recoded, where a higher score consistently represents a more positive evaluation. Missing data was estimated based on multiple imputation. The Perceptions of Electoral Integrity (PEI) Index is an additive function of the imputed variables, standardized to 100-points. Sub-indices of the eleven sub-dimensions in the electoral cycle are summations of the imputed individual variables.³⁶ The PEI index provides one way to summarize the overall integrity of the election. Alternatively, measures for each of the eleven dimensions can be analyzed, or for any of the individual indicators to explore specific issues.

The selection of experts

Participation was by invitation only. For each US state, the project identified a minimum of 20 election experts, defined as a political scientist based at a US university, who had demonstrated knowledge of the electoral process (such as through publications, membership of a relevant research group or network, or university employment). Experts were asked to complete an online survey. In particular, experts were selected if they were political scientist based at an American university or college who met the following criteria: (1) membership of a relevant research group, professional network, or organized section of such a group (such as ‘Elections, Public Opinion and Voting Behavior’ at the American Political Science Association); (2) or by existing publications on elections and parties in books, academic journals, or conference papers; and (3) advanced graduate study or employment as a political scientist at a university or college.

In total, 789 completed questionnaires were received for this survey, representing a response rate 20%. On average, responses were received from 15 experts per state, although this varied across states.

Experts were initially invited to participate on Nov 6th, 2020 with two additional reminders sent on 9th and 12th November. Fieldwork closed on 23rd November. Respondents completed an online questionnaire lasting approximately 14 minutes. Raw scores are given across the separate measures and multiple imputation was used to deal with missing data in constructing the composite PEI standardized Index. The items contained in the summary 100-point PEI Index is listed in Table A1. The questionnaire is available for download from the project website.

Given the margin of error arising from the limited number of respondents in each state, minor differences between any two states should be treated with considerable caution. It is more useful to look at the overall distribution of responses from the pooled dataset.

Validity and reliability tests:

A series of previous studies have examined the *external* validity of the PEI estimates by comparing them with other standard datasets, such as the Varieties of Democracy project national-level measures of clean elections, and with suitable measures of electoral integrity across US states.³⁷

Internal validity tests for PEI-US-2020 were run using OLS regression models to predict whether the estimates of electoral integrity in each state were significantly associated with several characteristics of the respondents, including their partisan identities, ideological values, and socio-demographic characteristics, including sex, age, race, partisan identity, ideological values, and familiarity with the election in their state. The results, presented earlier in Figure 3, suggest that none of these factors were significant except for race.

More information

The PEI-US-2020 Questionnaire provides detailed descriptions of all survey questions and response codes. These are available with this report via the project website, www.electoralintegritysurvey.com.

The PEI-US-2020 datasets at expert and state levels and the Codebook will be released in mid-December 2020 for download from EIP's Dataverse at <https://dataverse.harvard.edu/dataverse/PEI>

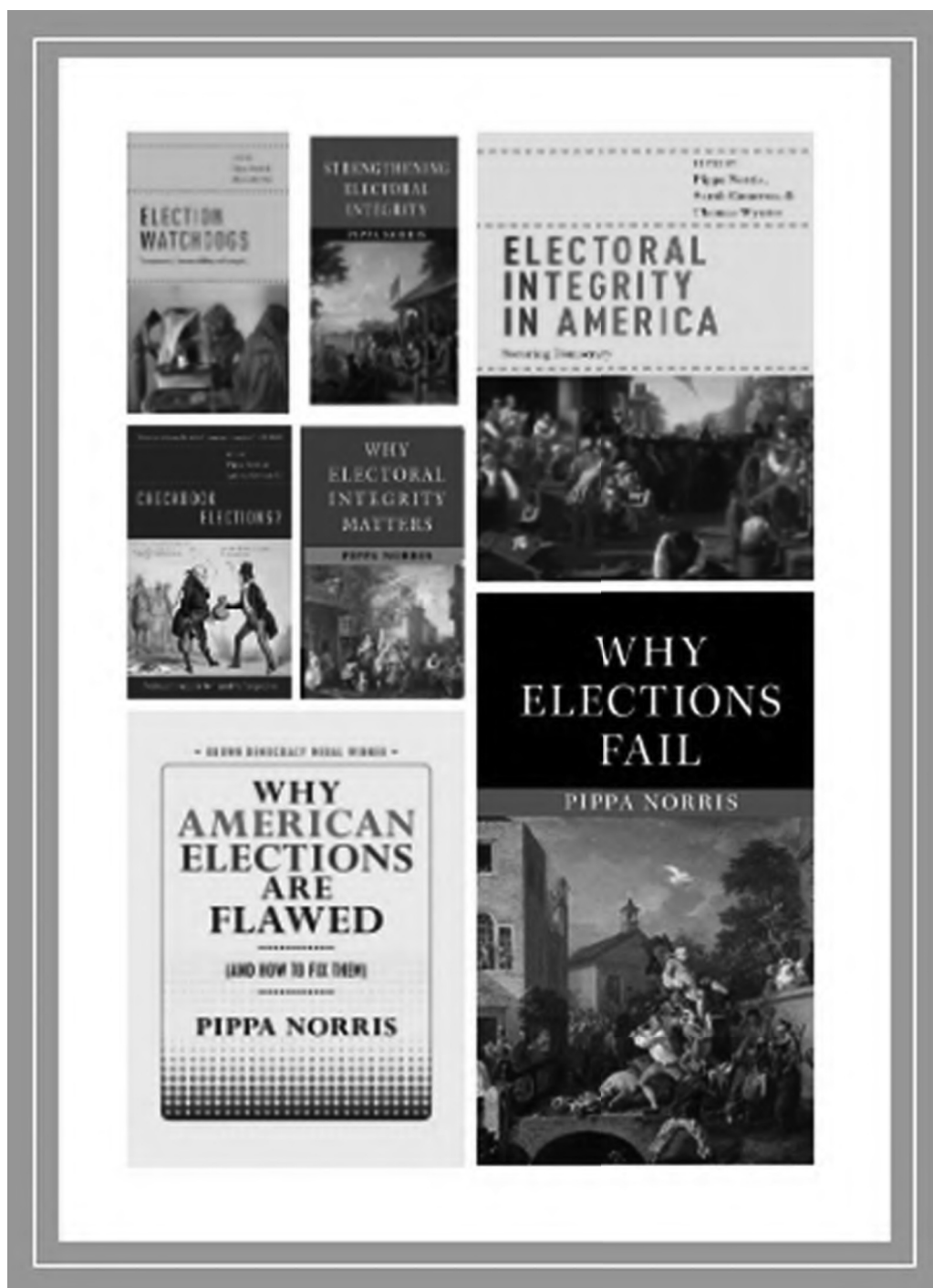
Previous EIP global and sub-national datasets are also available from EIP's Dataverse.

TABLE A1: SURVEY QUESTIONS IN THE 2020 PEI INDEX

Q: In your state, do you agree or disagree with the following statements?

	Sections	Performance indicators	Direction
PRE-ELECTION	1. Electoral laws	1-1 Electoral laws were unfair to smaller parties	N
		1-2 Electoral laws favored the incumbent	N
		1-3 Election laws restricted citizens' rights	N
	2. Electoral procedures	2-1 Elections were well managed	P
		2-2 Information about voting procedures was widely available	P
		2-3 Election officials were fair	P
		2-4 Elections were conducted in accordance with the law	P
	3. Boundaries	3-1 Boundaries discriminated against some parties	N
		3-2 Boundaries favored incumbents	N
		3-3 Boundaries were impartial	P
	4. Voter registration	4-1 Some citizens were not listed in the register	N
		4-2 The electoral register was accurate	P
		4-3 Some ineligible electors were registered	N
	5. Party registration	5-1 Some candidates/parties were prevented from running	N
		5-2 Women had equal opportunities to run for office	P
		5-3 Minorities had equal opportunities to run for office	P
		5-4 Some parties/candidates were restricted from holding campaign rallies	N
		5-5 Women candidates faced harassment or threats of violence	N
		5-6 Minority candidates faced harassment or threats of violence	N
CAMPAIGN	6. Campaign media	6-1 Newspapers provided balanced election news	P
		6-2 TV news favored the governing party	N
		6-3 Parties/candidates had fair access to political broadcasts and advertising	P
		6-4 Journalists provided fair coverage of the elections	P
		6-5 Social media were used to expose electoral fraud	P
	7. Campaign finance	7-1 Parties/candidates had equitable access to public subsidies	P
		7-2 Parties/candidates had equitable access to political donations	P
		7-3 Parties/candidates publish transparent financial accounts	P
		7-4 Rich people buy elections	N
		7-5 Some states resources were improperly used for campaigning	N
ELECTION DAY	8. Voting process	8-1 Some voters were threatened with violence at the polls	N
		8-2 Some fraudulent votes were cast	N
		8-3 The process of voting was easy	P
		8-4 Voters were offered a genuine choice at the ballot box	P
		8-5 Postal ballots were available	P
		8-6 Special voting facilities were available for the disabled	P
		8-7 National citizens living abroad could vote	P
		8-8 Some form of internet voting was available	P
POST-ELECTION	9. Vote count	9-1 Ballot boxes were secure	P
		9-2 The results were announced without undue delay	P
		9-3 Votes were counted fairly	P
		9-4 International election monitors were restricted	N
		9-5 Domestic election monitors were restricted	N
	10. Post-election	10-1 Parties/candidates in [STATE] challenged the results	N
		10-2 The election led to peaceful protests in [STATE]	N
		10-3 The election triggered violent protests in [STATE]	N
		10-4 Any disputes in [STATE] were resolved through legal channels	P
	11. Electoral authorities	11-1 The election authorities were impartial	P
		11-2 The authorities distributed information to citizens	P
		11-3 The authorities allowed public scrutiny of their performance	P
		11-4 The election authorities performed well	P

VII: Selected EIP publications



www.electoralintegrityproject.com

VIII: Notes and References

EIP is most grateful to all colleagues who generously spent time and effort responding to our requests. The survey was conducted in collaboration with IFES and with the assistance of the American Political Science Association.

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Exhibit 1-5



Building Confidence in U.S. Elections

REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM



SEPTEMBER 2005

ORGANIZED BY

Center for Democracy and Election Management
American University

SUPPORTED BY

Carnegie Corporation of New York
The Ford Foundation
John S. and James L. Knight Foundation
Omidyar Network

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REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM

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LETTER FROM THE CO-CHAIRS

Elections are the heart of democracy. They are the instrument for the people to choose leaders and hold them accountable. At the same time, elections are a core public function upon which all other government responsibilities depend. If elections are defective, the entire democratic system is at risk.

Americans are losing confidence in the fairness of elections, and while we do not face a crisis today, we need to address the problems of our electoral system.

Our Commission on Federal Election Reform was formed to recommend ways to raise confidence in the electoral system. Many Americans thought that one report — the Carter-Ford Commission — and one law — the Help America Vote Act of 2002 (HAVA) — would be enough to fix the system. It isn't. In this report, we seek to build on the historic achievement of HAVA and put forward a bold set of proposals to modernize our electoral system.

Some Americans will prefer some of our proposals to others. Indeed, while all of the Commission members endorse the judgments and general policy thrust of the report in its entirety, they do not necessarily support every word and recommendation. Benefitting from Commission members with diverse perspectives, we have proposed, for example, a formula for transcending the sterile debate between integrity and access. Twenty-four states now require identification for voters, with some systems likely to restrict registration. We are recommending a photo ID system for voters designed to increase registration with a more affirmative and aggressive role for states in finding new voters and providing free IDs for those without driver's licenses. The formula we recommend will result in both more integrity and more access. A few of our members have expressed an alternative view of this issue.

Still, our entire Commission is united in the view that electoral reform is essential and that our recommended package of proposals represents the best way to modernize our electoral system. We urge all Americans, including the legislative and executive branches of government at all levels, to recognize the urgency of election reform and to seriously consider the comprehensive approach outlined herein.

We present this report because we believe the time for acting to improve our election system is now.



Jimmy Carter



James A. Baker, III

Co-Chairs of the Commission on Federal Election Reform

PREFACE BY THE EXECUTIVE DIRECTOR

Polls indicate that many Americans lack confidence in the electoral system, but the political parties are so divided that serious electoral reform is unlikely without a strong bipartisan voice. Our country therefore owes a great debt to former President Jimmy Carter and former Secretary of State James A. Baker, III for leading this Commission and forging a plan for election reform.

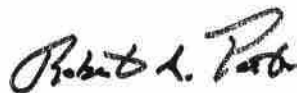
To build confidence, the Commission recommends a modern electoral system built on five pillars: (1) a universal and up-to-date registration list, accessible to the public; (2) a uniform voter identification system that is implemented in a way that increases, not impedes, participation; (3) measures to enhance ballot integrity and voter access; (4) a voter-verifiable paper trail and improved security of voting systems; and (5) electoral institutions that are impartial, professional, and independent. Democrats, Republicans, and Independents tend to prefer different elements of this package, but President Carter and Secretary Baker drew strength rather than stalemate from the diverse perspectives in fashioning an approach that is greater than the sum of these parts.

Our Commission was fortunate to have an outstanding staff and academic advisors, and we have benefited from advice by Members of Congress and staff, election officials, and representatives of a wide range of non-governmental organizations devoted to improving our democracy. See our website for a list of advisors and the studies and testimony: www.american.edu/Carter-Baker.

We acknowledge the support of many at the end of this report, but let me identify here a few people whose work was crucial to the Commission: Daniel Calingaert, the Associate Director of American University's Center for Democracy and Election Management, Doug Chapin of Electionline.org, John Williams, Senior Advisor to Secretary Baker, Kay Stimson, Media Liaison, and Murray Gormly, Administrative Coordinator. The Commission was organized by American University's Center for Democracy and Election Management. We are also grateful to the James A. Baker III Institute for Public Policy of Rice University and The Carter Center for hosting the other two meetings.

Finally, the Commission could not have accomplished its goal without the generosity of its funders and the advice and support of the following individuals: Geri Mannion of the Carnegie Corporation; Thomasina Williams of the Ford Foundation; Julie Kohler of the John S. and James L. Knight Foundation; Dena Jones of Omidyar Network, and The Pew Charitable Trusts.

At AU's Center for Democracy and Election Management, we view this Commission as a major step toward developing the educational foundation for students, professionals, and the public to deepen our understanding of democracy and elections in the United States and the world.



Robert A. Pastor,
Executive Director

EXECUTIVE SUMMARY

Building confidence in U.S. elections is central to our nation's democracy. At a time when there is growing skepticism with our electoral system, the Commission believes that a bold new approach is essential. The Commission envisions a system that makes Americans proud of themselves as citizens and of democracy in the United States. We should have an electoral system where registering to vote is convenient, voting is efficient and pleasant, voting machines work properly, fraud is deterred, and disputes are handled fairly and expeditiously.

This report represents a comprehensive proposal for modernizing our electoral system. We propose to construct the new edifice for elections on five pillars:

First, we propose a universal voter registration system in which the states, not local jurisdictions, are responsible for the accuracy and quality of the voter lists. Additionally, we propose that the U.S. Election Assistance Commission (EAC) develop a mechanism to connect all states' list. These top-down and interoperable registration lists will, if implemented successfully, eliminate the vast majority of complaints currently leveled against the election system. States will retain control over their registration list, but a distributed database can remove interstate duplicates and help states to maintain an up-to-date, fully accurate registration list. This would mean people would need to register only once in their lifetime, and it would be easy to update their registration information when they move. We also propose that all states establish uniform procedures for counting provisional ballots, and many members recommend that the ballots should be counted if the citizen has voted in the correct jurisdiction.

Second, to make sure that a person arriving at a polling site is the same one who is named on the list, we propose a uniform system of voter identification based on the "REAL ID card" or an equivalent for people without a drivers license. To prevent the ID from being a barrier to voting, we recommend that states use the registration and ID process to enfranchise more voters than ever. States should play an affirmative role in reaching out to non-drivers by providing more offices, including mobile ones, to register voters and provide photo IDs free of charge. There is likely to be less discrimination against minorities if there is a single, uniform ID, than if poll workers can apply multiple standards. In addition, we suggest procedural and institutional safeguards to make sure that the rights of citizens are not abused and that voters will not be disenfranchised because of an ID requirement. We also propose that voters who do not have a photo ID during a transitional period receive a provisional ballot that would be counted if their signature is verified.

Third, we propose measures that will increase voting participation by having the states assume greater responsibility to register citizens, make voting more convenient, and offer more information on registration lists and voting. States should allow experimentation with voting centers. We propose ways to facilitate voting by overseas military and civilians and ways to make sure that people with disabilities have full access to voting. In addition, we ask the states to allow for restoration of voting rights for ex-felons (other than individuals convicted of capital crimes or registered sex offenders) when they have fully served their sentence. We also identify several voter and civic education programs that could increase participation and inform voters, for example, by providing information on candidates and the voting process to citizens before the election. States and local jurisdictions should use Web sites, toll-free numbers, and other means to inform citizens about their registration status and the location of their precinct.

To improve ballot integrity, we propose that federal, state, and local prosecutors issue public reports on their investigations of election fraud, and we recommend federal legislation to deter or prosecute systemic efforts to deceive or intimidate voters. States should not discourage legal voter registration or get-out-the-vote activities, but they need to do more to prevent voter registration and absentee ballot fraud.

Fourth, we propose ways to give confidence to voters using electronic voting machines that their votes will be counted accurately. We call for an auditable backup on paper at this time, but we recognize the possibility of alternative technologies to audit those machines in the future. We encourage independent testing of voting systems (to include voting machines and software source code) under EAC supervision.

Finally, we recommend strengthening and restructuring the system by which elections have been administered in our country. We propose that the EAC and state election management bodies be reconstituted on a nonpartisan basis to become more independent and effective. We cannot build confidence in elections if secretaries of state responsible for certifying votes are simultaneously chairing political campaigns, and the EAC cannot undertake the additional responsibilities recommended by this report, including critical research, without gaining additional funds and support. Polling stations should be organized to reduce the chances of long lines; they should maintain "log-books" on Election Day to record complaints; and they need electronic poll-books to help voters find their correct precinct. HAVA should be fully funded and implemented by 2006.

The Commission puts forward 87 specific recommendations. Here are a few of the others:

- We propose that the media improve coverage of elections by providing at least five minutes of candidate discourse every night in the month preceding the election.
- We ask news organizations to voluntarily refrain from projecting presidential election results until polls close in the 48 contiguous states.
- We request that all of the states provide unrestricted access to all legitimate domestic and international election observers, as we insist of other countries, but only one state currently permits; and
- We propose changing the presidential primary schedule by creating four regional primaries.

Election reform is neither easy nor inexpensive. Nor can we succeed if we think of providing funds on a one-time basis. We need to view the administration of elections as a continuing challenge, which requires the highest priority of our citizens and our government.

AMERICAN UNIVERSITY
COMMISSION *on*
FEDERAL ELECTION REFORM
CENTER *for* DEMOCRACY & ELECTION MANAGEMENT



(American University Photo/Jeff Watts)

1. Goals and Challenges of Election Reform

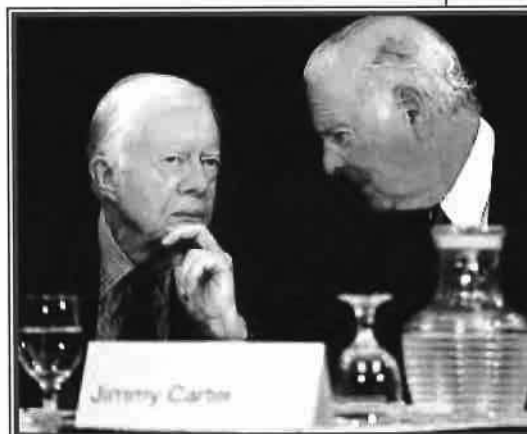
The vigor of American democracy rests on the vote of each citizen. Only when citizens can freely and privately exercise their right to vote and have their vote recorded correctly can they hold their leaders accountable. Democracy is endangered when people believe that their votes do not matter or are not counted correctly.

Much has happened since November 2000, when many Americans first recognized that their electoral system had serious problems with flawed voter registration lists, obsolete voting machines, poorly designed ballots, and inadequate procedures for interpreting disputed votes. Congress and the President, Democrats and Republicans, responded with a truly historic initiative – the Help America Vote Act of 2002 (HAVA), the first comprehensive federal law in our nation's history on electoral administration. The law represents a significant step forward, but it falls short of fully modernizing our electoral system.

On the eve of the November 2004 election, a *New York Times* poll reported that only one-third of the American people said that they had a lot of confidence that their votes would be counted properly, and 29 percent said they were very or somewhat concerned that they would encounter problems at the polls. Aware of this unease, the U.S. Department of Justice deployed 1,090 election observers — more than three times the number sent in 2000.¹ After the election, a minority of Americans — only 48 percent — said they were very confident that the votes cast across the country were accurately counted, according to a Pew Research Center survey. Thirty-seven percent had doubts (somewhat confident), and 14 percent were not confident that the votes were accurately counted.²

With a strong desire to contribute to building confidence in our electoral process, this Commission came together to analyze the state of the electoral system, to assess HAVA's implementation, and to offer recommendations for further improvement. Public confidence in the electoral system is critical for our nation's democracy. Little can undermine democracy more than a widespread belief among the people that elections are neither fair nor legitimate. We believe that further important improvements are necessary to remove any doubts about the electoral process and to help Americans look upon the process of casting their ballot as an inspiring experience — not an ordeal.

We address this report to the American people and to the President, Congress, U.S. Election Assistance Commission, states, election administrators, and the media. Our recommendations aim both to increase voter participation and to assure the integrity of the electoral system. To achieve those goals, we need an accurate list of registered voters, adequate voter identification, voting technology that precisely records and tabulates votes and is subject to verification, and capable, fair, and nonpartisan election administration.



Former President Jimmy Carter and former Secretary of State James A. Baker, III
(AP Photo/Charles Dharapak)

While each state will retain fundamental control over its electoral system, the federal government should seek to ensure that all qualified voters have an equal opportunity to exercise their right to vote. This will require greater uniformity of some voting requirements and registration lists that are accurate and compatible among states. Greater uniformity is also needed within states on some voting rules and procedures. The federal government should fund research and development of voting technology that will make the counting of votes more transparent, accurate, and verifiable.

1.1 HELP AMERICA VOTE ACT: STRENGTHS AND LIMITATIONS

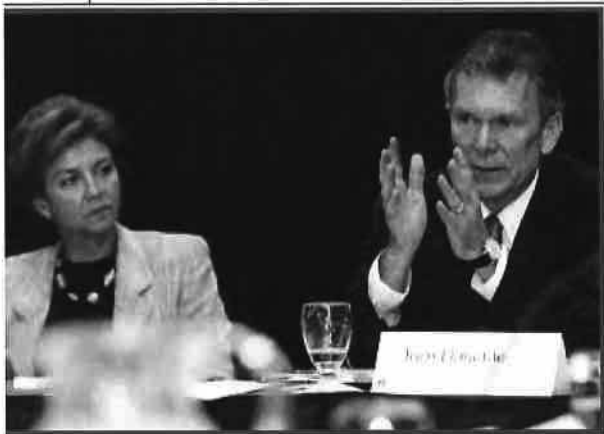
The Help America Vote Act of 2002 (HAVA) established numerous federal requirements for state and local election administration in exchange for a promise of \$3.97 billion in federal funding, of which approximately \$3.1 billion has been appropriated to date. These

requirements reflected a national consensus on the general outline of reform, best represented by the 2001 report of the National Commission on Federal Election Reform, co-chaired by former Presidents Jimmy Carter and Gerald Ford. HAVA's mandates were adopted as part of a compromise between the parties on the divisive issue of access to the ballot (largely championed by Democrats and their allies) versus protecting the integrity of the electoral process (generally favored by Republicans and their supporters).

Under this compromise, described by its sponsors as making it "easier to vote and harder to cheat," HAVA sought to lower barriers to voting while establishing somewhat tighter controls on registration and voter identification. Consequently, HAVA's mandates focused on four major requirements: (1) statewide computerized

voter lists; (2) voter ID for individuals who register by mail but do not provide it when registering; (3) provisional ballots for voters whose names are missing from the registration rolls on Election Day; and (4) measures to make voting more accessible for voters with disabilities. The main provisions of HAVA are as follows:

- Voter registration lists, which were typically maintained at the local level, are now being consolidated into statewide voter databases.
- All states are required to provide provisional ballots on Election Day to citizens who believe they are registered but whose names do not appear on the registration lists.
- HAVA provides federal funding — for the first time — to create statewide voter databases and to replace old voting machines.
- All voting systems used in federal elections are required to meet minimum standards for voter verification of ballots, accessibility for voters with disabilities and language minorities, notification of over-votes, and auditing procedures.



Commissioners Susan Molinari and Tom Daschle
(American University Photo/Wilford Harewood)



(Getty Images Photo/Mike Simons)

- HAVA calls for the testing and certification of voting systems as a way to make sure they operate properly on Election Day.
- The U.S. Election Assistance Commission (EAC) was created to disburse federal funds, develop guidelines for voting systems, serve as a clearinghouse of information to improve election administration throughout the country, and study and report on how to make elections more accessible and accurate.

Under HAVA, states are required to complete their statewide voter databases by January 1, 2006, and some expenditures of HAVA funds will extend well beyond that date. Our Commission therefore calls for full implementation and full funding of HAVA.

The first presidential election after HAVA became law — on November 2, 2004 — brought to light as many problems as in 2000, if not more. HAVA, which will take years to be fully implemented, was not responsible for most of the complaints. Instead, voters were discouraged or prevented from voting by the failure of election offices to process voter registration applications or to mail absentee ballots in time, and by the poor service and long lines at polling stations in a number of states. There were also reports of improper requests for voter ID and of voter intimidation and suppression tactics. Concerns were raised about partisan purges of voter registration lists and about deliberate failures to deliver voter registration applications to election authorities. Moreover, computer malfunctions impugned election results for at least one race, and different procedures for counting provisional ballots within and between states led to legal challenges and political protests. Had the margin of victory for the presidential contest been narrower, the lengthy dispute that followed the 2000 election could have been repeated.

The November 2004 elections also showed that irregularities and fraud still occur. In Washington, for example, where Christine Gregoire was elected governor by a 129-vote margin, the elections superintendent of King County testified during a subsequent unsuccessful election challenge that ineligible ex-felons had voted and that votes had been cast in the names of the dead. However, the judge accepted Gregoire's victory because with the exception of four ex-felons who admitted to voting for Dino Rossi, the authorities could not determine for whom the other illegal votes were cast. In Milwaukee, Wisconsin, investigators said they found clear evidence of fraud, including more than 200 cases of

felons voting illegally and more than 100 people who voted twice, used fake names or false addresses, or voted in the name of a dead person. Moreover, there were 4,500 more votes cast than voters listed.³ One potential source of election fraud arises from inactive or ineligible voters left on voter registration lists. By one estimate, for example, there were over 181,000 dead people listed on the voter rolls in six swing states in the November 2004 elections, including almost 65,000 dead people listed on the voter rolls in Florida.⁴

Some of these problems may be addressed by the full implementation of HAVA, but it is clear that others will not. Due to vague mandates on provisional voting and identification cards, counties and states applied different standards. This led to a significant proliferation of legal challenges. A closer presidential election likely would have

brought an avalanche of litigation. HAVA does not address interoperable registration lists among states, and it is also vague as to whether states should create a top-down, state-controlled registration list or a bottom-up list controlled by local election administrators. The weak structure of the U.S. Election Assistance Commission, a product of a HAVA compromise, has stymied its ability to be clear or authoritative on almost any subject, even on whether to verify electronic machine votes with paper ballots. Thus, there is a compelling need for further election reform that builds on HAVA.

One of the most important laws on the right of Americans to vote is the Voting Rights Act of 1965. Key provisions of the Act are due to expire in 2007. These include the language provision (Section 203), which requires jurisdictions to provide voting materials in minority languages in areas where language minority groups make up a significant portion of the population, and the pre-clearance provision (Section 5), which requires federal pre-clearance for all changes to voting rules or procedures made by specified jurisdictions with a history of voter discrimination. Our Commission believes this Act is of the utmost importance.

Recommendations on the Help America Vote Act and the Voting Rights Act

- 1.1.1** The Help America Vote Act should be fully implemented by 2006, as mandated by the law, and fully funded.
- 1.1.2** The Commission urges that the Voting Rights Act be vigorously enforced and that Congress and the President seriously consider reauthorizing those provisions of the Act that are due to expire in 2007.



Commissioners Bob Michel and Shirley Malcom
(American University Photo/Wilford Harewood)

1.2 LEARNING FROM THE WORLD

In its deliberations, our Commission considered the best practices of election systems around the world. Many other democracies achieve significantly higher levels of voter participation due, in part, to more effective voter registration. Election authorities take the initiative to contact and register voters and conduct audits of voter registration lists to assure that they are accurate. In addition, voter registration in many countries is often tied directly to a voter ID, so that voter identification can enhance ballot integrity without raising barriers to voting. Voters in nearly 100 democracies use a photo identification card without fear of infringement on their rights.³






Nonpartisan election administration has also proved effective abroad. Over the past three decades, election management institutions have evolved in many other democracies. Governments had previously conducted elections, but as concern was raised that they might give advantage to incumbents, independent election commissions were formed. Initially, election commissioners in other countries frequently represented political parties, but they often stalemated or reached agreement with each other at the public's expense. This explains why the trend in the world is toward independent election commissions composed of nonpartisan officials, who serve like judges, independently of the executive or legislative branches (see Table 5 on page 52). Political party representatives can observe deliberations on these commissions but not vote on decisions. Nonpartisan election officials are generally regarded as fair arbiters of the electoral process who make their best efforts to administer elections impartially and effectively.



Mexico's Federal Electoral Institute (IFE)
(AP Photo/Marco Ugarte)

1.3 TRANSFORMING THE ELECTORAL SYSTEM — FIVE PILLARS

The recommendations of our Commission on Federal Election Reform aim both to increase voter participation and to assure the integrity of the electoral system. To accomplish these goals, the electoral system we envision should be constructed on the following five sturdy pillars:

-  Voter registration that is convenient for voters to complete and even simpler to renew and that produces complete, accurate, and valid lists of citizens who are eligible to vote;
-  Voter identification, tied directly to voter registration, that enhances ballot integrity without introducing new barriers to voting, including the casting and counting of ballots;
-  Measures to encourage and achieve the greatest possible participation in elections by enabling all eligible voters to have an equal opportunity to vote and have their votes counted;
-  Voting machines that tabulate voter preferences accurately and transparently, minimize under- and over-votes, and allow for verifiability and full recounts; and
-  Fair, impartial and effective election administration.

An electoral system built on these pillars will give confidence to all citizens and will contribute to high voter participation. The electoral system should also be designed to reduce the possibility or opportunity for litigation before, and especially after, an election. Citizens should be confident that the results of the election reflect their decision, not a litigated outcome determined by lawyers and judges. This is achieved by clear and unambiguous rules for the conduct of the election established well in advance of Election Day.

The ultimate test of an election system is its ability to withstand intense public scrutiny during a very close election. Several close elections have taken place in recent years, and our election system has not always passed that test. We need a better election system.



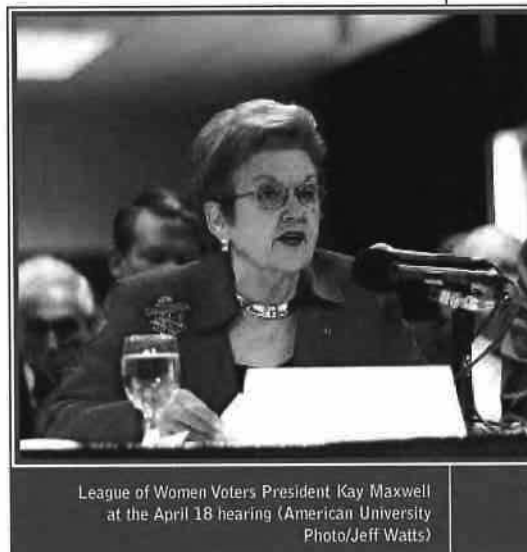
Common Cause President Chellie Pingree (American University Photo/Jeff Watts)

1.4 URGENCY OF REFORM

Although the public continues to call for election reform, and several election bills have been introduced, the issue is low on the Congress's agenda at this time. Some congressional leaders believe that further reform should wait until HAVA is fully implemented. We believe that the need for additional electoral reform is abundantly clear, and our recommendations will bolster HAVA to further strengthen public confidence in the electoral process. If we wait until late 2006, we will lose the opportunity to put new reforms in place for the 2008 elections, and as a result, the next presidential election could be fraught with problems. Electoral reform may stay out of public view until the 2006 elections begin to approach, but by that time, it may be too late. We need Congress to press ahead with election reform now. Indeed, election reform is best accomplished when it is undertaken before the passions of a specific election cycle begin.

We are Republicans, Democrats, and Independents. But we have deliberately attempted to address electoral issues without asking the question as to whether a particular political party would benefit from a particular reform. We have done so because our country needs a clear unified voice calling for serious election reform. Congress has been reluctant to undertake reform, in part because members fear it could affect their chances of re-election and, when finally pressed by the public, Democrats and Republicans have addressed each reform by first asking whether it would help or harm each party's political prospects. This has proven to be not only a shortsighted but also a mistaken approach. Despite widespread belief that two recent reforms — the National Voter Registration Act of 1993 and the Bipartisan Campaign Finance Reform of 2002 — would advantage Democrats at the expense of Republicans, evidence suggests such beliefs were wrong. Having a fair electoral process in which all eligible citizens have an opportunity to participate freely is a goal that transcends any individual partisan interest. This assures the winning candidates the authority to legitimately assume office. For the losing candidate it assures that the decision can be accepted as the will of the voters.

Our recommendations are aimed at several timeframes and audiences. Some require immediate action, and others can be considered later. We propose some for the federal government and some for the states. But we have offered all the recommendations based on our views as to how they can best help our country — not our political parties. Together, these reforms should catalyze a shift in the way that elections are administered. We hope they will not only restore American confidence in our elections, but also strengthen the respect from those in the world who look to our democracy as a model.



League of Women Voters President Kay Maxwell
at the April 18 hearing (American University
Photo/Jeff Watts)



(AP Photo/Ric Francis)

2. Voter Registration and Identification

Effective voter registration and voter identification are bedrocks of a modern election system. By assuring uniformity to both voter registration and voter identification, and by having states play an active role in registering as many qualified citizens as possible, access to elections and ballot integrity will both be enhanced. These steps could help bring to an end the sterile debate between Democrats and Republicans on access versus integrity.

The most common problems on Election Day concern voter registration (see Table 1 on page 17). Voter registration lists often are riddled with inaccuracies because Americans are highly mobile, and local authorities, who have maintained most lists, are poorly positioned to add and delete names of voters who move within or between states. To comprehend the magnitude of this challenge, consider the following. During the last decade, on average, about 41.5 million Americans moved each year. Of those, about 31.2 million moved within the same state, and 8.9 million moved to a different state or abroad. Young Americans (aged 20 to 29), representing 14 percent of the U.S. population, moved to a different state at almost three times the rate of the rest of the population.⁶ The process of registering voters should be made easier, and renewal due to a change of address should be made still easier.

In response to the challenge of building and maintaining better registration lists, HAVA requires states to establish statewide, computer-based registration lists that are interactive within each state by January 1, 2006. HAVA also requires provisional ballots for eligible voters who seek to vote within their jurisdiction but who are denied a ballot because their name is not found on the voter roll or because they are otherwise challenged by an election official as being ineligible to vote.

Although few states have completed their new statewide voter databases, the limitations of the existing efforts are already clear. Several states have left the primary responsibility for voter lists in the hands of counties and municipalities. There is little if any effort to assure quality in statewide voter databases. The U.S. Election Assistance Commission (EAC) has not assessed the quality of statewide voter databases and is unlikely to do so in the future. Moreover, it has provided only vague guidance to states on how to organize their voter registration lists — on even the most basic question as to whether states or counties should be in charge.

In addition to statewide registration systems and provisional ballots, HAVA requires that states insist on voter identification only when a person has registered by mail for the first time in a federal election. This provision, like the others, was implemented very differently across the country, with some areas not even applying the minimum requirement. Since HAVA, an increasing number of states have insisted on stringent, though very different, ID requirements for all voters. This, in turn, has caused concern that such requirements could erect a new barrier to voting for people who do not have the requisite identification card. Georgia, for example, introduced a new law in July 2005 that requires all voters to show a government-issued photo ID at the polls.



Commissioner Robert Mosbacher
(American University Photo/Wilford Harewood)

Although there are 159 counties, only 56 locations in the entire state issue such IDs, and citizens must either pay a fee for the ID or declare indigence.

While states will retain principal responsibility for the conduct of elections, greater uniformity in procedures for voter registration and identification is essential to guarantee the free exercise of the vote by all U.S. citizens. The EAC should facilitate greater uniformity in voter registration and identification procedures and should be empowered to do so by granting and withholding federal funds to the states. If Congress does not appropriate the funds, then we recommend that it amend the law to require uniformity of standards.

2.1 UNIFORMITY WITHIN STATES — TOP-DOWN REGISTRATION SYSTEMS

A complete, accurate, and current voter roll is essential to ensure that every eligible citizen who wants to vote can do so, that individuals who are ineligible cannot vote, and that citizens cannot vote more than once in the same election. A voter registration list must contain all eligible voters (including new registrants) and must contain correct information concerning the voter's identity and residence.

Incomplete or inaccurate registration lists lie at the root of most problems encountered in U.S. elections. When a voter list omits the names of citizens who believe they properly registered or contains incorrect or out-of-date information on registered voters, eligible citizens often are denied the right to vote. Invalid voter files, which contain ineligible, duplicate, fictional, or deceased voters, are an invitation to fraud.

One reason for flawed lists is decentralized management. Local authorities often fail to delete the names of voters who move from one jurisdiction to another, and thus the lists are often inflated. For this reason, the Carter-Ford National Commission on Federal Election Reform recommended the creation of statewide voter registration systems, and this recommendation was codified into law in HAVA.

HAVA requires each state to create a "single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level." But states have not carried out this requirement in a consistent manner. Some are creating a "top-down" voter

registration system, in which local election authorities supply information to a unified database maintained by the state. Others rely on a "bottom-up" system, whereby counties and municipalities retain their own registration lists and submit information to a state compilation of local databases at regular intervals. Top-down databases typically deliver information in real time — counties can see changes from other localities as these changes are made to the voter list. Bottom-up systems may continue



Commissioner Benjamin Ladner
(American University Photo/Jeff Watts)

the problems that gave rise to flawed registration lists — i.e., counties retain control of the lists. Counties might not delete the names of voters who move or might not add the names of voters who register at motor vehicle bureaus or other state agencies under the National Voter Registration Act (NVRA or “Motor Voter”). Thus, the statewide lists might be different from the controlling county lists. Having two inconsistent voter lists is like a person with two watches who never knows what time it is. It is essential to have a single, accurate, current voter list.

As of June 2005, 38 states were establishing top-down voter registration systems. The remaining states were either (a) building bottom-up systems; or (b) creating systems with both top-down and bottom-up elements. Three states had not finalized plans.⁷ The EAC, in its interpretation of the HAVA requirement on statewide voter databases, expressed a preference for top-down systems for voter registration but did not insist on it and did not rule out bottom-up systems.

In the judgment of our Commission, bottom-up systems are not capable of providing a complete, accurate, current, and valid voter registration list. They are ineffective in removing duplicate registrations of individuals who move from one county to another and in coordinating with databases of other state agencies. Even in the best of circumstances, with excellent cooperation and interaction between states and counties — an unlikely scenario with the bottom-up system — there will be a time lag in updating voter files in a bottom-up system. This time lag could be particularly harmful in the period approaching the deadline for voters to register.



Commissioners Kay Coles James and Raul Yzaguirre
(American University Photo/Wilford Harewood)

Recommendation on Uniformity Within States

- 2.1.1** The Commission recommends that states be required to establish unified, top-down voter registration systems, whereby the state election office has clear authority to register voters and maintain the registration list. Counties and municipalities should assist the state with voter registration, rather than have the state assist the localities. Moreover, Congress should appropriate funds for disbursement by the U.S. Election Assistance Commission (EAC) to states to complete top-down voter registration systems.

2.2 INTEROPERABILITY AMONG STATES

Interoperable state voter databases are needed to facilitate updates in the registration of voters who move to another state and to eliminate duplicate registrations, which are a source of potential fraud. Approximately 9 million people move to another state or abroad each year, or about one in eight Americans between each presidential election. Such interoperability is possible because state voter databases that are centralized can be made to communicate with each other.

The limited information available on duplicate registrations indicates that a substantial number of Americans are registered to vote in two different states. According to news reports, Florida has more than 140,000 voters who apparently are registered in four other states (in Georgia, Ohio, New York, and North Carolina).⁸ This includes almost 46,000 voters from New York City alone who are registered to vote in Florida as well. Voting records of the 2000 elections appear to indicate that more than 2,000 people voted in two states. Duplicate registrations are also seen elsewhere. As many as 60,000 voters are reportedly registered in both North Carolina and South Carolina.⁹

Current procedures for updating the registration of voters who move to another state are weak or nonexistent. When people register to vote, they are usually asked to provide their prior address, so that the jurisdiction where they lived can be notified to delete their names from the voter list. Such notification, however, often does not occur. When a voter moves from Virginia to Illinois, for example, a four-step process is required to update voter registration: (1) election authorities in Illinois must ask for prior address; (2) the voter must

provide prior address; (3) Illinois election authorities must notify the correct election authorities in Virginia; and (4) Virginia election authorities must remove the voter from its list. Unless all four steps are taken, this voter will remain on the voter list in Virginia. In fact, states often fail to share data or notify each other of voters who move. As a result, a substantial number of Americans are registered to vote in more than one state.

Duplicate registrations have accumulated over the years not just because there are no systems to remove them other than the one described above, but also because people who own homes in two states can register to vote in both places. In fact, when 1,700 voters who were registered in both New York and Florida requested absentee ballots to be mailed to their home in the other state, no one ever bothered to investigate.¹⁰

Interoperability among state voter databases is needed to identify and remove duplicate registrations of citizens who are registered to vote in more than one state. To make the state voter databases interoperable, the Commission recommends the introduction of a uniform template, shared voter data, and a system to transfer voter data across states.¹¹

The template will define a common set of voter data that all states will collect in their voter databases and will share with each other. This set of data will consist of each person's full legal name, date and place of birth, signature captured as a digital image, and Social Security number. The signature is needed to confirm the identity of voters who vote by mail.



From left to right, Ken Smukler, Michael Alvarez, Paula Hawthorn, and Robert Stein at the June 30 hearing (Rice University Photo/Jeff Fitlow)

Under HAVA, voter databases need a “unique identifier,” which is a number used to distinguish each individual, particularly those with the same or similar names. Some states use the driver’s license number as the unique identifier for voter registration. In other states, the unique identifier is the Social Security number. Efforts to match voter registrations in states that use different identifiers are complicated and may fail. Take, for example, the problem of figuring out whether Paul Smith in Michigan is the same person as Paul Smith in Kentucky. Since the unique identifier for voter registration is the driver’s license number in Michigan but the Social Security number in Kentucky, an accurate match of the two registered Paul Smiths is not likely. Any match will need to rely on Paul Smith’s date of birth to estimate, based on some level of probability, whether the Paul Smith in each state is the same person or not.

To make different state voter databases interoperable, therefore, they must use the same unique identifier, and this identifier must distinguish each American from every other voter in the country. The state voter databases will need to use a nationwide identifier. Since the same driver’s license number might be used in different states, the Social Security number provides the most feasible option for a federal unique identifier.

While the use of Social Security numbers for voter registration raises concerns about privacy, these concerns can be adequately addressed by the measures the Commission recommends to ensure the security of voter databases. The Commission stresses the importance for states to allow only authorized election officials to use the Social Security numbers. States should not provide Social Security numbers in the voter lists they release to candidates, political parties, or anyone else. This should not be hard to do. Forty-nine states collect Social Security numbers for driver’s licenses,¹² and they have protected the privacy of the Social Security numbers.

Congress should direct that all states use the same unique identifier — i.e., the voter’s Social Security number — and template, but a new system will also be needed to share data on voters among states. Such a system should maintain a uniform state voter list while allowing systematic updating of lists to take into account moves between states. The Commission proposes using a model similar to the one supervised by the U.S. Department of Transportation (DOT) to make sure that commercial drivers have only one license. The Commercial Driver’s License Information System (CDLIS) shares data among states on commercial driver’s licenses, using a “distributed database” — a collection of 51 databases (the 50 states and Washington, D.C.) that are linked to each other. When state officials want to check a particular driver’s record, they go to the central site, which then connects them to the database of the state that issued a commercial license to that particular driver. Since all of the state databases are inter-connected, an update in one state database is immediately available to all other states. CDLIS is operated by the American Association of Motor Vehicle Administrators under the supervision of the U.S. Department of Transportation.



Commissioners Jack Nelson, Ralph Munro, and Spencer Overton (American University Photo/Wilford Harewood)

Similarly, our Commission recommends a “distributed database” that will connect all states’ registration lists. The creation of a computerized system to transfer voter data between states is entirely feasible. This system could be managed either by the EAC or by an interstate compact or association of state officials under EAC supervision.

Implementation of the Commission’s recommendation on cross-state interoperability of voter databases will require state election authorities to collect Social Security numbers and

digital images of signatures for all registered voters. While many states use the driver’s license number as their unique identifier, they can collect Social Security numbers from their state’s department of motor vehicles (a Social Security number is required by 49 states to issue a driver’s license).¹³

We recommend that the EAC oversee the adoption of the template for voter data and for assisting states in the creation of a new system to share voter data among states, including for setting up a distributed database.

Congress should appropriate federal funds to complete top-down state voter databases, cover the costs of adding Social Security numbers and digital images of signatures to the databases, and

create and maintain the federal distributed database system for sharing voter data among states. Congress should provide these funds to the EAC for distribution to states that adopt the uniform template for voter data and join the system for data sharing. Federal funds would be withheld from states that do not make their voter files interoperable with the voter databases of other states.

As states make their voter databases interoperable, they will retain full control over their registration lists. They will only need to add to their current databases the voter data required to complete the uniform template.

Two additional innovations might help to eliminate registration problems that voters have encountered. First, voters should have an opportunity during the registration process and before Election Day to review the registration online list to see whether their name is correctly inscribed and to check their proper precinct for voting.¹⁴ Whenever an error is discovered, voters should notify the statewide registration office to correct it, and every statewide registration office should have procedures in place to correct such an error in a timely manner. Second, precincts should have an “electronic poll-book” that connects them to the statewide registration list and allows them to locate the correct polling site for each voter. For those precincts that are small, lack the resources for such an instrument, or do not have online access, precinct officials should telephone to a neighboring jurisdiction to obtain the correct information. Poll workers should also have a dedicated phone number to contact local election officials in case assistance is needed. This phone number should be different from the number provided to the public. Too often, poll workers cannot connect with election officials when assistance is needed because public phone lines are overwhelmed.

The entire system should permit state-of-the-art, computer-based registration lists that will be accurate and up-to-date for the entire nation.



Commissioner Nelson Lund with Commission Co-Chair James A. Baker, III (American University Photo/Wilford Harewood)

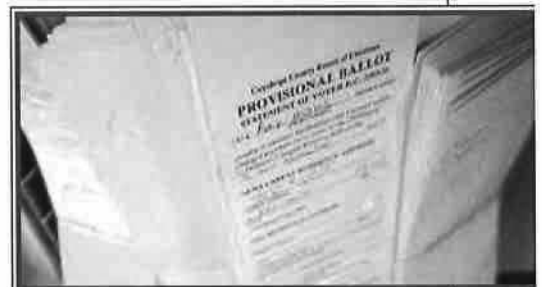
Recommendations on Interoperability Among States

- 2.2.1** In order to assure that lists take account of citizens moving from one state to another, voter databases should be made interoperable between states. This would serve to eliminate duplicate registrations, which are a source of potential fraud.
- 2.2.2** In order to assist the states in creating voter databases that are interoperable across states, the EAC should introduce a template for shared data and a format for cross-state data transfers. This template should include a person's full legal name, date and place of birth, signature (captured as a digital image), and Social Security number.
- 2.2.3** With assistance and supervision by the EAC, a distributed database system should be established to make sure that the state lists remain current and accurate to take into account citizens moving between states. Congress should also pass a law mandating that states cooperate with this system to ensure that citizens do not vote in two states.
- 2.2.4** Congress should amend HAVA to mandate the interoperability of statewide registration lists. Federal funds should be appropriated for distribution by the EAC to states that make their voter databases interoperable, and the EAC should withhold federal funds from states that fail to do so. The law should also provide for enforcement of this requirement.
- 2.2.5** With proper safeguards for personal security, states should allow citizens to verify and correct the registration lists' information on themselves up to 30 days before the election. States should also provide "electronic poll-books" to allow precinct officials to identify the correct polling site for voters.
- 2.2.6** With interoperability, citizens should need to register only once in their lifetime and updating their registration will be facilitated when they move.

2.3 PROVISIONAL BALLOTS

Because of flaws in registration lists and other election administration procedures, HAVA mandated that any eligible voter who appears at the polls must be given a provisional ballot if his or her name does not appear on the voter registration list or an election official asserts that the individual is not eligible to vote. November 2, 2004, marked the first time that all states were supposed to offer provisional ballots in a general election. Out of 1.6 million provisional ballots cast, more than one million were counted.¹⁵ The 1.6 million provisional ballots do not include an unknown number of voters who were encouraged by poll workers to go to other polling sites where they might be registered.

Practices for offering and counting provisional ballots in the 2004 presidential election varied widely by state and by county. Around the country, the percentage of provisional ballots counted ranged from a national high in Alaska of 97 percent to a low of 6 percent in Delaware.¹⁶



Provisional ballots cast during the 2004 presidential election (AP Photo/Tony Dejak)

This was due in part to whether a state accepted a provisional ballot cast outside of a voter's home precinct. In other situations, provisional ballots were counted without first having been verified as eligible ballots.

If the recommendations for strengthening the registration lists are approved, the need for provisional ballots will be reduced. In 2004, provisional ballots were needed half as often in states with unified databases as in states without.¹⁷ Nonetheless, in the absence of the reforms recommended by this Commission, or in the period before they come fully into effect, provisional balloting will continue to be a crucial safety net. During the interim, in order to reduce the chances that elections are litigated, we need consistent procedures for handling provisional ballots and full training for poll workers who carry out these procedures.

Recommendations on Provisional Ballots

- 2.3.1** Voters should be informed of their right to cast a provisional ballot if their name does not appear on the voter roll, or if an election official asserts that the individual is not eligible to vote, but States should take additional and effective steps to inform voters as to the location of their precinct.
- 2.3.2** States, not counties or municipalities, should establish uniform procedures for the verification and counting of provisional ballots, and that procedure should be applied uniformly throughout the State. Many members of the Commission recommend that a provisional ballot cast in the incorrect precinct but in the correct jurisdiction should be counted.
- 2.3.3** Poll workers should be fully trained on the use of provisional ballots, and provisional ballots should be distinctly marked and segregated so they are not counted until the eligibility of the voter is determined.

2.4 COMMUNICATING REGISTRATION INFORMATION

The hotlines set up by nonprofit organizations to assist voters on Election Day received hundreds of thousands of calls (see Table 1 on page 17). Most of the callers had two simple questions: Am I registered to vote? And where do I go to vote? Answers to these questions, however, too often were difficult to obtain. Only nine state election Web sites were able to provide voters with their registration information or with the address of their polling site. Information was equally difficult to obtain from election offices by telephone. One Election Day hotline transferred callers to their county board of elections, but barely half of these calls were answered, and of the other half, few provided the information that was requested.¹⁸

Failure to provide voters with such basic information as their registration status and their polling site location raises a barrier to voting as significant as inconsistent procedures on provisional ballots or voter ID requirements. As states gain responsibility for voter registration, they will be well positioned to inform voters if they are listed in the voter files. The Web sites of local jurisdictions should allow voters to check whether they are registered and the location of their precinct. This precinct-locator feature should be added to state elections Web sites. In addition, information on how to register and where to vote should be disseminated in local media, on posted lists, and in other government offices, including welfare and social services agencies.

Since election officials may have difficulty responding to telephone calls on Election Day as they are conducting the election, states and local jurisdictions should encourage voters to inquire about their registration status and the location of their polling place considerably before Election Day.

TABLE 1 : Voter Calls to the MYVOTE1 Hotline on Election Day 2004

Topic of Question or Complaint on Election Day 2004	Percent of Total
Registration Issues/Poll Access	43.9%
Absentee Voting	24.2%
Coercion/Intimidation	4.9%
Mechanical	4.5%
Identification	2.5%
Provisional Ballots	1.9%
Ballot/Screen	1.3%
Other	16.8%
TOTAL	100.0%
<p>NOTES: Totals are based upon an analysis of 55,000 phone calls to the MYVOTE1 hotline on November 2, 2004. Two major, nonpartisan hotlines and the U.S. Election Assistance Commission received a total of approximately 255,000 voter calls on Election Day 2004.</p> <p>SOURCES: Testimony before the Commission on Federal Election Reform by Ken Smulder, President of Info Voter Technologies, on June 30, 2005; Testimony before the U.S. House of Representatives Administration Committee by the U.S. Election Assistance Commission, on February 9, 2005.</p>	

Recommendation on Communicating Registration Information

- 2.4.1** States and local jurisdictions should use Web sites, toll-free numbers, and other means to answer questions from citizens as to whether they are registered and, if so, what is the location of their precinct, and if they are not registered, how they can do so before the deadline.

2.5 VOTER IDENTIFICATION

A good registration list will ensure that citizens are only registered in one place, but election officials still need to make sure that the person arriving at a polling site is the same one that is named on the registration list. In the old days and in small towns where everyone knows each other, voters did not need to identify themselves. But in the United States, where 40 million people move each year, and in urban areas where some people do not even know the people living in their own apartment building let alone their precinct, some form of identification is needed.

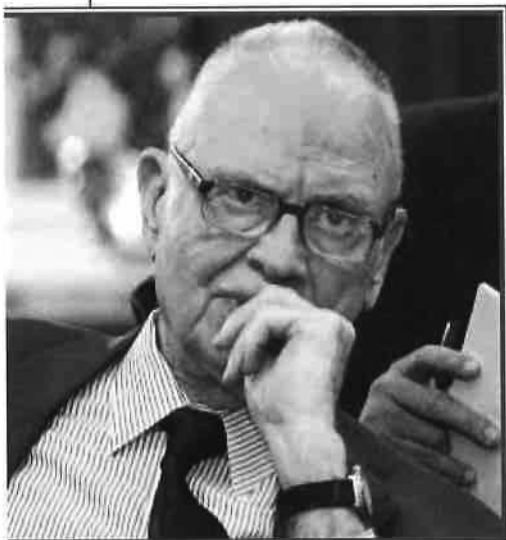
There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election.¹⁹ The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important.

The voter identification requirements introduced by HAVA are modest. HAVA requires only first-time voters who register by mail to show an ID, and they can choose from a number of different types of identification. States are encouraged to allow an expansive list of acceptable IDs, including those without a photograph, such as utility bills or government checks. These requirements were not implemented in a uniform manner and, in some cases, not at all. After HAVA was enacted, efforts grew in the states to strengthen voter identification requirements. While 11 states required voter ID in 2001, 24 states now require voters to present an ID at the polls.²⁰ In addition, bills to introduce or strengthen voter ID requirements are under consideration in 12 other states.²¹

Our Commission is concerned that the different approaches to identification cards might prove to be a serious impediment to voting. There are two broad alternatives to this decentralized and

unequal approach to identification cards. First, we could recommend eliminating any requirements for an ID because the evidence of multiple voting is thin, and ID requirements, as some have argued, are “a solution in search of a problem.” Alternatively, we could recommend a single national voting identification card. We considered but rejected both alternatives.

We rejected the first option — eliminating any requirements — because we believe that citizens should identify themselves as the correct person on the registration list when they vote. While the Commission is divided on the magnitude of voter fraud — with some believing the problem is widespread and others believing that it is minor — there is no doubt that it occurs. The problem, however, is not the magnitude of the fraud. In close or disputed elections, and there are many, a small amount of fraud could make the margin of difference. And second, the perception of possible fraud contributes to low confidence in the system. A good ID system could deter, detect, or eliminate several potential avenues of fraud— such as multiple voting or voting by individuals using the identities of others or



Commissioner Lee Hamilton
(American University Photo/Wilford Harewood)

those who are deceased — and thus it can enhance confidence. We view the other concerns about IDs — that they could disenfranchise eligible voters, have an adverse effect on minorities, or be used to monitor behavior — as serious and legitimate, and our proposal below aims to address each concern.

We rejected the second option of a national voting identification card because of the expense and our judgment that if these cards were only used for each election, voters would forget or lose them.

We therefore propose an alternative path. Instead of creating a new card, the Commission recommends that states use “REAL ID” cards for voting purposes. The REAL ID Act, signed into law in May 2005, requires states to verify each individual’s full legal name, date of birth, address, Social Security number, and U.S. citizenship before the individual is issued a driver’s license or personal ID card. The REAL ID is a logical vehicle because the National Voter Registration Act established a connection between obtaining a driver’s license and registering to vote. The REAL ID card adds two critical elements for voting — proof of citizenship and verification by using the full Social Security number.



Former Atlanta Mayor Andrew Young addresses the Commission on August 30 at The Carter Center (American University Photo/Wilford Harewood)

The REAL ID Act does not require that the card indicates citizenship, but that would need to be done if the card is to be used for voting purposes. In addition, state bureaus of motor vehicles should automatically send the information to the state’s bureau of elections. (With the National Voter Registration Act, state bureaus of motor vehicles ask drivers if they want to register to vote and send the information only if the answer is affirmative.)

Reliance on REAL ID, however, is not enough. Voters who do not drive,²³ including older citizens, should have the opportunity to register to vote and receive a voter ID. Where they will need identification for voting, IDs should be easily available and issued free of charge. States would make their own decision whether to use REAL ID for voting purposes or instead to rely on a template form of voter ID. Each state would also decide whether to require voters to present an ID at the polls, but our Commission recommends that states use the REAL ID and/or an EAC template for voting, which would be a REAL ID card without reference to a driver’s license.

For the next two federal elections, until January 1, 2010, in states that require voters to present ID at the polls, voters who fail to do so should nonetheless be allowed to cast a provisional ballot, and their ballot would count if their signature is verified. After the REAL ID is phased in, i.e., after January 1, 2010, voters without a valid photo ID, meaning a REAL ID or an EAC-template ID, could cast a provisional ballot, but they would have to return personally to the appropriate election office within 48 hours with a valid photo ID for their vote to be counted.

To verify the identity of voters who cast absentee ballots, the voter's signature on the absentee ballot can be matched with a digitized version of the signature that the election administrator maintains. While such signature matches are usually done, they should be done consistently in all cases, so that election officials can verify the identity of every new registrant who casts an absentee ballot.

The introduction of voter ID requirements has raised concerns that they may present a barrier to voting, particularly by traditionally marginalized groups, such as the poor and minorities, some of whom lack a government-issued photo ID. They may also create obstacles for highly mobile groups of citizens. Part of these concerns are addressed by assuring that government-issued photo identification is available without expense to any citizen and, second, by government efforts to ensure that all voters are provided convenient opportunities to obtain a REAL ID or EAC-template ID card. As explained in Section 4.1, the Commission recommends that states play an affirmative role in reaching out with mobile offices to individuals who do not have a driver's license or other government-issued photo ID to help them register to vote and obtain an ID card.



Commissioners David Leebron, Betty Castor, and Tom Phillips
(American University Photo/Wilford Harewood)

There are also longstanding concerns voiced by some Americans that national identification cards might be a step toward a police state. On that note, it is worth recalling that most advanced democracies have fraud-proof voting or national ID cards, and their democracies remain strong. Still, these concerns about the privacy and security of the card require additional steps to protect against potential abuse. We propose two approaches. First, new institutional and procedural safeguards should be established to assure people that their privacy, security, and identity will not be compromised by ID cards. The cards should not become instruments for monitoring behavior. Second, certain groups may see the ID cards as an obstacle to voting, so the government needs to take additional measures to register voters and provide ID cards.

The needed measures would consist of legal protections, strict procedures for managing voter data, and creation of ombudsman institutions. The legal protections would prohibit any commercial use of voter data and impose penalties for abuse. The data-management procedures would include background checks on all officials with access to voter data and requirements to notify individuals who are removed from the voter registration list. The establishment of ombudsman institutions at the state level would assist individuals to redress any cases of abuse. The ombudsman would be charged with assisting voters to overcome bureaucratic mistakes and hurdles and respond to citizen complaints about the misuse of data.

The Commission's recommended approach to voter ID may need to adapt to changes in national policy in the future. Since the attacks of September 11, 2001, concerns about homeland security have led to new policies on personal identification. Under a presidential directive, about 40 million Americans who work for or contract with the federal government are being issued ID cards with biometrics, and the REAL ID card may very well become the principal identification card in the country. Driven by security concerns, our country may already be headed toward a national identity card. In the event that a national identity card is introduced, our Commission recommends that it be used for voting purposes as well.

Recommendations on Voter Identification

- 2.5.1** To ensure that persons presenting themselves at the polling place are the ones on the registration list, the Commission recommends that states require voters to use the REAL ID card, which was mandated in a law signed by the President in May 2005. The card includes a person's full legal name, date of birth, a signature (captured as a digital image), a photograph, and the person's Social Security number. This card should be modestly adapted for voting purposes to indicate on the front or back whether the individual is a U.S. citizen. States should provide an EAC-template ID with a photo to non-drivers free of charge.
- 2.5.2** The right to vote is a vital component of U.S. citizenship, and all states should use their best efforts to obtain proof of citizenship before registering voters.
- 2.5.3** We recommend that until January 1, 2010, states allow voters without a valid photo ID card (Real or EAC-template ID) to vote, using a provisional ballot by signing an affidavit under penalty of perjury. The signature would then be matched with the digital image of the voter's signature on file in the voter registration database, and if the match is positive, the provisional ballot should be counted. Such a signature match would in effect be the same procedure used to verify the identity of voters who cast absentee ballots. After January 1, 2010, voters who do not have their valid photo ID could vote, but their ballot would only count if they returned to the appropriate election office within 48 hours with a valid photo ID.
- 2.5.4** To address concerns about the abuse of ID cards, or the fear that it could be an obstacle to voting, states should establish legal protections to prohibit any commercial use of voter data and ombudsman institutions to respond expeditiously to any citizen complaints about the misuse of data or about mistaken purges of registration lists based on interstate matching or statewide updating.
- 2.5.5** In the event that Congress mandates a national identification card, it should include information related to voting and be connected to voter registration.

2.6 QUALITY IN VOTER REGISTRATION LISTS

Voter registration lists provide the basis for determining who is qualified to vote. Yet only a few states, notably Oregon and North Carolina, have assessed the quality of their lists, or have developed plans to do so. This is also true as states rush to complete statewide voter databases before the January 1, 2006, deadline. Moreover, the EAC does not assess the quality of voter files.

The little information available on the quality of voter files is not reassuring. The creation of statewide voter databases allows for the elimination of duplicate registrations within states, but attempts to match voter files with records of other state agencies are often ineffective. Death records, for example, sometimes are not provided to election officials for three or four months, and information on felons is usually incomplete.²³ Comparison with U.S. Census Bureau statistics also points to extensive “deadwood” on the voter registration lists. Some states have a large portion of inactive voters on their voter registration lists. One in four registered voters in Oregon is inactive, as is one in every three registered voters in California.²⁴ There also are numerous jurisdictions, such as Alaska, where the number of registered voters is greater than the number of voting-aged citizens.²⁵ These jurisdictions clearly have not updated their voter registration lists by removing the names of voters who have died or have moved away.



An elections clerk in Detroit gives a voter an absentee ballot after verifying her registration status (AP Photo/Carlos Osorio)

Voter registration lists are often inflated by the inclusion of citizens who have moved out of state but remain on the lists. Moreover, under the National Voter Registration Act, names are often added to the list, but counties and municipalities often do not delete the names of those who moved. Inflated voter lists are also caused by phony registrations and efforts to register individuals who are ineligible. Registration forms in the names of comic figures, for example, were submitted in Ohio in 2004. At the same time, inaccurate purges of voter lists have removed citizens who are eligible and are properly registered.

From what little is known, the quality of voter registration lists probably varies widely by state. Without quality assurance, however, cross-state transfers of voter data may suffer from the

problem of “garbage in, garbage out.” They may pass on inaccurate data from certain states to the rest of the country. The overall quality of a system to share voter data among states will only be as strong as the quality of the worst state voter database.

Each state needs to audit its voter registration files to determine the extent to which they are accurate (with correct and current information on individuals), complete (including all eligible voters), valid (excluding ineligible voters), and secure (with protections against unauthorized use). This can be done by matching voter files with records in other state agency databases in a regular and timely manner, contacting individuals when the matches are inconclusive, and conducting survey research to estimate the number of voters who believe they are registered but who are not in fact listed in the voter files. Other countries regularly conduct such audits.²⁶

Effective audits assess not only the quality of voter files but also the procedures used to update, maintain, and verify data and to ensure security of voter databases. To assure continual quality of voter databases, effective procedures are needed to maintain up-to-date lists of eligible voters, verify the accuracy of those lists, and remove voters who have become ineligible. These should include procedures to delete those who have moved out of state and to effectively match voter files with records of driver's licenses, deaths, and felons. Given the controversial "purges" that have occurred, special care must be taken to update the lists in a fair and transparent manner. States should adopt uniform procedures and strong safeguards against incorrect removal of eligible voters. Every removal should be double-checked before it is executed, and a record should be kept of every action. The process of updating the lists should be continuous, and before each statewide election the voter rolls should be audited for accuracy.

In addition, states need to assure the privacy and security of voter files. There is no justification for states to release voter files for commercial purposes. However, components of voter files should remain public documents subject to public scrutiny. States must carefully balance the right to privacy of registered citizens with the need for transparency in elections when they decide what information on voter registration to make available to the public. Procedures are also needed to protect voter files against tampering or abuse. This might be done by setting up the voter database to make an automatic record of all changes to the voter files, including a record of who made the changes and when.

Recommendations on Quality in Voter Registration Lists

- 2.6.1** States need to effectively maintain and update their voter registration lists. The EAC should provide voluntary guidelines to the states for quality audits to test voter registration databases for accuracy (correct and up-to-date information on individuals), completeness (inclusion of all eligible voters), and security (protection against unauthorized access). When an eligible voter moves from one state to another, the state to which the voter is moving should be required to notify the state which the voter is leaving to eliminate that voter from its registration list.
- 2.6.2** All states should have procedures for maintaining accurate lists such as electronic matching of death records, drivers licenses, local tax rolls, and felon records.
- 2.6.3** Federal and state courts should provide state election offices with the lists of individuals who declare they are non-citizens when they are summoned for jury duty.
- 2.6.4** In a manner that is consistent with the National Voter Registration Act, states should make their best efforts to remove inactive voters from the voter registration lists. States should follow uniform and strict procedures for removal of names from voter registration lists and should adopt strong safeguards against incorrect removal of eligible voters. All removals of names from voter registration lists should be double-checked.
- 2.6.5** Local jurisdictions should track and document all changes to their computer databases, including the names of those who make the changes.



Start Over

Back

B2

Next

Cast Ballot

King County General Election

PRESIDENT/VICE PRESIDENT OF THE UNITED STATES

☒ Vote for One



George Washington/
John Adams
Independent



Al Gore/
Joe Lieberman
Democrat



George W. Bush/
Dick Cheney
Republican



Harry Browne/
Art Olivier
Libertarian



David Reynolds/
Cal Hollis



Ralph
Winona
Green



Monica
Gloria La
Work



Howard
J. Curtis
Constitution

Patrick Buchanan/
Ezola Foster
Form

(AP Photo/Rich Pedroncelli)

3. Voting Technology

The Help America Vote Act of 2002 authorized up to \$650 million in federal funds to replace antiquated voting machines throughout the country. States are using these funds and their own resources to upgrade voting technology, generally to replace punch card and lever voting machines with new optical scan and electronic voting systems. As a result, voting technology is improving,²⁷ but new concerns related to electronic voting systems have arisen. These concerns need to be addressed, because it is vital to the electoral process that citizens have confidence that voting technologies are registering and tabulating votes accurately.

3.1 VOTING MACHINES

The purpose of voting technology is to record and tally all votes accurately and to provide sufficient evidence to assure all participants — especially the losing candidates and their supporters — that the election result accurately reflects the will of the voters.

Voting machines must be both accessible and transparent. As required by HAVA, the machines must be accessible to language minorities and citizens with disabilities, including the blind and visually impaired citizens, in a manner that allows for privacy and independence. Voting machines must also be transparent. They must allow for recounts and for audits, and thereby give voters confidence in the accuracy of the vote tallies.

Two current technology systems are optical scan and direct recording electronic (DRE) systems. Optical scan systems rely on preprinted paper ballots that are marked by the voter, like the ovals students fill in with a No. 2 pencil on a standardized exam, and then are run through an optical scan machine that determines and tallies the votes. Such systems provide transparency because the paper ballots can be recounted and audited by hand. Under HAVA, all aspects of the voting system, including the production of audit trail information, must be accessible to voters with disabilities.

DRE machines present voters with their choices on a computer screen, and voters choose by touching the screen or turning a dial. The vote is then recorded electronically, usually without ballot paper. DREs make up a growing share of voting equipment. Nearly 30 percent of voters live in jurisdictions that use DREs, compared to 17 percent in the 2000 election (see Table 2 on page 27).²⁸ DREs allow voters with disabilities to use audio prompts to cast ballots privately and independently, and they facilitate voting by non-English speakers by offering displays of the ballot in different languages. DREs also provide greater accuracy in recording votes, in part by preventing over-votes, whereby people mistakenly vote for more than one candidate, and by discouraging accidental under-votes by reminding voters when they overlooked one or more races.

The accessibility and accuracy of DREs, however, are offset by a lack of transparency, which has raised concerns about security and verifiability. In most of the DREs used in 2004, voters could not check that their ballot was recorded correctly. Some DREs had no capacity for an independent recount. And, of course, DREs are computers, and computers malfunction. A malfunction of DREs in Carteret County, North Carolina, in the November 2004 elections caused the loss of more than 4,400 votes. There was no backup record of the votes that were cast. As a result, Carteret County had no choice but to rerun

the election, after which it abandoned its DREs. Other jurisdictions have lost votes because election officials did not properly set up voting machines.²⁹

To provide backup records of votes cast on DREs, HAVA requires that all voting machines produce a “permanent paper record with a manual audit capacity.” This requirement is generally interpreted to mean that each machine must record individual ballot images, so that they can be printed out and examined in the event of a disputed result or of a recount. This will make DREs somewhat more transparent, but it is still insufficient to fully restore confidence.

One way to instill greater confidence that DREs are properly recording votes is to require a paper record of the ballot that the voter can verify before the ballot is cast. Such a paper record, known as a voter-verifiable paper audit trail (VVPAT), allows the voter to check that his or her vote was recorded as it was intended.

Because voter-verifiable paper audit trails can permit recounts, audits, and a backup in case of a malfunction, there is a growing demand for such paper trails. As of early August 2005, 25 states required voter-verifiable paper ballots, and another 14 states had proposed legislation with such a requirement.³⁰

Since very few of the DREs in use today are equipped to print voter-verifiable paper audit trails, certain bills before Congress would require election authorities to “retrofit” DREs with such printers. In 2004, DREs with voter-verifiable paper audit trails were used only in Nevada. They appear to have worked well.³¹ When Nevadans went to the polls and made their selection, a paper record of their vote was printed behind a glass cover on a paper roll, like the roll of paper in a cash register. Voters were able to view the paper record and thereby check that their vote was recorded accurately before they cast their ballot. The paper record was saved in the machine and thus was available for later use in recounts or audits. After the 2004 elections, Nevada election officials conducted an internal audit, which confirmed the accuracy of the votes recorded by the DREs. While less than one in three Nevada voters reportedly looked at the paper record of their ballot, these voters had the opportunity to confirm their vote, and the paper allowed a chance to verify the computer tallies after the election.

While HAVA already requires that all precincts be equipped with at least one piece of voting equipment that is fully accessible to voters with disabilities for use in federal elections by January 1, 2006, must be accessible to voters with disabilities, the Commission believes that transparency in voting machines should also be assured in time for the 2008 presidential election. With regard to current technology, states will need to use either DREs with a voter-verifiable paper audit trail and an audio prompt for blind voters or optical scan voting systems with at least one computer-assisted marking device for voters with disabilities to mark their ballot. To ensure implementation of this requirement, Congress will need to appropriate sufficient funds to cover the costs of either retrofitting DREs with voter-verifiable paper audit trails or purchasing a computer-assisted marking device for each polling place that uses optical scan voting systems.

Concerns have been raised that the printers could malfunction just as computers do. Of course, the previous ballot papers will be available, and the operators will know when the printers fail. Still, precincts should have backup printers for that contingency. A second concern is that the length of the ballot in some areas — such as California, which frequently

has referenda — would require paper trails that would be several feet long. In the case of non-federal races, state law would determine whether the non-federal portion of the ballot would similarly be required to provide a voter-verified paper audit trail. That is not a perfect solution, but it is still better than having no paper backup at all.

The standards for voting systems, set by the EAC, should assure both accessibility and transparency in all voting machines. Because these standards usually guide the decisions of voting machine manufacturers, the manufacturers should be encouraged to build machines in the future that are both accessible and transparent and are fully capable of meeting the needs of Americans with disabilities, of allowing voters to verify their ballots, and of providing for independent audits of election results.

TABLE 2: Types of Voting Equipment Used in Recent Presidential Elections

Type of Voting Equipment	Registered Voters in 2000 (by percentage)	Registered Voters in 2004 (by percentage)
Punch Card	27.9%	12.4%
Lever	17.0%	14.0%
Paper Ballots	1.3%	0.7%
DataVote	2.8%	1.3%
Optical Scan	29.5%	34.9%
Electronic	12.6%	29.4%
Mixed	8.9%	7.4%
TOTAL	100.0%	100.0%

SOURCE: Election Data Services, Voting Equipment Summary by Type, 2004. Election Data Services, New Study Shows 50 Million Voters Will Use Electronic Voting Systems, 32 with Punch Cards in 2004.

Recommendations on Voting Machines

3.1.1 Congress should pass a law requiring that all voting machines be equipped with a voter-verifiable paper audit trail and, consistent with HAVA, be fully accessible to voters with disabilities. This is especially important for direct recording electronic (DRE) machines for four reasons: (a) to increase citizens' confidence that their vote will be counted accurately, (b) to allow for a recount, (c) to provide a backup in cases of loss of votes due to computer malfunction, and (d) to test — through a random selection of machines — whether the paper result is the same as the electronic result. Federal funds should be appropriated to the EAC to transfer to the states to implement this law. While paper trails and ballots currently provide the only means to meet the Commission's recommended standards for transparency, new technologies may do so more effectively in the future. The Commission therefore urges research and development of new technologies to enhance transparency, security, and auditability of voting systems.

3.1.2 States should adopt unambiguous procedures to reconcile any disparity between the electronic ballot tally and the paper ballot tally. The Commission strongly recommends that states determine well in advance of elections which will be the ballot of record.

3.2 AUDITS

While voter-verifiable paper ballots will contribute to strengthening public confidence in DREs, regular audits of voting machines are also needed to double-check the accuracy of the machines' vote tallies. Such audits were required by law in 10 states as of mid-August 2005.³² To carry out such audits, election officials would randomly select a sample of voting machines and compare the vote total recorded by the machines with the vote total on the paper ballots. The audits would test the reliability of voting machines and identify problems, often before a close or disputed election takes place. This, in turn, would encourage both suppliers and election officials to effectively maintain voting machines.

Some concern has been expressed about the possibility of manipulation of paper audit trails.³³ If DREs can be manipulated to alter the vote tallies, the same can be done with paper audit trails. Such manipulation can be detected and deterred by regular audits of voting machines. Regular audits should be done of all voting machines, including DREs and optical scan systems.

Recommendation on Audits

- 3.2.1** State and local election authorities should publicly test all types of voting machines before, during, and after Election Day and allow public observation of zero machine counts at the start of Election Day and the machine certification process.

3.3 SECURITY FOR VOTING SYSTEMS

DREs run on software that can be compromised. DRE software may get attacked or hacked by outsiders, perhaps through the Internet. As experience in computer security shows, it is often difficult to defend against such attacks. Hackers often are creative and determined, and voting systems provide a tempting target. However, while some DREs send their results to election headquarters over the Internet, they are not connected to the Internet during voting.

The greater threat to most systems comes not from external hackers, but from insiders who have direct access to the machines. Software can be modified maliciously before being installed into individual voting machines. There is no reason to trust insiders in the election industry any more than in other industries, such as gambling, where sophisticated insider fraud has occurred despite extraordinary measures to prevent it. Software can also be programmed incorrectly. This poses a likely threat when local programmers who lack the necessary skills nonetheless modify the ballot for local offices, and many might not have the sophistication required for the new machines.

In addition to the output of DREs, which can be verified through a paper audit trail, the inside process of programming DREs should be open to scrutiny by candidates, their supporters, independent experts, and other interested citizens, so that problems can be detected, deterred, or corrected, and so that the public will have confidence in the machines.

At the same time, manufacturers of voting machines have legitimate reason to keep their voting machine software and its source code proprietary. The public interest in transparency and the proprietary interests of manufacturers can be reconciled by placing the source code in escrow with the National Institute of Standards and Technology (NIST), and by making the source code available for inspection on a restricted basis to qualified individuals. NIST might make the source code available to recognized computer security experts at accredited universities and to experts acting on behalf of candidates or political parties under a nondisclosure agreement, which would bar them from making information about the source code public, though they could disclose security flaws or vulnerabilities in the voting system software.

Doubt has been raised that some manufacturers of voting machines provide enough security in their systems to reduce the risk of being hacked. Such concerns were highlighted after a group of computer security experts examined a voting system source code that was accidentally left on the Internet.³⁴ Independent inspection of source codes would strengthen the security of voting systems software by encouraging manufacturers to improve voting system security. Expert reviews may also detect software design flaws or vulnerabilities. This, in turn, could bolster public confidence in the reliability of DREs to accurately record and tally the vote in elections.

In addition to the source codes, the software and the voting machines themselves are potentially vulnerable to manipulation. Security for voting systems should guard against attempts to tamper with software or individual voting machines. When voting machines are tested for certification, a digital fingerprint, also known as a "hash," of their software is often sent to NIST. Following the delivery of new voting machines, a local jurisdiction can compare the software on these machines to the digital fingerprint at NIST. This comparison either will identify changes made to the software before delivery or, if the software is unaltered, will confirm that the software on the individual machines meets the certified standards.

Once voting machines arrive at the local jurisdiction, election officials must take precautions to ensure security by restricting access to authorized personnel and by documenting access to the machines.

The process of testing and certifying voting machines is designed mainly to ensure their reliability. Testing and certification is conducted under EAC supervision, although some states require additional testing and certification. The state testing can make the process more rigorous, particularly when voting machines are field tested. When California conducted a mock election with new voting machines in July 2005, it found unacceptable rates of malfunctions that were not apparent in lab tests.³⁵



Stanford University Professor David Dill at the April 18 hearing (American University Photo/Jeff Watts)

No matter how secure voting machines are or how carefully they are used, they are liable to malfunction. To avoid a situation where a machine malfunction will cause a major disruption, local jurisdictions need to prepare for Election Day with a backup plan, including how the vendor will respond to a machine malfunction and what alternatives, including paper ballots, should be made available.

Recommendations on Security for Voting Systems

- 3.3.1** The Independent Testing Authorities, under EAC supervision, should have responsibility for certifying the security of the source codes to protect against accidental or deliberate manipulation of vote results. In addition, a copy of the source codes should be put in escrow for future review by qualified experts. Manufacturers who are unwilling to submit their source codes for EAC-supervised testing and for review by independent experts should be prohibited from selling their voting machines.
- 3.3.2** States and local jurisdictions should verify upon delivery of a voting machine that the system matches the system that was certified.
- 3.3.3** Local jurisdictions should restrict access to voting equipment and document all access, as well as all changes to computer hardware or software.
- 3.3.4** Local jurisdictions should have backup plans in case of equipment failure on Election Day.

3.4 INTERNET VOTING

The Internet has become such a pervasive influence on modern life that it is natural for the public and election officials to begin considering ways to use it to facilitate voting. The first binding Internet election for political office took place in 2000, when the Arizona Democratic Party used it during its primary. In 2004, the Michigan Democratic Party allowed voting by Internet during its caucuses. Meanwhile, Missouri announced that any member of the U.S. military serving in combat areas overseas could complete an absentee ballot for the general election and email a scanned copy to the Department of Defense, which then would forward it to the appropriate local election offices.

Despite these much-publicized trials, serious concerns have been raised about the push for a "digital democracy." In 2004, the Department of Defense cancelled its \$22 million Secure Electronic and Voting Registration Experiment (SERVE) program designed to offer Internet voting during the presidential election to members of the U.S. military and other overseas citizens. The cancellation came after a group of top computer scientists who reviewed the system reported that without improved security, Internet voting is highly susceptible to fraud.

First, there are the issues of privacy and authentication. When using the Internet, one cannot assure voters that their ballot will remain secret. Second, the current system is not fully secure. Although data sent via the Internet can be encrypted and then decoded by local election administrators, hackers can compromise the system. This was the conclusion of the computer scientists who reviewed the SERVE program for the Pentagon. Due to security threats, some state and local election offices do not allow vote totals to be transmitted via the Internet. Third, no government or industry standards specifically apply to Internet voting technology. The EAC may begin developing such standards, but that work has not begun. Finally, Internet voting from homes and offices may not provide the same level of privacy as the voting booth.

To date, the most comprehensive study of Internet voting is contained in a 2001 report sponsored by the National Science Foundation.³⁶ This report urges further research and experimentation to deal with the problems posed by this form of voting. Its authors suggest that it will take at least a decade to examine the various security and authentication issues. Our Commission agrees that such experimentation is necessary, and that the time for Internet voting has not yet arrived.



Harris County (TX) election official Elsa Garcia, far right, demonstrates an electronic voting machine for Commissioners (l-r) Susan Molinari, Tom Daschle, and Betty Castor (Rice University Photo/Jeff Fittlow)



(AP Photo/Julia Cumes)

4. Expanding Access to Elections

The Commission believes that the vitality of America's democracy depends on the active participation of our citizens. Yet, even in the presidential election in 2004, when voter interest was higher than normal, more than one in three eligible voters did not participate. We need to do more to increase voter participation, and we have considered numerous methods. None of them will solve the problem, but we encourage states to experiment with alternatives to raise the level of voter participation.

Recent elections have seen a substantial increase in early voting and in voting by mail. While only 8 percent of ballots were cast before Election Day in 1994, by 2004 the percentage of ballots cast before Election Day had risen to 22 percent. This increase in early and convenience voting has had little impact on voter turnout, because citizens who vote early or vote by mail tend to vote anyway.³⁷ Early and convenience voting are popular, but there is little evidence that they will significantly expand participation in elections.³⁸

There are other measures that can be taken to expand participation, particularly for military and overseas voters and for citizens with disabilities. There is also much to do with regard to civic and voter education that could have a long-term and lasting effect, particularly on young people. However, we first need to reach out to all eligible voters and remove any impediments to their participation created by the registration process or by identification requirements.

All citizens, including citizens with disabilities, need to have access to polling places. Polling places should be located in public buildings and other semipublic venues such as churches and community centers that comply with the Americans with Disability Act (ADA). Additionally, polling places should be located and protected so that voters can participate free of intimidation and harassment. Polling places should not be located in a candidate's headquarters or in homes or business establishments that are not appropriately accessible to voters with disabilities.



Commissioner Rita DiMartino
(American University Photo/Wilford Harewood)

4.1 ASSURED ACCESS TO ELECTIONS

The Commission's proposals for a new electoral system contain elements to assure the quality of the list and the integrity of the ballot. But to move beyond the debate between integrity and access, specific and important steps need to be taken to assure and improve access to voting.

States have a responsibility to make voter registration accessible by taking the initiative to reach out to citizens who are not registered, for instance by implementing provisions of the National Voter Registration Act that allow voter registration at social-service agencies or by conducting voter registration and REAL ID card drives with mobile offices. Michigan, for



A woman in St. Louis goes door-to-door soliciting new voter registrants for the 2004 election (AP Photo/Ron Edmonds)

example, uses a mobile office to provide a range of services, including driver's licenses and voter registration. This model should be extended to all the states.

Political party and nonpartisan voter registration drives generally contribute to the electoral process by generating interest in upcoming elections and expanding participation. However, they are occasionally abused. There were reports in 2004 that some party activists failed to deliver voter registration forms of citizens who expressed a preference for the opposing party. During the U.S. House Administration Committee hearings in Ohio, election officials reported being deluged with voter registration forms at the last minute before the registration deadline, making it difficult to process these registrations in a timely manner. Many of the registration forms delivered in October to election officials were actually collected in the spring.

Each state should therefore oversee political party and nonpartisan voter registration drives to ensure that they operate effectively, that registration forms are delivered promptly to election officials, that all completed registration forms are delivered to the election officials, and that none are "culled" and omitted according to the registrant's partisan affiliation. Measures should also be adopted to track and hold accountable those who are engaged in submitting fraudulent voter registrations. Such oversight might consist of training activists who conduct voter registration drives and tracking voter registration forms to make sure they are all accounted for. The tracking of voter registration forms will require better cooperation between the federal and state governments, perhaps through the EAC, as the federal government puts some registration forms online. In addition, states should apply a criminal penalty to any activist who deliberately fails to deliver a completed voter registration form.

Recommendations on Assured Access to Elections

- 4.1.1** States should undertake their best efforts to make voter registration and ID accessible and available to all eligible citizens, including Americans with disabilities. States should also remove all unfair impediments to voter registration by citizens who are eligible to vote.
- 4.1.2** States should improve procedures for voter registration efforts that are not conducted by election officials, such as requiring state or local registration and training of any "voter registration drives."
- 4.1.3** Because there have been reports that some people allegedly did not deliver registration forms of those who expressed a preference for another party, states need to take special precautions to assure that all voter registration forms are fully accounted for. A unique number should be printed on the registration form and also on a detachable receipt so that the voter and the state election office can track the status of the form.³⁹ In addition, voter registration forms should be returned within 14 days after they are signed.

4.2 VOTE BY MAIL

A growing number of Americans vote by mail. Oregon moved entirely to a vote-by-mail system in 1998, and the practice of casting ballots by mail has continued to expand nationwide as voters and election officials seek alternatives to the traditional system of voting at polling stations. The state legislatures of California and of Washington state have considered legislation to expand the use of vote by mail, and in 24 states no excuse is required to vote absentee.

The impact of vote by mail is mixed. Proponents argue that vote by mail facilitates participation among groups that experience low voter turnout, such as elderly Americans and Native Americans.

While vote by mail appears to increase turnout for local elections, there is no evidence that it significantly expands participation in federal elections.⁴⁰ Moreover, it raises concerns about privacy, as citizens voting at home may come under pressure to vote for certain candidates, and it increases the risk of fraud. Oregon appears to have avoided significant fraud in its vote-by-mail elections by introducing safeguards to protect ballot integrity, including signature verification. Vote by mail is, however, likely to increase the risks of fraud and of contested elections in other states, where the population is more mobile, where there is some history of troubled elections, or where the safeguards for ballot integrity are weaker.

The case of King County, Washington, is instructive. In the 2004 gubernatorial elections, when two in three ballots there were cast by mail, authorities lacked an effective system to track the number of ballots sent or returned. As a result, King County election officials were unable to account for all absentee ballots. Moreover, a number of provisional ballots were accepted without signature verification.⁴¹ The failures to account for all absentee ballots and to verify signatures on provisional ballots became issues in the protracted litigation that followed Washington state's 2004 gubernatorial election.

Vote by mail is popular but not a panacea for declining participation. While there is little evidence of fraud in Oregon, where the entire state votes by mail, absentee balloting in other states has been one of the major sources of fraud. Even in Oregon, better precautions are needed to ensure that the return of ballots is not intercepted.

The evidence on "early" voting is similar to that of vote by mail. People like it, but it does not appear to increase voter participation, and there are some drawbacks. It allows a significant portion of voters to cast their ballot before they have all of the information that will become available to the rest of the electorate. Crucial information about candidates may emerge in the final weeks or even days of an election campaign. Early and convenience voting also detracts from the collective expression of citizenship that takes place on Election



An Oregon voter drops off his mail ballot. (AP Photo/Rick Bowmer)

Day. Moreover, the cost of administering elections and of running campaigns tends to increase when early and mail-in voting is conducted in addition to balloting on Election Day. Early voting should commence no earlier than 15 days prior to the election, so that all voters will cast their ballots on the basis of largely comparable information about the candidates and the issues.

Recommendation on Vote by Mail

- 4.2.1** The Commission encourages further research on the pros and cons of vote by mail and of early voting.

4.3 VOTE CENTERS

Another alternative to voting at polling stations is the innovation of “vote centers,” pioneered by Larimer County, Colorado. Vote centers are larger in size than precincts but fewer in number. They are dispersed throughout the jurisdiction, but close to heavy traffic routes, larger residential areas, and major employers. These vote centers allow citizens to vote anywhere in the county rather than just at a designated precinct. Because these vote centers employ economies of scale, fewer poll workers are required, and they tend to be more professional. Also, the vote centers are reported to use more sophisticated technology that is more accessible to voters with disabilities. Vote centers eliminate the incidence of out-of-precinct provisional ballots, but they need to have a unified voter database that can communicate with all of the other centers in the county to ensure that eligible citizens vote only once.

While vote centers appear to have operated effectively in Larimer County, further research is needed to determine if the costs of establishing vote centers are offset by the savings of eliminating traditional polling sites. Moreover, because vote centers replace traditional voting at precincts, which are generally closer to a voter’s home, it is not clear that citizens actually view them as more convenient.

Recommendations on Vote Centers

- 4.3.1** States should modify current election law to allow experimentation with voting centers. More research, however, is needed to assess whether voting centers expand voter participation and are cost effective.
- 4.3.2** Voting centers need a higher quality, computer-based registration list to assure that citizens can vote at any center without being able to vote more than once.

4.4 MILITARY AND OVERSEAS VOTING

Military and overseas voting present substantial logistical challenges, yet we cannot overstate the imperative of facilitating participation in elections by military and overseas voters, particularly by service men and women who put their lives on the line for their country. The Commission calls on every state, with federal government assistance, to make every effort to provide all military and overseas voters with ample opportunity to vote in federal elections.

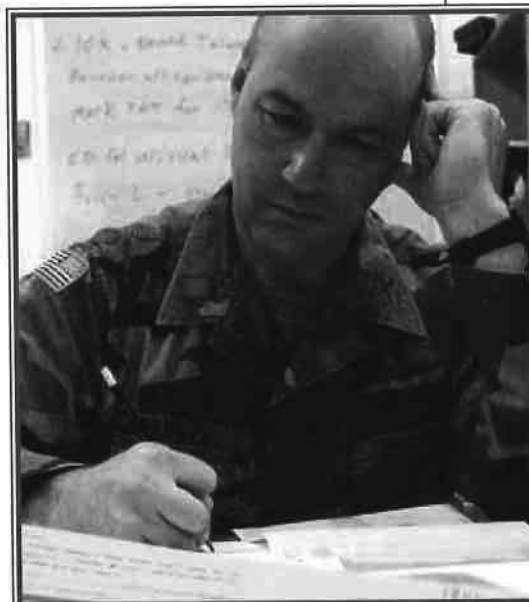
More than six million eligible voters serve in the Armed Forces or live overseas. These voters include 2.7 million military and their dependents and 3.4 million diplomats, Peace Corps volunteers, and other civilian government and other citizens overseas.⁴²

Voter turnout among members of the armed forces is high. So is the level of frustration they experience when their votes cannot be counted. This happens largely because of the time required by the three-step process of applying for an absentee ballot, receiving one, and then returning a completed ballot. The process is complicated by the differences among states and among localities in the registration deadline, ballot format, and requirements for ballot return, and it is exacerbated because of the mobility of service men and women during a time of conflict. Since September 11, 2001, more than 500,000 National Guard and Reserve personnel have been mobilized, and many were relocated before they received their absentee ballots.

Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in 1986 to help eligible members of the armed services and their families, and other citizens overseas, to vote. UOCAVA required each state to have a single office to provide information on voter registration and absentee ballot procedures for military voters. The Help America Vote Act of 2002 (HAVA) recommended — but did not require — that this state office should coordinate voting by military personnel by receiving absentee ballot applications and collecting voted ballots. The introduction of statewide voter registration databases under HAVA provides an opportunity to put this recommendation into practice. But aside from Alaska, which already had a single state office, no state has centralized the processing of absentee ballots. This is another example as to why recommending, rather than requiring, a course of action is insufficient.

The Commission recommends that when registering members of the armed forces and other overseas voters, states should inquire whether to send an absentee ballot to them automatically, thus saving a step in the process.

In the 2004 presidential election, approximately one in four military voters did not vote for a variety of reasons: The absentee ballots were not returned or arrived too late; they were rejected for procedural deficiencies, such as a signature not properly witnessed on the back of the return envelope; blank ballots were returned as undeliverable; or Federal Post Card Applications were rejected.⁴³



A U.S. Army officer stationed in Bosnia fills in his 2004 voting forms (AP Photo/Amel Emric)

The U.S. Department of Defense's Federal Voting Assistance Program, which assists military and overseas voters, tried to reduce the time lag for absentee voting by launching an electronic voting experiment. However, this experiment was ended because of fundamental security problems (see above on "Internet voting").⁴⁴ In the meantime, the Federal Voting Assistance Program encouraged states to send blank ballots out electronically and to accept voted ballots by fax. There now are 32 states that permit fax delivery of a blank ballot to military voters and 25 states that allow military voters to return their voted ballot by fax. In addition, some jurisdictions allow the delivery of blank ballots by email.⁴⁵ The return of voted ballots by fax or email, however, is a violation of the key principle of a secret ballot, and it is vulnerable to abuse or fraud.

Although the Uniformed and Overseas Citizens Absentee Voting Act applies to both military and nonmilitary voters overseas, procedures to facilitate overseas voting serve military voters better than civilians. To provide civilian overseas voters with equal opportunities to participate in federal elections, new approaches are needed at both the federal and state levels.

Recommendations on Military and Overseas Voting

- 4.4.1** The law calling for state offices to process absentee ballots for military and overseas government and civilian voters should be implemented fully, and these offices should be under the supervision of the state election offices.
- 4.4.2** New approaches should be adopted at the federal and state levels to facilitate voting by civilian voters overseas.
- 4.4.3** U.S. Department of Defense (DOD) should supply to all military posted outside the United States a Federal Postcard Application for voter registration and a Federal Write-in Absentee Ballot for calendar years in which there are federal elections. With adequate security protections, it would be preferable for the application forms for absentee ballots to be filed by Internet.
- 4.4.4** The states, in coordination with the U.S. Department of Defense's Federal Voting Assistance Program, should develop a system to expedite the delivery of ballots to military and overseas civilian voters by fax, email, or overnight delivery service, but voted ballots should be returned by regular mail, and by overnight mail whenever possible. The Defense Department should give higher priority to using military aircraft returning from bases overseas to carry ballots. Voted ballots should not be returned by email or by fax as this violates the secrecy of the ballot and is vulnerable to fraud.
- 4.4.5** All ballots subject to the Uniform and Overseas Citizens Absentee Voting Act must be mailed out at least 45 days before the election (if request is received by then) or within two days of receipt after that. If the ballot is not yet set, due to litigation, a late vacancy, etc., a temporary ballot listing all settled offices and ballot issues must be mailed.

- 4.4.6** States should count the ballots of military and overseas voters up to 10 days after an election if the ballots are postmarked by Election Day.
- 4.4.7** As the technology advances and the costs decline, tracking systems should be added to absentee ballots so that military and overseas voters may verify the delivery of their voted absentee ballots.
- 4.4.8** The Federal Voting Assistance Program should receive a copy of the report that states are required under HAVA to provide the EAC on the number of absentee ballots sent to and received from military and overseas voters.

4.5 ACCESS FOR VOTERS WITH DISABILITIES

There are almost 30 million voting-aged Americans with some kind of disability—about 15 percent of the population (see Table 3 on page 40). Less than half of them vote. There are federal laws to facilitate voting and registration by eligible Americans with disabilities, but these laws have not been implemented with any vigor. As a result, voters with disabilities still face serious barriers to voting.⁴⁶ Congress passed the Voting Accessibility for the Elderly and Handicapped Act in 1984 and the Americans with Disabilities Act of 1990, which required local authorities to make polling places physically accessible to people with disabilities for federal elections. Yet a Government Accountability Office survey of the nation's polling places in 2000 found that 84 percent of polling places were not accessible on Election Day. By 2004, accessibility for voters with disabilities had improved only marginally. Missouri, for example, surveyed every polling place in the state and found that 71 percent were not accessible. Most other states have not even conducted surveys.⁴⁷

There is similarly weak implementation of laws designed to facilitate voter registration by citizens with disabilities. Section 7 of the National Voter Registration Act (NVRA) requires state-funded agencies which provide services to citizens with disabilities to offer the opportunity to register citizens to vote. Implementation of this requirement, according to advocates for voters with disabilities, is rare or poor.⁴⁸



A voter tries out a disability-accessible voting machine (AP Photo/Mike Derer)

HAVA provided additional support to Section 7 of NVRA by including social-service agencies as places to register voters, but only one state, Kentucky, has complied with Section 7, according to advocates for voters with disabilities. Moreover, at the current time, there is not a single case where the new statewide voter databases comply with Section 7.⁴⁹ Thus, 12 years after the National Voter Registration Act was passed, voters with disabilities still cannot apply for voter registration at all social service offices.

TABLE 3: Estimates of U.S. Voting Population with Disabilities by Type

Disability Type	Population Age 16 and Older (in millions)	Percent of Total Voting Age Population
Sensory, Physical, Mental or Self-Care Disability	29.5	15%
Self-Care Disability	6.4	3%
Physical Disability	12.5	6%
Mental Disability	4.0	2%
Sensory Disability	3.9	2%
Sensory and Physical Disability	2.5	1%
Sensory, Physical, and Mental Disability	2.0	1%
Total Voting Age Population in the U.S. (18 and older)	203.0	100%

NOTES: Respondents were able to report more than one type of disability.

SOURCES: U.S. Census Bureau, Selected Types of Disability for the Civilian Noninstitutionalized Population 5 Years and Over by Age: 2000; U.S. Census Bureau, Voting and Registration in the Election of November 2000.

Recommendations on Access for Voters With Disabilities

- 4.5.1** To improve accessibility of polling places for voters with disabilities, the U.S. Department of Justice should improve its enforcement of the Americans with Disabilities Act and the accessibility requirements set by the Help America Vote Act.
- 4.5.2** States should make their voter registration databases interoperable with social-service agency databases and facilitate voter registration at social-service offices by citizens with disabilities.
- 4.5.3** States and local jurisdictions should allow voters with disabilities to request an absentee ballot when they register and to receive an absentee ballot automatically for every subsequent election. Local election officials should determine which voters with disabilities would qualify.

4.6 RE-ENFRANCHISEMENT OF EX-FELONS

Only Maine and Vermont allow incarcerated citizens to vote. In all other states, citizens who are convicted of a felony lose their right to vote, either temporarily or permanently. An estimated 4.65 million Americans have currently or permanently lost their right to vote as a result of a felony conviction. Most states reinstate that right upon completion of the full sentence, including of parole, but three states — Florida, Kentucky, and Virginia — permanently ban all ex-felons from voting, and another 10 states have a permanent ban on

voting by certain categories of ex-felons.⁵⁰ These laws have a disproportionate impact on minorities.

Some states impose a waiting period after felons complete their sentence before they can vote. Few states take the initiative to inform ex-felons when their voting rights are restored. As a result, only a small portion of the ex-felons who have regained their voting rights are registered to vote.

Proponents of re-enfranchisement argue that ex-felons have paid their debt to society when they have completed their full sentence. Restoring their right to vote would encourage them to reintegrate into society. Each state therefore should automatically restore the voting rights of ex-felons who have completed their full sentence, including any terms of parole and compensation to victims. Opponents of re-enfranchisement, however, see this as a “punishment” issue rather than a “voting rights” issue. They believe that each state should be free to decide whether to restore the voting rights of ex-felons. States set punishment for state crimes, and this often extends beyond the completion of a felon’s sentence. Ex-felons are, for instance, usually barred from purchasing firearms or from getting a job as a public-school teacher. Nonetheless, weighing both sides of the debate, the Commission believes that voting rights should be restored to certain categories of felons after they served the debt to society.

Recommendations on Re-Enfranchisement of Ex-Felons

- 4.6.1** States should allow for restoration of voting rights to otherwise eligible citizens who have been convicted of a felony (other than for a capital crime or one which requires enrollment with an offender registry for sex crimes) once they have fully served their sentence, including any term of probation or parole.
- 4.6.2** States should provide information on voter registration to ex-felons who have become eligible to vote. In addition, each state’s department of corrections should automatically notify the state election office when a felon has regained eligibility to vote.

4.7 VOTER AND CIVIC EDUCATION

Among the simplest ways to promote greater and more informed participation in elections is to provide citizens with basic information on voting and the choices that voters will face in the polling booth. HAVA requires only that basic voter information, including a sample ballot and instructions on how to vote, be posted at each polling site on Election Day. However, additional voter information is needed.

States or local jurisdictions should provide information by mail and on their Web sites to educate voters on the upcoming ballot — on the issues and the candidates, who will provide the information about themselves. Local election officials should set limits on the amount — but not the content — of information to be provided by the candidates. In Washington state, for example, every household is mailed a pamphlet with information on how to register, where to vote, and texts of election laws and proposed ballot initiatives and



A college student in New Mexico registers to vote as part of a campaign to reach new voters (AP Photo/Las Cruces Sun-News, Norm Dettlaff)

referendums. This voter's pamphlet also has a picture of each candidate for statewide office and a statement of the candidate's goals for the office they seek. In addition, there should be greater use of the radio and television to communicate these messages.

Efforts to provide voter information and education to young Americans merit particular attention. Voter turnout among youth declined steadily from the 1970s to 2000, when it was 24 percent lower than turnout of the entire electorate. In 2004, however, there was a surge of 11 percent in voter turnout among Americans aged 18 to 24, and the gap between youth turnout and overall turnout dropped to 17 percent (see Table 4).⁵¹

While participation by youth increased significantly in the last election, it continues to lag far behind the rest of the population. It can and should be increased by instructing high school students on their voting rights and civic responsibilities. Just one course in civics or American government can have a strong influence on youth participation in elections. According to a 2003 survey, about twice as many young Americans who have taken a civics course are registered to vote and have voted in all or most elections than young Americans who have never taken such a course.⁵²

Moreover, Americans want public schools to prepare their children for citizenship and to provide better civic education. While most Americans believe that the most important goal of public schools is to develop basic skills, seven in 10 respondents to a 2004 survey agreed that preparing students to become responsible citizens is a "central purpose of public schools." When asked to grade the civic education programs of public schools, 54 percent of respondents give these programs a "C" and 22 percent give them a "D."⁵³

It is difficult to assess the current efforts of state and local voting and civic education programs because only one state, Florida, publishes a report on its activities and spending in this area. We recommend that more states and local jurisdictions follow Florida's example in order to generate more information on the most effective methods for voter and civic education.

TABLE 4:
Voter Turnout in Presidential Elections by Age, 1972-2004

Age Range	1972	1976	1980	1984	1988	1992	1996	2000	2004
18 to 24 years	49.6	42.2	39.9	40.8	36.2	42.8	32.4	32.3	41.9
25 to 44 years	62.7	58.7	58.7	58.4	54.0	58.3	49.2	49.8	52.2
45 to 64 years	70.8	68.7	69.3	69.8	67.9	70.0	64.4	64.1	66.6
65 years+	63.5	62.2	65.1	67.7	68.8	70.1	67.0	67.6	68.9

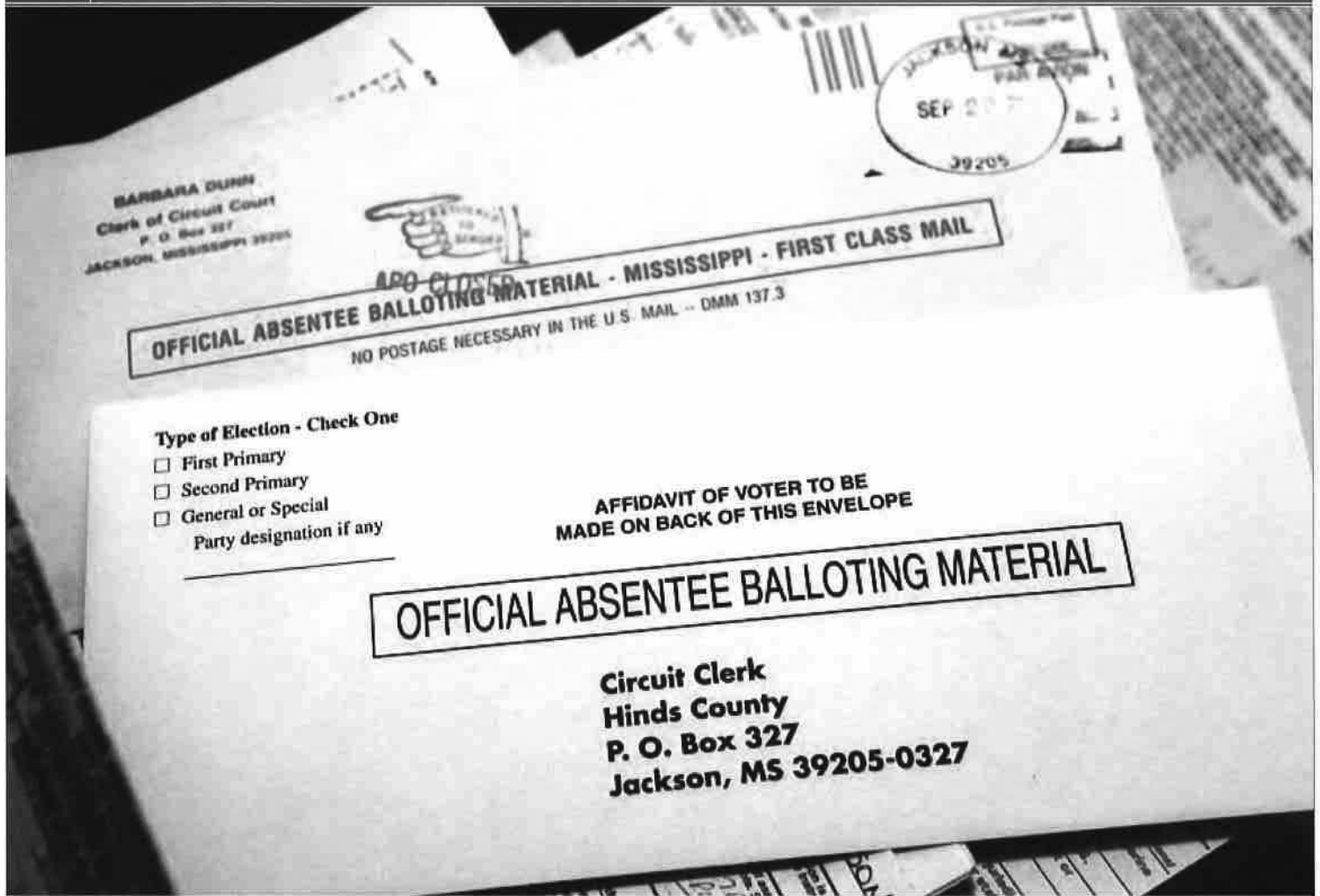
SOURCE: U.S. Census Bureau (2004).

Recommendations on Voter and Civic Education

- 4.7.1** Each state should publish a report on its voter education spending and activities.
- 4.7.2** States should engage in appropriate voter education efforts in coordination with local election authorities to assure that all citizens in their state have the information necessary to participate in the election process.
- 4.7.3** Each state should use its best efforts to instruct all high school students on voting rights and how to register to vote. In addition, civic education programs should be encouraged in the senior year of high school, as these have been demonstrated to increase voter participation by youth.
- 4.7.4** Local election authorities should mail written notices to voters in advance of an election advising the voter of the date and time of the election and the polling place where the voter can cast a ballot and encouraging the citizens to vote. The notice should also provide a phone number for the voter to contact the election authorities with any questions.
- 4.7.5** States should mail pamphlets to voters, and post the pamphlet material on their Web sites, to provide information about the candidates for statewide office and about ballot initiatives and referenda.
- 4.7.6** The federal government should provide matching funds for the states to encourage civic and voter education and advertisements aimed to encourage people to vote.

(AP Photo/Julia Cumes)





(AP Photo/Rogelio Solis)

5. Improving Ballot Integrity

Because the integrity of the ballot is a hallmark of democracy, it is imperative that election officials guarantee eligible voters the opportunity to vote, but only once, and tabulate ballots in an accurate and fair manner.

5.1 INVESTIGATION AND PROSECUTION OF ELECTION FRAUD

While election fraud is difficult to measure, it occurs. The U.S. Department of Justice has launched more than 180 investigations into election fraud since October 2002. These investigations have resulted in charges for multiple voting, providing false information on their felon status, and other offenses against 89 individuals and in convictions of 52 individuals. The convictions related to a variety of election fraud offenses, from vote buying to submitting false voter registration information and voting-related offenses by non-citizens.⁵⁴

In addition to the federal investigations, state attorneys general and local prosecutors handle cases of election fraud. Other cases are never pursued because of the difficulty in obtaining sufficient evidence for prosecution or because of the low priority given to election fraud cases. One district attorney, for example, explained that he did not pursue allegations of fraudulent voter registration because that is a victimless and nonviolent crime.⁵⁵

Election fraud usually attracts public attention and comes under investigation only in close elections. Courts may only overturn an election result if there is proof that the number of irregular or fraudulent votes exceeded the margin of victory. When there is a wide margin, the losing candidate rarely presses for an investigation. Fraud in any degree and in any circumstance is subversive to the electoral process. The best way to maintain ballot integrity is to investigate all credible allegations of election fraud and otherwise prevent fraud before it can affect an election.

Investigation and prosecution of election fraud should include those acts committed by individuals, including election officials, poll workers, volunteers, challengers or other nonvoters associated with the administration of elections, and not just fraud by voters.

Recommendations on Investigation and Prosecution of Election Fraud

- 5.1.1** In July of even-numbered years, the U.S. Department of Justice should issue a public report on its investigations of election fraud. This report should specify the numbers of allegations made, matters investigated, cases prosecuted, and individuals convicted for various crimes. Each state's attorney general and each local prosecutor should issue a similar report.
- 5.1.2** The U.S. Department of Justice's Office of Public Integrity should increase its staff to investigate and prosecute election-related fraud.

- 5.1.3** In addition to the penalties set by the Voting Rights Act, it should be a federal felony for any individual, group of individuals, or organization to engage in any act of violence, property destruction (of more than \$500 value), or threatened act of violence that is intended to deny any individual his or her lawful right to vote or to participate in a federal election.
- 5.1.4** To deter systemic efforts to deceive or intimidate voters, the Commission recommends federal legislation to prohibit any individual or group from deliberately providing the public with incorrect information about election procedures for the purpose of preventing voters from going to the polls.

5.2 ABSENTEE BALLOT AND VOTER REGISTRATION FRAUD

Fraud occurs in several ways. Absentee ballots remain the largest source of potential voter fraud.⁵⁶ A notorious recent case of absentee ballot fraud was Miami's mayoral election of 1998, and in that case, the judge declared the election fraudulent and called for a new election. Absentee balloting is vulnerable to abuse in several ways: Blank ballots mailed to the wrong address or to large residential buildings might get intercepted. Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation. Vote buying schemes are far more difficult to detect when citizens vote by mail. States therefore should reduce the risks of fraud and abuse in absentee voting by prohibiting "third-party" organizations, candidates, and political party activists from handling absentee ballots. States also should make sure that absentee ballots received by election officials before Election Day are kept secure until they are opened and counted.

Non-citizens have registered to vote in several recent elections. Following a disputed 1996 congressional election in California, the Committee on House Oversight found 784 invalid votes from individuals who had registered illegally. In 2000, random checks by the Honolulu city clerk's office found about 200 registered voters who had admitted they were not U.S. citizens.⁵⁷ In 2004, at least 35 foreign citizens applied for or received voter cards in Harris County, Texas, and non-citizens were found on the voter registration lists in Maryland as well.⁵⁸

The growth of "third-party" (unofficial) voter registration drives in recent elections has led to a rise in reports of voter registration fraud. While media attention focused on reports of fraudulent voter registrations with the names of cartoon characters and dead people, officials in 10 states investigated accusations of voter registration fraud stemming from elections in 2004, and between October 2002 and July 2005, the U.S. prosecuted 19 people charged with voter registration fraud.⁵⁹ Many of these were submitted by third-party organizations, often by individuals who were paid by the piece to register voters.

States should consider new legislation to minimize fraud in voter registration, particularly to prevent abuse by third-party organizations that pay for voter registration by the piece. Such legislation might direct election offices to check the identity of individuals registered through third-party voter registration drives and to track the voter registration forms.

HAVA requires citizens who register by mail to vote in a state for the first time to provide

an ID when they register or when they vote. Some states have interpreted this requirement to apply only to voter registration forms sent to election offices by mail, not to forms delivered by third-party organizations. As a result, neither the identity nor the actual existence of applicants is verified. All citizens who register to vote with a mail-in form, whether that form is actually sent by mail or is instead hand-delivered, should comply with HAVA's requirements or with stricter state requirements on voter ID, by providing proof of identity either with their registration application or when they appear at the polling station on Election Day. In this way, election offices will be obliged to verify the identity of every citizen who registers to vote, whether or not the registration occurs in person.

In addition, states should introduce measures to track voter registration forms that are handled by third-party organizations. By assigning a serial number to all forms, election officials will be able to track the forms. This, in turn, will help in any investigations and prosecutions and thus will serve to deter voter registration fraud.

Many states allow the representatives of candidates or political parties to challenge a person's eligibility to register or vote or to challenge an inaccurate name on a voter roll. This practice of challenges may contribute to ballot integrity, but it can have the effect of intimidating eligible voters, preventing them from casting their ballot, or otherwise disrupting the voting process. New procedures are needed to protect voters from intimidating tactics while also offering opportunities to keep the registration rolls accurate, and to provide observers with meaningful opportunities to monitor the conduct of the election. States should define clear procedures for challenges, which should mainly be raised and resolved before the deadline for voter registration. After that, challengers will need to defend their late actions. On Election Day, they should direct their concerns to poll workers, not to voters directly, and should in no way interfere with the smooth operation of the polling station.



John Fund and Colleen McAndrews at the April 18 hearing (American University Photo/Jeff Watts)

Recommendations on Absentee Ballot and Voter Registration Fraud

- 5.2.1** State and local jurisdictions should prohibit a person from handling absentee ballots other than the voter, an acknowledged family member, the U.S. Postal Service or other legitimate shipper, or election officials. The practice in some states of allowing candidates or party workers to pick up and deliver absentee ballots should be eliminated.
- 5.2.2** All states should consider passing legislation that attempts to minimize the fraud that has resulted from "payment by the piece" to anyone in exchange for their efforts in voter registration, absentee ballot, or signature collection.
- 5.2.3** States should not take actions that discourage legal voter registration or get-out-the-vote activities or assistance, including assistance to voters who are not required to vote in person under federal law.



(AP Photo/J. Pat Carter)

6. Election Administration

To build confidence in the electoral process, it is important that elections be administered in a neutral and professional manner. Election officials, from county clerks and election board members to secretaries of state and U.S. Election Assistance Commission members, generally have shown great skill and dedication in administering elections in a fair and impartial manner. The institutions of election administration, however, are in need of improvement, so that they may instill greater public confidence in the election process and allow election officials to carry out their responsibilities more effectively (see Table 5 on page 52).

Elections are contests for power and, as such, it is natural that politics will influence every part of the contest, including the administration of elections. In recent years, some partisan election officials have played roles that have weakened public confidence in the electoral process. Many other partisan election officials have tried to execute their responsibilities in a neutral manner, but the fact that they are partisan sometimes raises suspicions that they might favor their own party. Most other democratic countries have found ways to insulate electoral administration from politics and partisanship by establishing truly autonomous, professional, and nonpartisan independent national election commissions that function almost like a fourth branch of government. The United States, too, must take steps to conduct its elections impartially both in practice and in appearance.

Impartial election administration, however, is not enough. Elections must also be administered effectively if they are to inspire public confidence. Long lines at polling stations, inadequately trained poll workers, and inconsistent or incorrect application of electoral procedures may have the effect of discouraging voter participation and may, on occasion, raise questions about bias in the way elections are conducted. While problems at polling stations usually reflect a shortage of trained poll workers or poor management of polling station operations, rather than an attempt to seek partisan advantage, the result is much the same. Such problems raise public suspicions or may provide grounds for the losing candidate to contest the result in a close election.

6.1 INSTITUTIONS

The intense partisanship and the close division of the American electorate, coupled with the Electoral College system, raise the possibility of another presidential election decided by a razor-thin margin in one or more battleground states. Although voting technology is improving, presidential elections are held in a decentralized system with a patchwork of inconsistent rules. In addition, in recent years, election challenges in the courts have proliferated.

Close elections, especially under these conditions, put a strain on any system of election administration, and public opinion demonstrates this. Significant segments of the American public have expressed concern about voter fraud, voter suppression, and the fairness of the election process in general.⁶⁰ While substantially more Democrats than Republicans surveyed in national polls considered the 2004 presidential election unfair, 41 percent more Republicans than Democrats said the electoral process was unfair in Washington state's 2004 gubernatorial election, which the Democratic candidate won by a very narrow margin.⁶¹ The losing side, not surprisingly, is unhappy with the election result, but what is new and dangerous in the United States is that the supporters of the losing side are beginning to believe that the process is unfair. And this is true of both parties.

At its base, the problem is a combustible mixture of partisan suspicion and irregularities born in part from a decentralized system of election administration with differing state laws determining voter registration and eligibility and whether a ballot is actually counted. The irregularities, by and large, stem from a lack of resources and inadequate training for election workers, particularly those who work just on Election Day. In other countries, such irregularities sometimes lead to street protests or violence. In the United States, up until now, we have been relatively fortunate that irregularities are addressed in court. The dramatic increase in election-related litigation in recent years, however, does not enhance the public's perception of elections and may in fact weaken public confidence. The average number of election challenges per year has increased from 96 in the period of 1996 to 1999 to 254 in 2001 to 2004.⁶²



Elections manager Lori Augino, left, Pierce County Auditor Pat McCarthy, U.S. EAC Commissioners Ray Martinez, III, and Paul DeGregorio, right, observe the 2004 manual gubernatorial recount in Washington (AP Photo/The News Tribune, Janet Jensen)

Another major source of public mistrust of the election process is the perception of partisanship in actions taken by partisan election officials. In a majority of states, election administration comes under the authority of the secretary of state. In 2000 and 2004, both Republican and Democratic secretaries of state were accused of bias because of their discretionary decisions — such as how to interpret unclear provisions of HAVA. The issue is not one of personality or a particular political party because allegations and irregularities dogged officials from both parties. The issue is the institution and the perception of partiality that is unavoidable if the chief election officer is a statewide politician and the election is close, has irregularities, or is disputed. The perception of partiality is as important, if not more so, than the reality.

Bipartisan election administration has the advantage of allowing both parties to participate, but the flaws of such a system are evident in the experience of the Federal Election

Commission (FEC). The FEC has often become deadlocked on key issues. In the cases when the FEC commissioners agree, they sometimes protect the two parties from enforcement rather than represent the public's interest in regulating campaign finance.

NONPARTISAN ELECTION ADMINISTRATION. To minimize the chance of election meltdown and to build public trust in the electoral process, nonpartisan structures of election administration are very important, and election administrators should be neutral, professional, and impartial. At the federal level, the U.S. Election Assistance Commission should be reconstituted on a nonpartisan basis to exercise whatever powers are granted by law, and the EAC chairperson should serve as a national spokesperson, as the chief elections officer in Canada does, for improving the electoral process. States should consider transferring the authority for conducting elections from the secretary of state to a chief election officer, who would serve as a nonpartisan official.

States could select a nonpartisan chief elections officer by having the individual subject to approval by a super-majority of two-thirds of one or both chambers of the state legislature. The nominee should receive clear bipartisan support. This selection process is likely to yield a respected consensus candidate or, at least, a nonpartisan candidate.

The EAC, in its 18 months of operation, has managed to make its decisions by consensus. While this is a significant accomplishment for a bipartisan, four-member commission, it has come at a cost. The EAC has been slow to issue key guidance, and the guidance it has issued has often been vague. The process of forging consensus among the EAC's commissioners appears to have slowed and watered down key decisions, particularly as they have come under pressure from their respective political parties. If the EAC were reconstituted as a nonpartisan commission, it would be better able to resist partisan political pressure and operate more efficiently and effectively.

To avoid the dangers of bipartisan stalemate, the EAC should be reconstituted as a five-member commission, with a strong chairperson and nonpartisan members. This would be done initially by adding a fifth position to the EAC and making that position the chairperson, when the current chairperson's term ends. The new EAC chairperson would be nonpartisan, nominated by the President, and confirmed by the U.S. Senate. Later, as the terms of other EAC commissioners expired, they would be replaced by nonpartisan commissioners, subject to Senate confirmation as well.

INDEPENDENCE AND AUTHORITY. For the positions of EAC commissioners and state chief elections officers to remain both nonpartisan and effective, they must be insulated from political pressure. This can be done by the terms of appointment and the lines of responsibility. The EAC commissioners and state chief elections officers should receive a long-term appointment, perhaps 10 years. The grounds for dismissal should be limited, similar to the rules for removal of a federal or state judge. The EAC should have the autonomy to oversee federal election laws that Congress directs it to implement and advise Congress and the President on needed improvements in election systems. State chief elections officers should have similar autonomy.

Under HAVA, the EAC distributes federal funds to the states, issues voluntary guidance on HAVA's mandates, and serves as a clearinghouse for information on elections. In addition, it develops standards for voting equipment and undertakes research on elections.

The flaws identified in the electoral system described in this report were due in large part to a very decentralized system with voting standards implemented in different ways throughout the country. If HAVA is fully and effectively implemented, states should be able to retrieve authority to conduct elections from counties and impose a certain degree of uniformity.

In this report, we have proposed the kinds of reforms needed to improve significantly our electoral process. To implement those reforms, a new or invigorated institution like the EAC is needed to undertake the following tasks:

- Statewide registration lists need to be organized top-down with states in charge and counties assisting states rather than the other way around;
- A template and a system is needed for sharing voter data across states;



Kansas Secretary of State Ron Thornburgh at the April 18 hearing (American University Photo/Jeff Watts)

- The “REAL ID” needs to be adapted for voting purposes and linked to the registration list;
- To ensure that the new requirements — ID and registration list — do not impede access to voting, an expanded effort is needed to reach out and register new voters;
- Quality audits of voter databases and certification of voting machine source codes is essential;
- Voting machines need a voter-verifiable audit trail; and
- Extensive research on the operations and technology of elections is needed.

TABLE 5: Types of Electoral Administration

Type of Institution	WORLD REGION				Total Number of Cases (percent of total)
	The Americas	Asia & the Pacific	East & Central Europe	Sub-Saharan Africa	
Government	5*	9	0	3	17 (14%)
Government supervised by judges or others	6	2	6	14	28 (23%)
Independent electoral commission	25	19	12	19	75 (63%)

* The U.S. is included in this category.

SOURCE: Rafael López-Pintor, *Electoral Management Bodies as Institutions of Governance* (NY: United Nations Development Programme, Bureau for Development Policy, 2000).

These reforms, but particularly those that require connecting states, will not occur on their own. The EAC needs to have sufficient authority to assure effective and consistent implementation of these reforms, and to avoid repeating past problems, its guidance must be clear and compelling. A stronger EAC does not mean that the states will lose power in conducting elections. To the contrary, the authority of state election officials will grow with the creation of statewide voter databases, and their credibility will be enhanced by the new nonpartisan structure and professionalism.

CONFLICT-OF-INTEREST RULES. No matter what institutions are responsible for conducting elections, conflict-of-interest standards should be introduced for all federal, state, and local election officials, including some of the provisions in Colorado’s new election law and of the Code of Conduct prepared by the International Institute for Democracy and Electoral Assistance (IDEA).⁶³ This Code of Conduct requires election administrators to avoid any activity, public or private, that might indicate support or even sympathy for a particular candidate, political party, or political tendency.

Election officials should be prohibited by federal and/or state laws from serving on any political campaign committee, making any public comments in support of a candidate, taking a public position on any ballot measure, soliciting campaign funds, or otherwise campaigning for or against a candidate for public office. A decision by a secretary of state to serve as co-chair of his or her party's presidential election committee would clearly violate these standards.

Recommendations on Institutions

- 6.1.1** To undertake the new responsibilities recommended by this report and to build confidence in the administration of elections, Congress and the states should reconstitute election management institutions on a nonpartisan basis to make them more independent and effective. U.S. Election Assistance Commission members and each state's chief elections officer should be selected and be expected to act in a nonpartisan manner, and the institutions should have sufficient funding for research and training and to conduct the best elections possible. We believe the time has come to take politics as much as possible out of the institutions of election administration and to make these institutions nonpartisan.
- 6.1.2** Congress should approve legislation that would add a fifth member to the U.S. Election Assistance Commission, who would serve as the EAC's chairperson and who would be nominated by the President based on capability, integrity, and nonpartisanship. This would permit the EAC to be viewed more as nonpartisan than bipartisan and would improve its ability to make decisions. That person would be subject to Senate confirmation and would serve a single term of ten years. Each subsequent vacancy to the EAC should be filled with a person judged to be nonpartisan so that after a suitable period, all the members, and thus the institution, might be viewed as above politics.
- 6.1.3** States should prohibit senior election officials from serving or assisting political campaigns in a partisan way, other than their own campaigns in states where they are elected.
- 6.1.4** States should take additional actions to build confidence in the administration of elections by making existing election bodies as nonpartisan as possible within the constraints of each state's constitution. Among the ways this might be accomplished would be if the individuals who serve as the state's chief elections officer were chosen based on their capability, integrity, and nonpartisanship. The state legislatures would need to confirm these individuals by a two-thirds majority of one or both houses. The nominee should receive clear bipartisan support.
- 6.1.5** Each state's chief elections officer should, to the extent reasonably possible, ensure uniformity of voting procedures throughout the state, as with provisional ballots. Doing so will reduce the likelihood that elections are challenged in court.

6.2 POLL WORKER RECRUITMENT

For generations, civic-minded citizens, particularly seniors, have served as poll workers. The average age of poll workers is 72.⁶⁴ Poll workers generally are paid minimum wages for a 15-hour day. Not surprisingly, recruitment has proven more and more difficult. For the 2004 election, the United States needed 2 million poll workers, but it fell short by 500,000.

Effective administration of elections requires that poll workers have the capability and training needed to carry out complex procedures correctly, the skills to handle increasingly sophisticated voting technology, the personality and skills to interact with a diversity of people in a calm and friendly manner, and the energy to complete a very long and hard day

of work on Election Day. Poll workers must administer complex voting procedures, which are often changed with each election. These procedures include issuing provisional ballots, checking voter identification in accordance with state law, and correctly counting the votes after the polling station closes. Poll workers must also set up voting machines, instruct voters to use these machines, and provide helpful service to voters, including to voters with disabilities and non-English speakers.

A broad pool of potential recruits, drawn from all age groups, is needed to meet the demands made on today's poll workers. To adequately staff polling stations, states and local jurisdictions must offer better pay, training, and recognition for poll workers and recruit more citizens who have full-time jobs or are students. Recruitment of teachers would serve to spread knowledge of the electoral process, while recruitment of students would educate future voters and attract individuals who may serve as poll workers for decades to come.

Local election authorities should also consider providing incentives for more rigorous training. Guilford County, North Carolina, for example, initiated a "Precinct Officials Certification" program in cooperation with the local community college. The program requires 18 hours of class and a final exam. While voluntary, more than 80 percent of Guilford County's 636 permanent precinct officials completed the course. Certified officials receive an additional \$35 per election in pay. Retention of officials has risen from roughly 75 percent to near 95 percent.

In addition, poll workers deserve greater recognition for their public service. States might establish a Poll Worker Appreciation Week and issue certificates to thank poll workers for their contribution to the democratic process.

Several states have passed laws to provide paid leave for state and local government workers who serve as poll workers on Election Day. A pilot program titled "Making Voting Popular" was implemented in 1998 in six counties surrounding the Kansas City metropolitan area to encourage employers to provide a paid "civic leave" day for employees who work as poll workers. Many states have introduced laws to encourage the recruitment of student poll workers. Partnered with experienced poll workers, student poll workers can learn about elections while contributing their technological skills.



Commissioner Sharon Priest, Daniel Calingaert, Michael Alvarez, and Election Center Executive Director Doug Lewis (Rice University Photo/Jeff Fitlow)

It will be easier to recruit skilled poll workers if they are given flexibility in the terms of their service by working part of the day. Since a large proportion of voters arrive either at the beginning or the end of the day, it would make sense to hire more poll workers for those periods, although this is not now the case. Bringing poll workers in from other jurisdictions might also serve to provide partisan balance in jurisdictions where one party is dominant. Flexibility in the terms of service by poll workers is often restricted by state laws. Where this is the case, states should amend their laws to allow part-day shifts for poll workers on Election Day and to permit state residents to staff polling stations in a different jurisdiction.

In addition, states might consider a new practice of recruiting poll workers in the same way that citizens are selected for jury duty. This practice is used in Mexico, where citizens are selected randomly to perform what they consider a civic obligation. About five times as many poll workers as needed are trained in Mexico, so that only the most skilled and committed are selected to serve as poll workers on Election Day. The process of training so many citizens serves the additional purpose of educating the public in voting procedures. This practice both reflects and contributes to a broad civic commitment to democracy.

Recommendations on Poll Worker Recruitment

- 6.2.1** States and local jurisdictions should allocate sufficient funds to pay poll workers at a level that would attract more technologically sophisticated and competent workers. Part-time workers should also be recruited for the beginning and the end of Election Day. States should amend their laws to allow shifts for part of the day for poll workers on Election Day.
- 6.2.2** States and local jurisdictions should implement supplemental training and recognition programs for poll workers.
- 6.2.3** To increase the number and quality of poll workers, the government and nonprofit and private employers should encourage their workers to serve as poll workers on Election Day without any loss of compensation, vacation time or personal time off. Special efforts should be made to enlist teachers and students as poll workers.
- 6.2.4** Because some jurisdictions have large majorities of one party, which makes it hard to attract poll workers from other parties, local jurisdictions should allow poll workers from outside the jurisdiction.
- 6.2.5** States should consider legislation to allow the recruitment of citizens as poll workers as is done for jury duty.



A long line of Ohio voters on Election Day 2004
(AP Photo/Mark Duncan)

6.3 POLLING STATION OPERATIONS

A visible problem on Election Day 2004 was long lines. This should have been anticipated because there was a surge in new registrations and people expected a close election, particularly in “battleground states.” Still, too many polling stations were unprepared. While waiting until 4 a.m. to vote was an extreme case, too many polling stations experienced long lines at the beginning of the day when people went to work or at the day’s end when they returned. Fast-food chains hire extra workers at lunchtime, but it apparently did not occur to election officials to hire more workers at the times when most people vote. Long lines were hardly the only problem; many polling stations had shortages of provisional ballots, machines malfunctioned, and there were too many inadequately trained workers on duty. Although most states ban campaigning within a certain distance of a polling station, other states or counties permit it, though many voters find it distasteful if not intimidating.

Problems with polling station operations, such as long lines, were more pronounced in some places than in others.⁶⁵ This at times gave rise to suspicions that the problems were due to discrimination or to partisan manipulation, when in fact the likely cause was a poor decision by election administrators. The U.S. Department of Justice’s investigation into the allocation of voting machines in Ohio, for example, found that problems were due to administrative miscalculations, not to discrimination.⁶⁶

The 2004 elections highlighted the importance of providing enough voting machines to each polling place. While voter turnout can be difficult to predict, the ratio of voters per machine can be estimated. Texas, for example, has issued an administrative rule to estimate the number of machines needed per precinct at different rates of voter turnout.⁶⁷

The impression many voters get of the electoral process is partially shaped by their

experience at the polling station, and yet, not enough attention has been given to trying to make them “user-friendly.” Elementary questions, which most businesses study to become more efficient and responsive to their customers, are rarely asked, let alone answered by election officials. Questions like: How long does it normally take for a citizen to vote? Would citizens prefer to go to a neighborhood precinct, or to a larger, more service-oriented but more distant “voting center”? How many and what kinds of complaints and problems do polling stations hear in an average day? How do they respond, and are voters satisfied with the response? How many citizens find electronic machines useful, and how many find them formidable? By answering these fundamental questions, we might determine ways to provide efficient and courteous service at polling locations.

A simple way to compile useful information about problems voters face on Election Day would be to require that every voting station maintain a “log book” on Election Day to record all complaints from voters or observers. The log book would be signed by election observers at the end of the day to make sure that it has recorded all the complaints or problems. An analysis of the log books would help identify common problems and help design more efficient and responsive polling sites.

Recommendations on Polling Station Operations

- 6.3.1** Polling stations should be made user-friendly. One way to do so would be to forbid any campaigning within a certain distance of a polling station.
- 6.3.2** Polling stations should be required to maintain a “log-book” on Election Day to record all complaints. The books should be signed by election officials and observers and analyzed for ways to improve the voting process.
- 6.3.3** Polling stations should be organized in a way that citizens would not have to wait long before voting, and officials should be informed and helpful.

6.4 RESEARCH ON ELECTION MANAGEMENT

Despite the wealth of expertise and literature on U.S. elections and voting behavior, little research focuses on the administration or conduct of elections. Until the 2000 election stirred interest in the subject, we had no information on how often votes went uncounted. Today, we still do not know how many people are unable to vote because their name is missing from the registration list or their identification was rejected at the polls. We also have no idea about the level of fraud or the accuracy and completeness of voter registration lists.

To effectively address the challenges facing our election systems, we need to understand better how elections are administered. The log books and public reports on investigations on election fraud, described above, can provide some good raw material. But we need more systematic research to expand knowledge and stimulate needed improvements in U.S. election systems. Moreover, beyond the reforms needed today, U.S. election systems will need to adapt in the future to new technology and to social changes.



A North Dakota election judge on Election Day 2004
(AP Photo/Will Kincaid)

The Center for Election Systems at Kennesaw State University in Georgia is the first university center established to study election systems and to assist election administration. With funding from the state government, this Center develops standards for voting technology used in Georgia and provides an array of other services, such as testing all election equipment, providing training, building databases, and designing ballots for many counties. The Center thus provides critical services to state election authorities and supports constant improvements in election systems. Since election laws and procedures vary significantly, each state should consider supporting university centers for the study of elections.

In addition to research on technology, university election centers could assist state governments on issues of election law, management, and civic and voter education. They could assemble experts from different disciplines to assist state governments in reviewing election laws, improving administrative procedures, strengthening election management, and developing programs and materials to train poll workers.

Comparative research is also needed on electoral systems in different states, and national studies should be conducted on different elements of election administration and causes of voter participation. These studies might address such questions as: What factors stimulate or depress participation in elections? How do voters adapt to the introduction of new voting technologies? And what are the costs of conducting elections? Research on these and a host of other questions is needed at the national, state, and local levels, with findings shared and efforts coordinated. Moreover, federal, state, and private foundation funds are needed to generate the research our election systems require to effectively inform decision-making, to monitor and advance best practices, and to measure implementation and enforcement.⁶⁸

Recommendation on Research on Election Management

- 6.4.1** The Commission calls for continuing research on voting technology and election management so as to encourage continuous improvements in the electoral process.

6.5 COST OF ELECTIONS

Based on the limited available information, the cost of elections appears to vary significantly by state. Wyoming, for example, spent \$2.15 per voter for the 2004 elections, while California spent \$3.99 per voter.⁶⁹ Information on the cost of elections is difficult to obtain, because both state and local authorities are involved in running elections, and local authorities often neglect to track what they spend on elections. At the county level, elections typically are run by the county clerk and recorder, who rarely keeps track of the staff time and office resources allocated to elections as opposed to other office responsibilities.

Election administration expenditures in the United States are on the low end of the range of what advanced democracies spend on elections. Among advanced democracies, expenditures on election administration range from lows of \$2.62 in the United Kingdom and \$3.07 in France for national legislative elections, through a midrange of \$4.08 in Spain and \$5.68 in Italy, to a high of \$9.30 in Australia and \$9.51 in Canada.⁷⁰ While larger expenditures provide no guarantee of greater quality in election administration, they tend to reflect the priority given to election administration. The election systems of Australia and Canada are the most expensive but are also considered among the most effective and modern election systems in the world. Both local and state governments should track and report the cost of elections per registered voter. This data would be very important in offering comparisons on alternative and convenience voting.

Recommendations on Cost of Elections

- 6.5.1** As elections are a bedrock of our nation's democracy, they should receive high priority in the allocation of government resources at all levels. Local jurisdictions, states, and the Congress should treat elections as a high priority in their budgets.
- 6.5.2** Both local and state governments should track and report the cost of elections per registered voter.



(AP Photo/Hidajet Delic)

7. Responsible Media Coverage

The media's role in elections is of great consequence. Effective media coverage contributes substantially to the electoral process by informing citizens about the choices they face in the elections and about the election results. In contrast, irresponsible media coverage weakens the quality of election campaigns and the public's confidence in the electoral process.

7.1 MEDIA ACCESS FOR CANDIDATES

More than \$1.6 billion was spent on television ads in 2004 by candidates, parties, and independent groups.⁷¹ This was a record for any campaign year and double the amount spent in the 2000 presidential election.

The pressure to raise money to pay for TV ads has tilted the competitive playing field in favor of well-financed candidates and has created a barrier to entry in politics. Moreover, TV ads tend to reduce political discourse to its least attractive elements—campaign spots are often superficial and negative. This has a significant impact on the quality of campaigns, as television is the primary source of campaign information for about half of all Americans.⁷²

Broadcasters receive free licenses to operate on our publicly owned airwaves in exchange for a pledge to serve the public interest. At the heart of this public interest obligation is the need to inform the public about the critical issues that will be decided in elections.

In 1998, a White House advisory panel recommended that broadcasters voluntarily air at least five minutes of candidate discourse every night in the month preceding elections. The goal of this “5/30 standard” was to give television viewers a chance to see candidates in nightly forums that are more substantive than the political ads that flood the airwaves in the final weeks of election campaigns. National networks were encouraged to broadcast a nightly mix of interviews, mini-debates, and issue statements by presidential candidates, and local stations were asked to do the same for candidates in federal, state, and local races. Complete editorial control over the forums for candidate discourse was, of course, left to the national networks and local stations, which would decide what campaigns to cover, what formats to use, and when to broadcast the forums.

In 2000, about 103 television stations pledged to provide at least five minutes of campaign coverage every night in the final month of the election campaign, yet they often fell short of the 5/30 standard. Local news broadcasts of these 5/30 stations provided coverage, on average, of only two minutes and 17 seconds per night of candidate discourse.⁷³ On the thousand-plus stations that did not pledge to meet the 5/30 standard, coverage of candidate discourse was minimal.

During the 2004 campaign, substantive coverage of candidate discourse was still modest:⁷⁴

- Little attention was given to state and local campaigns. About 92 percent of the election coverage by the national television networks was devoted to the presidential race. Less than 2 percent was devoted to U.S. House or U.S. Senate races.
- The presidential campaign also dominated local news coverage, but the news focuses on the horse race between candidates rather than on important

issues facing Americans. While 55 percent of local news broadcasts contained a story about the presidential election, only 8 percent had one about a local race. About 44 percent of the campaign coverage focused on campaign strategy, while less than one-third addressed the issues.

- Local campaign coverage was dwarfed by other news. Eight times more local broadcast coverage went to stories about accidental injuries, and 12 times more coverage went to sports and weather than to all local races combined.
- Only 24 percent of the local TV industry pledged to meet the “5/30” standard.

Notwithstanding the dramatic expansion of news available on cable television, broadcasters can and should do more to improve their coverage of campaign issues. Some propose to require broadcasters to provide free air time to candidates, but others are concerned that it might lead toward public financing of campaigns or violate the First Amendment.

Recommendations on Media Access for Candidates

- 7.1.1** The Commission encourages national networks and local TV stations to provide at least five minutes of candidate discourse every night in the month leading up to elections.
- 7.1.2** The Commission encourages broadcasters to continue to offer candidates short segments of air time to make issue statements, answer questions, or engage in mini-debates.
- 7.1.3** Many members of the Commission support the idea that legislation should be passed to require broadcasters to give a reasonable amount of free air time to political candidates, along the lines of the provisions of the Our Democracy, Our Airwaves Act of 2003 (which was introduced as S.1497 in the 108th Congress).

7.2 MEDIA PROJECTIONS OF ELECTION RESULTS

For decades, early projections of presidential election results have diminished participation in the electoral process. Projections of Lyndon Johnson’s victory in 1964 came well before the polls closed in the West. The same occurred in 1972 and in 1980. In all of these cases, candidates further down the ballot felt the effect. In 1980, the estimated voter turnout was about 12 percent lower among those who had heard the projections and not yet voted as compared with those who had not heard the projections.⁷⁵

On Election Night in 2000, the major television news organizations — ABC, CBS, NBC, CNN, and Fox — made a series of dramatic journalistic mistakes. While polls were still open in Florida’s panhandle, they projected that Vice President Gore had won the state. They later reversed their projection and predicted that Governor Bush would win Florida and, with it, the presidency. Gore moved to concede the election, beginning with a call to Bush. Gore later withdrew his concession, and the news organizations had to retract their projection of Bush’s victory. The first set of mistakes may have influenced voters in Florida and in other states where the polls were still open. The second set of mistakes irretrievably influenced public perceptions of the apparent victor in the election, which then affected the subsequent controversy over the outcome in Florida.

Having made these mistakes in 2000, most television news organizations were cautious about projecting presidential election results in 2004. This caution is worth repeating in future elections and should become a standard media practice.

The Carter-Ford Commission was highly critical of the practice of declaring a projected winner in a presidential election before all polls close in the contiguous 48 states of the United States. In the Commission's view, this practice discourages voters by signaling that the election is over even before some people vote.

Voluntary restraint by major media organizations is a realistic option. National news networks in the last several presidential elections have voluntarily refrained from calling the projected presidential winner in the Eastern Standard Time zone until after 7:00 p.m. (EST). In addition, as a result of the mistakes they made in 2000, the networks have now agreed to refrain from calling the projected presidential winner in states with two time zones until all of the polls across the state have closed.

Media organizations should exercise similar restraint in their release of exit poll data. The Carter-Ford Commission noted the mounting body of evidence that documents the unreliability of exit polls. In 2000, exit polls conflicted with the actual election results in many states — and in five specific instances by as much as 7 percent to 16 percent. Network news organization officials acknowledged that exit polls have become more fallible over the years as more and more voters have refused to take part. In 2000, only about half of the voters asked to participate in exit polls agreed to do so, and only 20 percent of absentee and early voters agreed to participate in telephone “exit” poll interviews. That response rate is too low to assure reliability in exit polls.

Despite the effort made to improve exit polls for the 2004 presidential election, they were well off the mark and misled some Americans about the election's outcome. By now it should be abundantly clear that exit polls do not reliably predict election results. While exit polls can serve a useful purpose after Election Day in providing data on the composition and preferences of the electorate, they lack credibility in projecting election results, and they reflect poorly on the news organizations that release them prematurely. This ought to give news organizations sufficient reason to abandon the practice of releasing exit poll data before elections have been decided.

Government cannot prohibit news organizations from irresponsible political reporting, and efforts to legislate a delay in the announcement of projected election results are problematic. Voluntary restraint on the part of news organizations offers the best recourse. By exercising voluntary restraint, news organizations will enhance their credibility and better serve the American people by encouraging participation and public confidence in elections.

Recommendations on Media Projections of Election Results

- 7.2.1** News organizations should voluntarily refrain from projecting any presidential election results in any state until all of the polls have closed in the 48 contiguous states.
- 7.2.2** News organizations should voluntarily agree to delay the release of any exit poll data until the election has been decided.

(Carter Center Photo/Mario Tapia)



8. Election Observation

In too many states, election laws and practices do not allow independent observers to be present during crucial parts of the process, such as the testing of voting equipment or the transmission of results. In others, only certified representatives of candidates or political parties may observe. This limits transparency and public confidence in the election process. Above all, elections take place for the American people, rather than for candidates and political parties. Interested citizens, including those not affiliated with any candidate or party, should be able to observe the entire election process, although limits might be needed depending on the size of the group.

Although the United States insists on full access by its election observers to the elections of other countries, foreign observers are denied or granted only selective access to U.S. elections. Observers from the Organization for Security and Cooperation in Europe (OSCE), who were invited to the United States in 2004, were not granted access to polling stations in some states, and in other states, their access was limited to a few designated polling stations. Only one of our 50 states (Missouri) allows unfettered access to polling stations by international observers. The election laws of the other 49 states either lack any reference to international observers or fail to include international observers in the statutory categories of persons permitted to enter polling places.

To fulfill U.S. commitments to the OSCE “Copenhagen Declaration” on International Standards of Elections, accredited international observers should be given unrestricted access to U.S. elections. Such accreditation should be provided to reputable organizations which have experience in election observation and which operate in accordance with a recognized code of conduct. The National Association of Secretaries of State has encouraged state legislatures to make any necessary changes to state law to allow for international observers.⁷⁶

Recommendation on Election Observation

8.1.1 All legitimate domestic and international election observers should be granted unrestricted access to the election process, provided that they accept election rules, do not interfere with the electoral process, and respect the secrecy of the ballot. Such observers should apply for accreditation, which should allow them to visit any polling station in any state and to view all parts of the election process, including the testing of voting equipment, the processing of absentee ballots, and the vote count. States that limit election observation only to representatives of candidates and political parties should amend their election laws to explicitly permit accreditation of independent and international election observers.



A presidential elector casts a ballot (AP Photo/Seth Perlman)

9. Presidential Primary and Post-Election Schedules

9.1 PRESIDENTIAL PRIMARY SCHEDULE

The presidential primary system is organized in a way that encourages candidates to start their campaigns too early, spend too much money, and allow as few as eight percent of the voters to choose the nominees. The Commission believes that the scheduling of the presidential primary needs to be changed to allow a wider and more deliberate national debate.

In 2000, the presidential primaries were effectively over by March 9, when John McCain ended his bid for the Republican nomination and Bill Bradley left the race for the Democratic nomination. This was less than seven weeks after the Iowa caucus. In 2004, the presidential primary process was equally compressed. Less than 8 percent of the eligible electorate in 2004 cast ballots before the presidential nomination process was effectively over.

The presidential primary schedule has become increasingly front-loaded. While 8 states held presidential primaries by the end of March in 1984, 28 states held their primaries by March in 2004. The schedule continues to tighten, as six states have moved up the date of their presidential primary to February or early March while eight states have decided to cancel their presidential primary.⁷⁷

Because the races for the presidential nominations in recent elections have generally concluded by March, most Americans have no say in the selection of presidential nominees, and intense media and public scrutiny of candidates is limited to about 10 weeks. Moreover, candidates must launch their presidential bids many months before the official campaign begins, so that they can raise the \$25 to \$50 million needed to compete.

The presidential primary schedule therefore is in need of a comprehensive overhaul. A new system should aim to expand participation in the process of choosing the party nominees for president and to give voters the chance to closely evaluate the presidential candidates over a three- to four-month period. Improvements in the process of selecting presidential nominees might also aim to provide opportunities for late entrants to the presidential race and to shift some emphasis from Iowa and New Hampshire to states that more fully reflect the diversity of America.

Most members of the Commission accept that the first two states should remain Iowa and New Hampshire because they test the candidates by genuine “retail,” door-to-door campaigning. A few other members of the Commission would replace those states with others that are more representative of America’s diversity, and would especially recommend a change from Iowa because it chooses the candidate by a public caucus rather than a secret ballot, the prerequisite of a democratic election.

While the presidential primary schedule is best left to the political parties to decide, efforts in recent years by political parties have failed to overhaul the presidential primary schedule. If political parties do not make these changes by 2008, Congress should legislate the change.

Recommendation on Presidential Primary Schedule

- 9.1.1** We recommend that the Chairs and National Committees of the political parties and Congress make the presidential primary schedule more orderly and rational and allow more people to participate. We endorse the proposal of the National Association of Secretaries of State to create four regional primaries, after the Iowa caucus and the New Hampshire primary, held at one-month intervals from March to June. The regions would rotate their position on the calendar every four years.

9.2 POST-ELECTION TIMELINE

As the nation saw in 2000, a great deal of bitterness can arise when the outcome of a close presidential election turns on the interpretation of ambiguous laws. Had the U.S. Supreme Court not resolved the principal controversy in 2000, the dispute would have moved to Congress pursuant to Article II and the Twelfth Amendment. Unfortunately, the relevant provisions of the Constitution are vague or ambiguous in important respects, and the implementing legislation adopted by Congress over a century ago is not a model of clarity and consistency. If Congress is called upon to resolve a close election in the future, as could well happen, the uncertain meaning of these legal provisions is likely to lead to a venomous partisan spectacle that may make the 2000 election look tame by comparison.

After the debacle following the election of 1876, Congress spent more than a decade fashioning rules and procedures that it hoped would allow future disputes to be settled by preexisting rules. Those rules and procedures have remained on the books essentially unchanged since that time. The core provision (3 U.S.C. § 5) invites the states to establish appropriate dispute-resolution mechanisms by promising that Congress will give conclusive effect to the states' own resolution of controversies if the mechanism was established before the election and if the disputes are resolved at least six days before the electoral college meets. This "safe-harbor" provision appropriately seeks to prevent Congress itself from having to resolve election disputes involving the presidency, and every state should take steps to ensure that its election statutes qualify the state for favorable treatment under the safe-harbor provision.

Unfortunately, even if all the states take this step, disputes requiring Congress to ascertain the meaning of unclear federal rules could still arise. Although it may not be possible to eliminate all possible sources of dispute, significant steps could be taken to improve the clarity and consistency of the relevant body of federal rules, and Congress should undertake to do so before the next presidential election.

Recommendations on Post-Election Timeline

- 9.2.1** Congress should clarify and modernize the rules and procedures applicable to carrying out its constitutional responsibilities in counting presidential electoral votes, and should specifically examine the deadlines.
- 9.2.2** States should certify their presidential election results before the "safe harbor" date. Also, every state should take steps, including the enactment of new statutes if necessary, to ensure that its resolution of election disputes will be given conclusive effect by Congress under 3 U.S.C. § 5.

Conclusion

Building confidence in U.S. elections is central to our nation's democracy. The vigor of our democracy depends on an active and engaged citizenry who believe that their votes matter and are counted accurately. The reforms needed to keep our electoral system healthy are an inexpensive investment in the stability and progress of our country.

As a nation, we need to pursue the vision of a society where most Americans see their votes as both a right and a privilege, where they cast their votes in a way that leaves them proud of themselves as citizens and of democracy in the United States. Ours should be a society where registering to vote is convenient, voting is efficient and pleasant, voting machines work properly, fraud is minimized, and disputes are handled fairly and expeditiously.

This report represents a comprehensive proposal for accomplishing those goals and modernizing our electoral system. We have sought to transcend partisan divides with recommendations that will both assure the integrity of the system and widen access. No doubt, there will be some who prefer some recommendations and others who prefer other proposals, but we hope that all will recognize, as we do, that the best way to improve our electoral system is to accept the validity of both sets of concerns.

The five pillars of our proposal represent an innovative and comprehensive approach. They break new ground in the following ways:

First, we propose a universal, state-based, top-down, interactive, and interoperable registration list that will, if implemented successfully, eliminate the vast majority of complaints currently leveled against the election system. States will retain control over their registration lists, but a distributed database offers a way to remove interstate duplicates and maintain an up-to-date, fully accurate registration list for the nation.

Second, we propose that all states require a valid photo ID card, which would be a slightly modified REAL ID or a photo ID that is based on an EAC-template (which is equivalent to the REAL ID without the drivers license). However, instead of allowing the ID to be a new barrier to voting, we propose using it to enfranchise new and more voters than ever before. The states would play a much more affirmative role of reaching out to the underserved communities by providing them more offices, including mobile ones, to register them and provide photo IDs free of charge. In addition, we offer procedural and institutional safeguards to make sure that the card is not abused and that voters will not be disenfranchised because of the need for an ID.

Third, we propose measures that will increase voting participation by connecting registration and the ID process, making voting more convenient, diminishing irregularities, and offering more information on voting.



Commission Co-Chair Jimmy Carter
and Executive Director Robert Pastor
(American University Photo/Wilford Harewood)

Fourth, we propose ways to give confidence to voters that use the new electronic voting machines to ensure that their vote will be recorded accurately and there will be an auditable backup on paper (with the understanding that alternative technologies may be available in the future). Our proposals also aim to make sure that people with disabilities have full access to voting and the opportunity to do so privately and independently like other voters.

Finally, we recommend a restructuring of the system by which elections have been administered in our country. We propose that the Election Assistance Commission and state election management bodies be reconstituted on a nonpartisan basis to become more professional, independent, and effective.

Election reform is neither easy nor inexpensive. Nor can we succeed if we think of providing funds on a one-time basis. We need to view the administration of elections as a continuing challenge for the entire government, and one that requires the highest priority of our citizens and our government.

For more than two centuries, our country has taught the world about the significance of democracy, but more recently, we have evinced a reluctance to learn from others. Typical of this gap is that we insist other countries open their elections to international observers, but our states close their doors or set unfair restrictions on election observing. We recommend changing that provision and also building on the innovations of the new democracies by establishing new election management bodies that are independent, nonpartisan, and effective with a set of procedures that would make American democracy, once again, the model for the world.

The new electoral edifice that we recommend is built on the five pillars of reforms. Democrats, Republicans, and Independents may differ on which of these pillars are the most important, but we have come to understand that all are needed to improve our electoral system. Indeed, we believe that the structure is greater than the sum of its pillars. Substantively, the system's integrity is strengthened by the increased access of its citizens, and voter confidence is raised by accuracy and security of new technology and enforcement of election laws. And the political support necessary to implement these reforms is more likely to materialize if all the pillars are viewed as part of an entire approach. If adequately funded and implemented, this new approach will move America down the path of transforming the vision of a model democracy into reality.

APPENDIX

Estimated Costs of Recommended Improvements

The Commission's recommendations are estimated to cost \$1.35 billion to implement. This estimate is the sum of the cost of making state voter databases interoperable and upgrading voting machines to make them both accessible and transparent.

The total cost for making voter databases interoperable is estimated at \$287 million. This cost breaks down as follows:

- The 11 states without top-down voter registration systems will need to spend a total of \$74 million to build such systems.⁷⁸
- The system to share voter data among states is estimated to cost \$77 million.⁷⁹
- The cost for all states to adopt the recommended template for shared voter data is estimated at \$21 million. Since every state except Vermont requires a Social Security number to issue a driver's license, states will need to collect Social Security numbers from only a small portion of the adult population.⁸⁰
- Since all states currently collect digital images of signatures when they issue driver's licenses, there will be no significant cost for collecting signature images for voter registration.
- For voter identification, states that use REAL ID for voting purposes will need additional funds only to provide a template form of ID to non-drivers. The template form of ID will be issued to an estimated 23 million U.S. citizen non-drivers at a cost of \$115 million.⁸¹

The total cost for upgrading voting machines, to make them both accessible and transparent, is estimated at \$1.06 billion. This is the amount needed, in addition to the HAVA funds already obligated, to replace remaining punch card and lever machines with direct recording electronic (DRE) systems or with optical scan systems with a computer-assisted marking device for blind and visually impaired voters, to retrofit DREs with a voter-verifiable paper audit trail, and to add a ballot marking device for blind voters to existing optical scan systems. The estimates are based on current distributions of various voting machines and on current costs for DREs, voter-verifiable paper audit trails, and ballot-marking devices for optical scan systems.

The Commission recommends that Congress provide \$1.35 billion in funding over a two-year period, so that voter databases will be made interoperable and voting machine upgrades will be completed before the 2008 elections.

ENDNOTES

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- ⁶ Jason P. Schacter, "Geographical Mobility: 2002 to 2003." *Current Population Reports*. US Census Bureau (March 2004). Available at: <http://www.census.gov/prod/2004pubs/p20-549.pdf>.
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- ¹² "Overview of States Driver's License Requirements", National Immigration Law Center, July 12, 2005, available at <www.nilc.org/immspbs/DLs/state_dl_rqrmnts_ovrvw_071205.pdf>. Alabama also collects Social Security numbers for driver's licenses, according to Commission staff conversation with Alabama's Motor Vehicle Division in August 2005.
- ¹³ Except for Vermont, all states require a Social Security Number for a driver's license, at least from people who were assigned a Social Security Number or are eligible for one.

- ¹⁴ Voters should also have the opportunity to check their registration over the phone, via a toll-free number, or in person at the elections office.
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- ¹⁶ Ibid, p.5.
- ¹⁷ In states with unified databases, provisional ballots constituted .85 percent of the total ballots cast whereas in the states without unified databases, provisional ballots constituted 1.76 percent of the total. See Electionline.org, *Solution or Problem? Provisional Ballots in 2004*, Washington, D.C., April 2005.
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- ¹⁹ Details were provided in Section 1.1.
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- ⁷⁸ Estimate is based on the average amounts other states are currently spending to build top-down voter registration systems and excludes HAVA funds that have already been disbursed for this purpose see Electiononline.org, *Assorted Rolls: Statewide Voter Registration Databases Under HAVA*, <[http://electionline.org/Portals/1/Assorted Rolls.pdf](http://electionline.org/Portals/1/Assorted%20Rolls.pdf)>.
- ⁷⁹ Figure includes both the cost to upgrade existing state databases to make them interoperable in real time and the cost to build a voter registration distributed database linked to the individual state servers. The former (\$48 million) is based on the average cost to make existing state driver's license databases interoperable with each other as determined by the Congressional Budget Office, see "H.R. 418: REAL ID Act of 2005," Congressional Budget Office, <<http://www.cbo.gov/showdoc.cfm?index=6072&sequence=0>>. The latter (\$29 million) is based on the market cost to purchase, secure, maintain, and link to the states through leased lines a central database that benchmarks 57,346 transactions per minute.

- ⁸⁰ The cost to collect Social Security numbers is tantamount to registering voters. The Office of the Chief Electoral Officer of Canada calculates the cost to registering 19.6 million voters in the 1997 national elections at approximately \$18 million. This produces a statistic of \$0.92 to register each person, see *Voter Turnout*, electionguide.org, <<http://www.electionguide.org/turnout.htm>> and *Voting for Democracy: Notes on the Canadian Experience*, Office of the Chief Electoral Officer of Canada, March 1998, <http://www.aceproject.org/main/samples/vr/vrx_w005.pdf>. For data on the distribution of driver's licenses, see "Highway Statistics 2003," U.S. Department of Transportation, <<http://www.fhwa.dot.gov/policy/ohim/hs03/htm/dl22.htm>>.
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- ⁸² The estimated costs for the various voting machines are as follows: Direct Recording Electronic with a Voter-Verified Paper Audit Trail (DRE/VVPAT)—\$4,000; retrofitting a DRE machine with a VVPAT—\$1,000; optical scanner (OS)—\$5,000; and ballot marking device for an optical scan system—\$4,500. Machine cost data is collected from many sources, including: Verifiedvoting.org, "Appendix 4: Cost Comparison of Alternative Solutions," <http://www.verifiedvoting.org/downloads/CT_SOTS1appendix_43.pdf>; Caleb Kleppner, *State of the Industry: Compatibility of Voting Equipment with Ranked Ballots*, Center for Voting and Democracy, 2001, <<http://www.fairvote.org/administration/industry.rtf>>; Bo Lipari, "Analysis of Acquisition Costs of DRE and Precinct Based Optical Scan Voting Equipment for New York State," New Yorkers for Verified Voting, 2005, <<http://www.nyvv.org/doc/AcquisitionCostDREvOptScanNYS.pdf>>. For details on the distribution of machine technology, see Election Data Services, *Voting Equipment Summary by Type*, 2004, <http://www.electiondataservices.com/VotingSummary2004_20040805.pdf>.

Summary of Recommendations

1: GOALS AND CHALLENGES OF ELECTION REFORM

1.1 HELP AMERICA VOTE ACT: STRENGTHS AND LIMITATIONS

- 1.1.1 The Help America Vote Act should be fully implemented by 2006, as mandated by the law, and fully funded.
- 1.1.2 The Commission urges that the Voting Rights Act be vigorously enforced and that Congress and the President seriously consider reauthorizing those provisions of the Act that are due to expire in 2007.

2: VOTER REGISTRATION AND IDENTIFICATION

2.1 UNIFORMITY WITHIN STATES — TOP-DOWN REGISTRATION SYSTEMS

- 2.1.1 The Commission recommends that states be required to establish unified, top-down voter registration systems, whereby the state election office has clear authority to register voters and maintain the registration list. Counties and municipalities should assist the state with voter registration, rather than have the state assist the localities. Moreover, Congress should appropriate funds for disbursement by the U.S. Election Assistance Commission (EAC) to states to complete top-down voter registration systems.

2.2 INTEROPERABILITY AMONG STATES

- 2.2.1 In order to assure that lists take account of citizens moving from one state to another, voter databases should be made interoperable between states. This would serve to eliminate duplicate registrations, which are a source of potential fraud.
- 2.2.2 In order to assist the states in creating voter databases that are interoperable across states, the EAC should introduce a template for shared data and a format for cross-state data transfers. This template should include a person's full legal name, date and place of birth, signature (captured as a digital image), and Social Security number.
- 2.2.3 With assistance and supervision by the EAC, a distributed database system should be established to make sure that the state lists remain current and accurate to take into account citizens moving between states. Congress should also pass a law mandating that states cooperate with this system to ensure that citizens do not vote in two states.
- 2.2.4 Congress should amend HAVA to mandate the interoperability of statewide registration lists. Federal funds should be appropriated for distribution by the EAC to states that make their voter databases interoperable, and the EAC should withhold federal funds from states that fail to do so. The law should also provide for enforcement of this requirement.
- 2.2.5 With proper safeguards for personal security, states should allow citizens to verify and correct the registration lists information on themselves up to 30 days before the election. States should also provide "electronic poll-books" to allow precinct officials to identify the correct polling site for voters.
- 2.2.6 With interoperability, citizens should need to register only once in their lifetime, and updating their registration will be facilitated when they move.

2.3 PROVISIONAL BALLOTS

- 2.3.1 Voters should be informed of their right to cast a provisional ballot if their name does not appear on the voter roll, or if an election official asserts that the individual is not eligible to vote, but States should take additional and effective steps to inform voters as to the location of their precinct.
- 2.3.2 States, not counties or municipalities, should establish uniform procedures for the verification and counting of provisional ballots, and that procedure should be applied uniformly throughout the State. Many members of the Commission recommend that a provisional ballot cast in the incorrect precinct but in the correct jurisdiction should be counted.
- 2.3.3 Poll workers should be fully trained on the use of provisional ballots, and provisional ballots should be distinctly marked and segregated so they are not counted until the eligibility of the voter is determined.

2.4 COMMUNICATING REGISTRATION INFORMATION

- 2.4.1 States and local jurisdictions should use Web sites, toll-free numbers, and other means to answer questions from citizens as to whether they are registered and, if so, what is the location of their precinct, and if they are not registered, how they can do so before the deadline.

2.5 VOTER IDENTIFICATION

- 2.5.1 To ensure that persons presenting themselves at the polling place are the ones on the registration list, the Commission recommends that states require voters to use the REAL ID card, which was mandated in a law signed by the President in May 2005. The card includes a person's full legal name, date of birth, a signature (captured as a digital image), a photograph, and the person's Social Security number. This card should be modestly adapted for voting purposes to indicate on the front or back whether the individual is a U.S. citizen. States should provide an EAC-template ID with a photo to non-drivers free of charge.
- 2.5.2 The right to vote is a vital component of U.S. citizenship, and all states should use their best efforts to obtain proof of citizenship before registering voters.
- 2.5.3 We recommend that until January 1, 2010, states allow voters without a valid photo ID card (Real or EAC-template ID) to vote, using a provisional ballot by signing an affidavit under penalty of perjury. The signature would then be matched with the digital image of the voter's signature on file in the voter registration database, and if the match is positive, the provisional ballot should be counted. Such a signature match would in effect be the same procedure used to verify the identity of voters who cast absentee ballots. After January 1, 2010, voters who do not have their valid photo ID could vote, but their ballot would count only if they returned to the appropriate election office within 48 hours with a valid photo ID.
- 2.5.4 To address concerns about the abuse of ID cards, or the fear that it could be an obstacle to voting, states should establish legal protections to prohibit any commercial use of voter data and ombudsman institutions to respond expeditiously to any citizen complaints about the misuse of data or about mistaken purges of registration lists based on interstate matching or statewide updating.
- 2.5.5 In the event that Congress mandates a national identification card, it should include information related to voting and be connected to voter registration.

2.6 QUALITY IN VOTER REGISTRATION LISTS

- 2.6.1 States need to effectively maintain and update their voter registration lists. The EAC should provide voluntary guidelines to the states for quality audits to test voter registration databases for accuracy (correct and up-to-date information on individuals), completeness (inclusion of all eligible voters), and security (protection of unauthorized access). When an eligible voter moves from one state to another, the state to which the voter is moving should be required to notify the state which the voter is leaving to eliminate that voter from its registration list.
- 2.6.2 All states should have procedures for maintaining accurate lists such as electronic matching of death records, drivers licenses, local tax rolls, and felon records.
- 2.6.3 Federal and state courts should provide state election offices with the lists of individuals who declare they are non-citizens when they are summoned for jury duty.
- 2.6.4 In a manner that is consistent with the National Voter Registration Act, states should make their best efforts to remove inactive voters from the voter registration lists. States should follow uniform and strict procedures for removal of names from voter registration lists and should adopt strong safeguards against incorrect removal of eligible voters. All removals of names from voter registration lists should be double-checked.
- 2.6.5 Local jurisdictions should track and document all changes to their computer databases, including the names of those who make the changes.

3: VOTING TECHNOLOGY

3.1 VOTING MACHINES

- 3.1.1 Congress should pass a law requiring that all voting machines be equipped with a voter-verifiable paper audit trail and, consistent with HAVA, be fully accessible to voters with disabilities. This is especially important for direct recording electronic (DRE) machines for four reasons: (a) to increase citizens' confidence that their vote will be counted accurately, (b) to allow for a recount, (c) to provide a backup in cases of loss of votes due to computer malfunction, and (d) to test — through a random selection of machines — whether the paper result is the same as the electronic result. Federal funds should be appropriated to the EAC to transfer to the states to implement this law. While paper trails and ballots currently provide the only means to meet the Commission's recommended standards for transparency, new technologies may do so more effectively in the future. The Commission therefore urges research and development of new technologies to enhance transparency, security, and auditability of voting systems.
- 3.1.2 States should adopt unambiguous procedures to reconcile any disparity between the electronic ballot tally and the paper ballot tally. The Commission strongly recommends that states determine well in advance of elections which will be the ballot of record.

3.2 AUDITS

- 3.2.1 State and local election authorities should publicly test all types of voting machines before, during, and after Election Day and allow public observation of zero machine counts at the start of Election Day and the machine-certification process.

3.3 SECURITY FOR VOTING SYSTEMS

- 3.3.1 The Independent Testing Authorities, under EAC supervision, should have responsibility for certifying the security of the source codes to protect against accidental or deliberate manipulation of vote results. In addition, a copy of the source codes should be put in escrow for future review by qualified experts. Manufacturers who are unwilling to submit their source codes for EAC-supervised testing and for review by independent experts should be prohibited from selling their voting machines.
- 3.3.2 States and local jurisdictions should verify upon delivery of a voting machine that the system matches the system that was certified.
- 3.3.3 Local jurisdictions should restrict access to voting equipment and document all access, as well as all changes to computer hardware or software.
- 3.3.4 Local jurisdictions should have backup plans in case of equipment failure on Election Day.

4: EXPANDING ACCESS TO ELECTIONS

4.1 ASSURED ACCESS TO ELECTIONS

- 4.1.1 States should undertake their best efforts to make voter registration and ID accessible and available to all eligible citizens, including Americans with disabilities. States should also remove all unfair impediments to voter registration by citizens who are eligible to vote.
- 4.1.2 States should improve procedures for voter registration efforts that are not conducted by election officials, such as requiring state or local registration and training of any "voter registration drives."
- 4.1.3 Because there have been reports that some people allegedly did not deliver registration forms of those who expressed a preference for another party, states need to take special precautions to assure that all voter registration forms are fully accounted for. A unique number should be printed on the registration form and also on a detachable receipt so that the voter and the state election office can track the status of the form. In addition, voter registration forms should be returned within 14 days after they are signed.

4.2 VOTE BY MAIL

- 4.2.1 The Commission encourages further research on the pros and cons of vote by mail and of early voting.

4.3 VOTE CENTERS

- 4.3.1 States should modify current election law to allow experimentation with voting centers. More research, however, is needed to assess whether voting centers expand voter participation and are cost effective.
- 4.3.2 Voting centers need a higher-quality, computer-based registration list to assure that citizens can vote at any center without being able to vote more than once.

4.4 MILITARY AND OVERSEAS VOTING

- 4.4.1 The law calling for state offices to process absentee ballots for military and overseas government and civilian voters should be implemented fully, and these offices should be under the supervision of the state election offices.
- 4.4.2 New approaches should be adopted at the federal and state levels to facilitate voting by civilian voters overseas.
- 4.4.3 The U.S. Department of Defense (DOD) should supply to all military posted outside the United States a Federal Postcard Application for voter registration and a Federal Write-in Absentee Ballot for calendar years in which there are federal elections. With adequate security protections, it would be preferable for the application forms for absentee ballots to be filed by Internet.
- 4.4.4 The states, in coordination with the U.S. Department of Defense's Federal Voting Assistance Program, should develop a system to expedite the delivery of ballots to military and overseas civilian voters by fax, email, or overnight delivery service, but voted ballots should be returned by regular mail, and by overnight mail whenever possible. The Defense Department should give higher priority to using military aircraft returning from bases overseas to carry ballots. Voted ballots should not be returned by email or by fax as this violates the secrecy of the ballot and is vulnerable to fraud.
- 4.4.5 All ballots subject to the Uniform and Overseas Citizens Absentee Voting Act must be mailed out at least 45 days before the election (if request is received by then) or within two days of receipt after that. If the ballot is not yet set, due to litigation, a late vacancy, etc., a temporary ballot listing all settled offices and ballot issues must be mailed.
- 4.4.6 States should count the ballots of military and overseas voters up to 10 days after an election if the ballots are postmarked by Election Day.
- 4.4.7 As the technology advances and the costs decline, tracking systems should be added to absentee ballots so that military and overseas voters may verify the delivery of their voted absentee ballots.
- 4.4.8 The Federal Voting Assistance Program should receive a copy of the report that states are required under HAVA to provide the EAC on the number of absentee ballots sent to and received from military and overseas voters.

4.5 ACCESS FOR VOTERS WITH DISABILITIES

- 4.5.1 To improve accessibility of polling places for voters with disabilities, the U.S. Department of Justice should improve its enforcement of the Americans with Disabilities Act and the accessibility requirements set by the Help America Vote Act.
- 4.5.2 States should make their voter registration databases interoperable with social-service agency databases and facilitate voter registration at social-service offices by citizens with disabilities.
- 4.5.3 States and local jurisdictions should allow voters with disabilities to request an absentee ballot when they register and to receive an absentee ballot automatically for every subsequent election. Local election officials should determine which voters with disabilities would qualify.

4.6 RE-ENFRANCHISEMENT OF EX-FELONS

- 4.6.1 States should allow for restoration of voting rights to otherwise eligible citizens who have been convicted of a felony (other than for a capital crime or one

which requires enrollment with an offender registry for sex crimes) once they have fully served their sentence, including any term of probation or parole.

- 4.6.2 States should provide information on voter registration to ex-felons who have become eligible to vote. In addition, each state's department of corrections should automatically notify the state election office when a felon has regained eligibility to vote.

4.7 VOTER AND CIVIC EDUCATION

- 4.7.1 Each state should publish a report on its voter education spending and activities.
- 4.7.2 States should engage in appropriate voter education efforts in coordination with local election authorities to assure that all citizens in their state have the information necessary to participate in the election process.
- 4.7.3 Each state should use its best efforts to instruct all high school students on voting rights and how to register to vote. In addition, civic education programs should be encouraged in the senior year of high school, as these have been demonstrated to increase voter participation by youth.
- 4.7.4 Local election authorities should mail written notices to voters in advance of an election advising the voter of the date and time of the election and the polling place where the voter can cast a ballot and encouraging the citizens to vote. The notice should also provide a phone number for the voter to contact the election authorities with any questions.
- 4.7.5 States should mail pamphlets to voters, and post the pamphlet material on their Web sites, to provide information about the candidates for statewide office and about ballot initiatives and referenda.
- 4.7.6 The federal government should provide matching funds for the states to encourage civic and voter education and advertisements aimed to encourage people to vote.

5: IMPROVING BALLOT INTEGRITY

5.1 INVESTIGATION AND PROSECUTION OF ELECTION FRAUD

- 5.1.1 In July of even-numbered years, the U.S. Department of Justice should issue a public report on its investigations of election fraud. This report should specify the numbers of allegations made, matters investigated, cases prosecuted, and individuals convicted for various crimes. Each state's attorney general and each local prosecutor should issue a similar report.
- 5.1.2 The U.S. Department of Justice's Office of Public Integrity should increase its staff to investigate and prosecute election-related fraud.
- 5.1.3 In addition to the penalties set by the Voting Rights Act, it should be a federal felony for any individual, group of individuals, or organization to engage in any act of violence, property destruction (of more than \$500 value), or threatened act of violence that is intended to deny any individual his or her lawful right to vote or to participate in a federal election.
- 5.1.4 To deter systemic efforts to deceive or intimidate voters, the Commission recommends federal legislation to prohibit any individual or group from deliberately providing the public with incorrect information about election procedures for the purpose of preventing voters from going to the polls.

5.2 ABSENTEE BALLOT AND VOTER REGISTRATION FRAUD

- 5.2.1 State and local jurisdictions should prohibit a person from handling absentee ballots other than the voter, an acknowledged family member, the U.S. Postal Service or other legitimate shipper, or election officials. The practice in some states of allowing candidates or party workers to pick up and deliver absentee ballots should be eliminated.
- 5.2.2 All states should consider passing legislation that attempts to minimize the fraud that has resulted from "payment by the piece" to anyone in exchange for their efforts in voter registration, absentee ballot, or signature collection.
- 5.2.3 States should not take actions that discourage legal voter registration or get-out-the-vote activities or assistance, including assistance to voters who are not required to vote in person under federal law.

6: ELECTION ADMINISTRATION

6.1 INSTITUTIONS

- 6.1.1 To undertake the new responsibilities recommended by this report and to build confidence in the administration of elections, Congress and the states should reconstitute election management institutions on a nonpartisan basis to make them more independent and effective. U.S. Election Assistance Commission members and each state's chief elections officer should be selected and be expected to act in a nonpartisan manner, and the institutions should have sufficient funding for research and training and to conduct the best elections possible. We believe the time has come to take politics as much as possible out of the institutions of election administration and to make these institutions nonpartisan.
- 6.1.2 Congress should approve legislation that would add a fifth member to the U.S. Election Assistance Commission, who would serve as the EAC's chairperson and who would be nominated by the President based on capability, integrity, and nonpartisanship. This would permit the EAC to be viewed more as nonpartisan than bipartisan and would improve its ability to make decisions. That person would be subject to Senate confirmation and would serve a single term of ten years. Each subsequent vacancy to the EAC should be filled with a person judged to be nonpartisan so that after a suitable period, all the members, and thus the institution, might be viewed as above politics.
- 6.1.3 States should prohibit senior election officials from serving or assisting political campaigns in a partisan way, other than their own campaigns in states where they are elected.
- 6.1.4 States should take additional actions to build confidence in the administration of elections by making existing election bodies as nonpartisan as possible within the constraints of each state's constitution. Among the ways this might be accomplished would be if the individuals who serve as the state's chief elections officer were chosen based on their capability, integrity, and nonpartisanship. The state legislatures would need to confirm these individuals by a two-thirds majority of one or both houses. The nominee should receive clear bipartisan support.
- 6.1.5 Each state's chief elections officer should, to the extent reasonably possible, ensure uniformity of voting procedures throughout the state, as with provisional ballots. Doing so will reduce the likelihood that elections are challenged in court.

6.2 POLL WORKER RECRUITMENT

- 6.2.1 States and local jurisdictions should allocate sufficient funds to pay poll workers at a level that would attract more technologically sophisticated and competent workers. Part-time workers should also be recruited for the beginning and the end of Election Day. States should amend their laws to allow shifts for part of the day for poll workers on Election Day.
- 6.2.2 States and local jurisdictions should implement supplemental training and recognition programs for poll workers.
- 6.2.3 To increase the number and quality of poll workers, the government and nonprofit and private employers should encourage their workers to serve as poll workers on Election Day without any loss of compensation, vacation time or personal time off. Special efforts should be made to enlist teachers and students as poll workers.
- 6.2.4 Because some jurisdictions have large majorities of one party, which makes it hard to attract poll workers from other parties, local jurisdictions should allow poll workers from outside the jurisdiction.
- 6.2.5 States should consider legislation to allow the recruitment of citizens as poll workers as is done for jury duty.

6.3 POLLING STATION OPERATIONS

- 6.3.1 Polling stations should be made user-friendly. One way to do so would be to forbid any campaigning within a certain distance of a polling station.
- 6.3.2 Polling stations should be required to maintain a "log-book" on Election Day to record all complaints. The books should be signed by election officials and observers and analyzed for ways to improve the voting process.
- 6.3.3 Polling stations should be organized in a way that citizens would not have to wait long before voting, and officials should be informed and helpful.

6.4 RESEARCH ON ELECTION MANAGEMENT

- 6.4.1 The Commission calls for continuing research on voting technology and election management so as to encourage continuous improvements in the electoral process.

6.5 COST OF ELECTIONS

- 6.5.1 As elections are a bedrock of our nation's democracy, they should receive high priority in the allocation of government resources at all levels. Local jurisdictions, states, and the Congress should treat elections as a high priority in their budgets.
- 6.5.2 Both local and state governments should track and report the cost of elections per registered voter.

7: RESPONSIBLE MEDIA COVERAGE

7.1 MEDIA ACCESS FOR CANDIDATES

- 7.1.1 The Commission encourages national networks and local TV stations to provide at least five minutes of candidate discourse every night in the month leading up to elections.
- 7.1.2 The Commission encourages broadcasters to continue to offer candidates short segments of air time to make issue statements, answer questions, or engage in mini-debates.

- 7.1.3 Many members of the Commission support the idea that legislation should be passed to require broadcasters to give a reasonable amount of free air time to political candidates, along the lines of the provisions of the Our Democracy, Our Airwaves Act of 2003 (which was introduced as S.1497 in the 108th Congress).

7.2 MEDIA PROJECTIONS OF ELECTION RESULTS

- 7.2.1 News organizations should voluntarily refrain from projecting any presidential election results in any state until all of the polls have closed in the 48 contiguous states.
- 7.2.2 News organizations should voluntarily agree to delay the release of any exit poll data until the election has been decided.

8: ELECTION OBSERVATION

- 8.1.1 All legitimate domestic and international election observers should be granted unrestricted access to the election process, provided that they accept election rules, do not interfere with the electoral process, and respect the secrecy of the ballot. Such observers should apply for accreditation, which should allow them to visit any polling station in any state and to view all parts of the election process, including the testing of voting equipment, the processing of absentee ballots, and the vote count. States that limit election observation only to representatives of candidates and political parties should amend their election laws to explicitly permit accreditation of independent and international election observers.

9: PRESIDENTIAL PRIMARY AND POST-ELECTION SCHEDULES

9.1 PRESIDENTIAL PRIMARY SCHEDULE

- 9.1.1 We recommend that the Chairs and National Committees of the political parties and Congress make the presidential primary schedule more orderly and rational and allow more people to participate. We endorse the proposal of the National Association of Secretaries of State to create four regional primaries, after the Iowa caucus and the New Hampshire primary, held at one-month intervals from March to June. The regions would rotate their position on the calendar every four years.

9.2 POST-ELECTION TIMELINE

- 9.2.1 Congress should clarify and modernize the rules and procedures applicable to carrying out its constitutional responsibilities in counting presidential electoral votes, and should specifically examine the deadlines.
- 9.2.2 States should certify their presidential election results before the "safe harbor" date. Also, every state should take steps, including the enactment of new statutes if necessary, to ensure that its resolution of election disputes will be given conclusive effect by Congress under 3 U.S.C. § 5.

Additional Statements

All of the Commission Members are signatories of the report. Some have submitted additional or dissenting statements, which they were asked to limit to 250 words.

For alternative views and additional comments on the Commission's report, see our Web page at www.american.edu/ia/cfer/comments.

2.3 PROVISIONAL BALLOTS

Kay Coles James

I strongly support the recommendation that states adopt uniform procedures for determining the validity of provisional ballots, and I join a majority of members who support counting provisional ballots when they are cast in the wrong precinct where multiple precincts vote at a single polling place.

However, out-of-precinct voting, in which a voter uses a provisional ballot to cast a ballot in the incorrect precinct, raises four substantial problems: (1) The voter is denied opportunity to vote for all candidates and issues or else casts a vote in a race in which the voter is not qualified to vote. (2) Election officials will not be able to anticipate the proper number of voters appearing at any given polling place and will not be able to allocate resources properly among the various polling places with the result that voters will face long lines and shortage of voting supplies. (3) The post-election evaluation of provisional ballots cast in the wrong polling place is time-consuming, error prone, subject to manipulation, undermines the secrecy of the ballot and will delay the outcome of the election. (4) It is settled law that HAVA does not mandate out-of-precinct voting.

The fact that many members of the Commission support limited out-of-precinct voting should not be understood as this Commission is recommending out-of-precinct voting because a substantial number of Commission members oppose it.

See Daschle, et. al. below for an alternative view of this recommendation.

2.5 VOTER IDENTIFICATION

Tom Daschle joined by Spencer Overton and Raul Yzaguirre

The goals of ballot access and integrity are not mutually exclusive, and the ultimate test of the Commission's success will be whether voters from diverse backgrounds view its recommendations in their totality as providing them with a fair opportunity to participate in their democracy. Most of the recommendations in this report, such as the recommendation for a voter verified paper audit trail, meet that standard, but others do not. For voters who have traditionally faced barriers to voting – racial and ethnic minorities, Native Americans, the disabled and language minorities, the indigent and the elderly – these recommendations appear to be more about ballot security than access to the ballot.

The call for States to use the new REAL ID driver's license for voter identification at the polls is the most troublesome recommendation in the Report. While this statement identifies some of its problems, unfortunately the space allotted for dissent is inadequate to fully discuss all of the shortcomings of the Commission's ID proposal.

HAVA addresses the potential for fraudulent registration by individuals claiming to be someone they are not, and the Report contains no evidence that this reform is not working or that the potential for fraud in voter registration or multiple voting will not be addressed once the States fully implement the HAVA requirement for computerized, statewide registration lists. In fact, it offers scant evidence that this problem is widespread or that such a burdensome reform is required to solve it.

REAL ID is a driver's license, not a citizenship or a voting card. The Report notes that 12% of the voting age population lack a driver's license. While it recommends that States provide an alternative photo voting card to non-drivers free of charge, States are likely to require the same documentation that is required of drivers.

The documents required by REAL ID to secure a driver's license, and consequently a photo ID to vote under this recommendation, include a birth certificate, passport or naturalization papers, a photo identity document, and proof of Social Security number. Obtaining such documents can be difficult, even for those not displaced by the devastation of Hurricane Katrina. For some, the Commission's ID proposal constitutes nothing short of a modern day poll tax.

Important omissions raise doubts about the completeness of this Report. The lack of a recommendation on counting provisional ballots in Federal and statewide races is unfortunate. Our goal should be to ensure that the maximum number of eligible ballots are counted. Eligibility to vote for President is not dependent upon the precinct in which the voter resides. Similarly, reforms that expand access to the ballot box for working people, the disabled, elderly and minorities, such as early voting and vote-by-mail, are inadequately addressed by this Report.

Election reform must be about empowerment, not disenfranchisement. Raising needless impediments to voting or creating artificial requirements to have one's vote counted are steps backward. The mere fear of voter fraud should never be used to justify denying eligible citizens their fundamental right to vote.

Spencer Overton

I am a professor who specializes in election law, and I am writing separately to express my dissenting views to the Carter-Baker Commission's photo ID proposal. Unfortunately, the Commission rejected my 597-word dissent and allowed me only 250 words (this limitation on dissent was first announced at our final meeting). I believe that the issues before the Commission are of great consequence to our democracy and deserve more discussion. Thus, my concerns with the Commission's ID proposal and the shortcomings of the Commission's deliberative process are examined in greater detail at www.carterbakerdissent.com.

Susan Molinari

Opponents of a voter photo ID argue that requiring one is unnecessary and discriminatory.

Numerous examples of fraud counter the first argument. In 2004, elections in Washington state and Wisconsin were decided by illegal votes. In Washington, this fact was established by a lengthy trial and decision of the court. In Wisconsin, this fact was established by a joint report written by the U.S. Attorney, FBI, Chief of Police and senior local election official – both Republicans and Democrats. In other states, most notably the states of Ohio and New York, voter rolls are filled with fictional voters like Elmer Fudd and Mary Poppins.

Addressing the second concern, the Commission recommendation is for states to adopt safeguards that guarantee all Americans equal opportunity to obtain an ID required for voting. The safeguards include initiatives to locate those voters without IDs and to provide them one without cost. Under the recommendation, eligible voters can cast a provisional ballot that will be counted if they present their photo ID within 48 hours. Far from discriminatory, a mandatory voter ID provides means by which more Americans may obtain the identification already required for daily functions – such as cashing a check, entering a federal building, or boarding an airplane.

We present this recommendation on a nationwide basis so that states can avoid some of the problems previously highlighted.

3.1 VOTING MACHINES

Ralph Munro

I have given the majority of my career to the fair and impartial oversight and conduct of elections, serving 20 years as an elected Secretary of State. It has been an honor to serve on the Carter-Baker Commission and I believe this report is timely, accurate and will provide our country with new ideas to continually reform and improve our elections.

My only exceptions to this report are found in Section 3.1 and Section 4.2. Numerous countries are moving ahead of America in the field of election technology. On voting machines and electronic voting devices, limiting voter verified audit trails only to paper is a mistake. New technology has far greater potential than paper in this arena.

4.2 VOTE BY MAIL

Ralph Munro

It is my strong belief that the expansion of voting by mail, under strict guidelines to prevent fraud, will ensure that our voting participation will increase dramatically, especially in local and off-year elections.

4.6 RE-ENFRANCHISEMENT OF EX-FELONS

Nelson Lund

I support the Commission's major recommendations, especially those dealing with improved registration systems and the prevention of election fraud. I have reservations about several other proposals, among which the following require specific comment: Recommendations 4.6.1 and 4.6.2. Substantive decisions about criminal penalties are outside the scope of this Commission's mission, which deals with election administration. Uniformity should not be imposed on the states, some of which may have very sound policy reasons for denying the franchise to all felons or to a larger class of felons than this Commission prefers.

6.1 INSTITUTIONS

Nelson Lund

Recommendations 6.1.1, 6.1.2, and 6.1.4. The Commission mistakenly assumes that putatively nonpartisan election administration is necessarily preferable to other approaches. Moreover, the Commission's proposal to add to the EAC a fifth, putatively nonpartisan member (who would serve as the chair) is profoundly misguided. All the functions that the EAC has, or could sensibly be given, can be carried out under the current bipartisan, four-member structure. If the EAC were reconstituted in the way proposed by this Commission, it would naturally become a magnet for additional functions, and would probably come eventually to serve as a national election administrator, thus displacing the states from their proper role in our decentralized system of governance. I believe this would be a terrible mistake.

7.1 MEDIA ACCESS FOR CANDIDATES

Nelson Lund

Recommendation 7.1.3. This proposal calls for an inappropriate and constitutionally dubious interference with the freedom of the press.

9.1 PRESIDENTIAL PRIMARY SCHEDULE

Shirley Malcom

With regard to Recommendation 9.1.1, I agree on the need for regional presidential primaries, but I disagree that Iowa and New Hampshire should come first. At present the barriers to candidates unaffiliated with the major political parties gaining a place on the presidential ballot are substantial. Thus, the primary system is the major way for the American people to participate in the process of selecting candidates for president. But it gives disproportionate influence to those states that go first. One problem with Iowa is that the state decides by a caucus rather than a secret ballot, but the bigger problem with Iowa and New Hampshire is that these states have demographic profiles that make them very different from the rest of the country. Iowa and New Hampshire, according to the 2003 census, have populations that are around 94-95 percent White, while nationally Whites are 76 percent of the population. Hence, the debates are shaped in ways that do not necessarily reflect the interests of minority populations or of our diverse nation.

About the Commission



TOP ROW (L-R): Ralph Munro, Kay Coles James, Raul Yzaguirre, Tom Phillips, Spencer Overton, Lee Hamilton, Sharon Priest, Rita DiMartino, Robert Mosbacher, and Jack Nelson
BOTTOM ROW (L-R): Betty Castor, Shirley Malcom, Bob Michel, Robert Pastor, Jimmy Carter, James A. Baker, III, Benjamin Ladner, Tom Daschle, Susan Molinari, and David Leebron

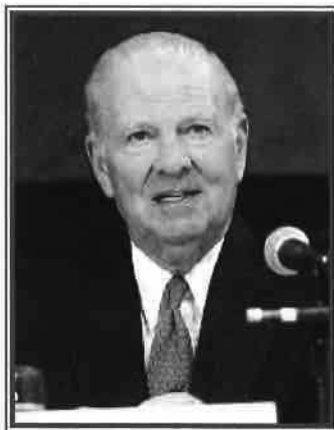
Commission Members

CO-CHAIRS:



FORMER PRESIDENT JIMMY CARTER served as the 39th President of the United States. Among his administration's accomplishments were the Panama Canal treaties, the Camp David Accords, and the SALT II treaty with the Soviet Union. He began his political career in the Georgia Senate and was elected governor of Georgia in 1970.

In 1982 after leaving the White House, he founded The Carter Center, which he dedicated to resolving conflict, fighting disease, strengthening democracy, and advancing human rights. He received the Nobel Peace Prize in 2002 for his efforts.



FORMER SECRETARY OF STATE JAMES A. BAKER, III has served in senior government positions in three presidential administrations. In 1989, President George H.W. Bush appointed him to serve as the nation's 61st Secretary of State. During his tenure at the U.S. Department of State, he traveled to 90 foreign countries as the U.S. confronted the challenges and opportunities of the post-Cold War era.

Mr. Baker led presidential campaigns for Presidents Ford, Reagan, and Bush over the course of five consecutive presidential elections from 1976 to 1992. He is presently a senior partner in the law firm of Baker Botts and serves as honorary chairman of the James A. Baker III Institute for Public Policy at Rice University.

EXECUTIVE DIRECTOR:



ROBERT PASTOR is Director of the Center for Democracy and Election Management, Professor of International Relations, and Vice President of International Affairs at American University. From 1985 until coming to AU in 2002, Dr. Pastor was Fellow and Founding Director of The Carter Center's Latin American Program and its Election Monitoring Initiatives. He served as President Carter's representative on the Carter-Ford Commission on Election Reform. He has taught at Harvard University, where he received his Ph.D. in Government, and is the author of 16 books.

OTHER COMMISSION MEMBERS:



BETTY CASTOR was the 2004 Democratic candidate for U.S. Senate in Florida. She has held prominent leadership positions in education, most recently as president and CEO of the National Board for Professional Teaching Standards in Arlington, Virginia. Before joining the National Board, Ms. Castor served as president of the University of South Florida and as Florida Commissioner of Education. She is the founder and president of a political action committee called Campaign for Florida's Future, dedicated to increasing citizen participation in public life.



TOM DASCHLE served as a U.S. Senator from South Dakota for 18 years and held a number of Democratic leadership positions, including Senate Majority Leader and Senate Minority Leader. Before entering the Senate, Mr. Daschle served four terms in the U.S. House of Representatives and quickly became part of the Democratic leadership. His support for the Help America Vote Act of 2002 helped bring the landmark election reform law to passage in the U.S. Senate. In 2005, Senator Daschle joined the Legislative and Public Policy Group of the law firm Alston & Bird, LLP.



RITA DIMARTINO is the former vice president of congressional relations for AT&T. As AT&T's in-house resource on Hispanic affairs, she provided guidance to senior management about this growing segment of the population and offered leadership on multicultural issues. In 2002, Ms. DiMartino was appointed principal U.S. delegate to the Inter-American Commission of Women and also principal representative to the Inter-American Children's Institute. Active at all levels of Republican politics, she was elected executive vice chair of the New York State Republican Committee in 1988.



LEE HAMILTON is president and director of the Woodrow Wilson International Center for Scholars. Prior to becoming director of the Wilson Center in 1999, he represented Indiana's Ninth District in the U.S. House of Representatives for 34 years. During his tenure, Mr. Hamilton served as chairman and ranking member of the House Committee on Foreign Affairs, chairing the Subcommittee on Europe and the Middle East and the Permanent Select Committee on Intelligence. He is currently serving as co-chair of the National Commission on Terrorist Attacks in the U.S.



KAY COLES JAMES was director of the U.S. Office of Personnel Management from 2001 to 2005. She was a senior fellow and director of The Citizenship Project at the Heritage Foundation, leading efforts to restore a strong ethic of citizenship and civic responsibility nationwide. Ms. James is also the former dean of the school of government at Regent University and has served under President George H. W. Bush as associate director of the White House Office of National Drug Control Policy and as assistant secretary for public affairs at the Department of Health and Human Services.



BENJAMIN LADNER has been President and Professor of Philosophy and Religion at American University since 1994. He chairs the Board of Trustees of the Consortium of Universities of the Washington Metropolitan Area, comprised of fourteen colleges and universities, with 130,000 students. Before coming to American University, Dr. Ladner was president of the National Faculty, a national association of university professors founded by Phi Beta Kappa.



DAVID LEEBRON is President of Rice University in Houston, Texas. He is the former dean of the Columbia University School of Law, where he worked from 1989 to 2004. From 1983 to 1989, he was a professor of law at New York University and director of NYU's International Legal Studies Program. He is a member of the American Bar Association's Standards Review Committee and the American Law Deans Association's Board of Directors. Mr. Leebron has taught and published in areas of corporate finance, international economic law, human rights, privacy, and torts.



NELSON LUND is the Patrick Henry Professor of Constitutional Law and the Second Amendment at George Mason University in Virginia, where he teaches on topics that include federal election law. Mr. Lund served as a law clerk to the Honorable Patrick Higginbotham of the United States Court of Appeals for the Fifth Circuit and to the Honorable Sandra Day O'Connor of the United States Supreme Court. Following his clerkship with Justice O'Connor, Mr. Lund served in the White House as associate counsel to the president from 1989 to 1992.



SHIRLEY MALCOM is head of the Directorate for Education and Human Resources Programs of the American Association for the Advancement of Science (AAAS). The Directorate includes AAAS programs in education, activities for underrepresented groups, and public understanding of science and technology. Dr. Malcom serves on several boards -- including the Howard Heinz Endowment and the H. John Heinz III Center for Science, Economics and the Environment -- and is an honorary trustee of the American Museum of Natural History. She is a trustee of the California Institute of Technology and a regent of Morgan State University.



BOB MICHEL served as a member of the U.S. House of Representatives from Illinois from 1957 to 1993. During that time he held a number of leadership roles, including those of Minority Whip and Minority Leader. Mr. Michel was a delegate to the Republican National Convention from 1964-1992 and permanent chairman of the Republican National Conventions of 1984, 1988, and 1992. He served with the Thirty-Ninth Infantry Regiment as a combat infantryman in England, France, Belgium, and Germany from 1943 to 1946.



SUSAN MOLINARI is the President and CEO of the Washington Group, a government relations and lobbying firm. She was a member of Congress from New York from 1990 to 1997. In 1994, she was elected to the Republican Majority Leadership, making her the highest-ranking woman in Congress. In 1996, she was selected by Robert Dole to be the Keynote Speaker at the Republican National Convention in San Diego, California. Prior to Congress, Molinari was twice elected to the New York City Council, where she was Minority Leader.



ROBERT MOSBACHER is Chairman of Mosbacher Energy Company. He is the past chairman of the Republican National Committee and served as national finance chairman for the election campaigns of Presidents Ford and George H. W. Bush. Mr. Mosbacher served as Secretary of Commerce under President Bush from 1989 to 1992, and was awarded the Aztec Eagle Award from Mexico President Ernesto Zedillo for his role in developing the North American Free Trade Agreement (NAFTA). He is a trustee emeritus for the Aspen Institute for Humanistic Studies and past chairman of the Americas Society/Council on the Americas.



RALPH MUNRO served as Washington Secretary of State from 1980 to 2001. His achievements include implementing a presidential primary allowing independent voters to participate in the nomination process; transitioning election equipment from lever machines to optical scan systems; designing a "Motor Voter" registration system; and supporting a program that allowed Desert Storm troops to vote in Washington elections via fax from the Persian Gulf. Mr. Munro currently serves on the Board of Directors of numerous technology companies, including Dategrity, a provider of secure Internet technology systems.



JACK NELSON is a Pulitzer Prize-winning journalist and former Washington bureau chief for the Los Angeles Times. He covered the past six presidents and every presidential campaign from 1968 through 1996. Since retiring in December 2001, he has taught at the University of Southern California's School of Journalism. In 2002, Mr. Nelson was a Shorenstein Fellow at Harvard University's Kennedy School of Government. He was presented the Drew Pearson Award for Investigative Reporting and the Robert F. Kennedy Award for Lifetime Achievement in Journalism.



SPENCER OVERTON is a professor at The George Washington University Law School who specializes in voting rights and campaign finance law. His academic articles on election law have appeared in several leading law journals, and his book "Stealing Democracy: The New Politics of Voter Suppression," will be published and released by W.W. Norton in June 2006. Professor Overton formerly taught at the University of California, Davis, and served as the Charles Hamilton Houston Fellow at Harvard Law School. He currently serves on the boards of Common Cause, the National Voting Rights Institute, and the Center for Responsive Politics.



TOM PHILLIPS is a partner in the law firm of Baker Botts LLP. From 1988 to 2004, he was Chief Justice of the Supreme Court of Texas, and was elected and re-elected four times. During his tenure, he served as president of the National Conference of Chief Justices (1997-98), a member of the Committee on Federal-State Relations of the Judicial Conference of the United States, and an advisor to the Federal Judicial Code Project of the American Law Institute.



SHARON PRIEST is the former Arkansas Secretary of State and the first woman to hold that position. Prior to her election to statewide office in 1994, she has served as mayor of Little Rock. She is also the former president of the National Association of Secretaries of State. Currently, Ms. Priest chairs the Arkansas State Election Improvement Study Commission, the State Board of Election Commissioners, and the Capitol Arts and Grounds Commission. She has also received the TIME/NASBE Award for Outstanding Leadership in Voter Education.



RAÜL YZAGUIRRE is presidential professor of practice in community development and civil rights at Arizona State University. He has devoted his career to advocacy issues facing the Hispanic community. He is the founder of Interstate Research Associates, a Mexican-American research association and nonprofit consulting firm. From 1974 to 2004, Mr. Yzaguirre was president of the National Council of La Raza. In addition to his work with La Raza, he helped establish the National Hispanic Leadership Agenda and the New American Alliance, among other organizations.

COMMISSION STAFF

DANIEL CALINGAERT is the Associate Director of the Center for Democracy and Election Management at American University and Associate Director of the Commission. He has served as Program Director for Asia and Deputy Director for Eastern Europe at the International Republican Institute, where he designed and managed a wide range of programs to promote democracy. Dr. Calingaert previously directed programs to reform social science education at universities across Eastern Europe and Eurasia.

DOUG CHAPIN is Director of electionline.org and Research Director for the Commission. He has worked on election issues for more than 15 years, with extensive experience that includes positions with the Federal Election Commission, the U.S. Senate Rules Committee, and Election Data Services, Inc. Before becoming electionline.org's first director, he worked at Skadden, Arps, Slate, Meagher & Flom LLP.

KAY STIMSON is the Associate Director of Media and Public Affairs to the Commission. She has served as Director of Communications at both the U.S. Election Assistance Commission and the National Association of Secretaries of State, where she served as the association's spokesperson and managed its voter outreach efforts. Prior to joining NASS, Ms. Stimson spent more than five years in the field of television journalism as a news anchor and political reporter.

MARGARET MURRAY GORMLY is the Administrative Coordinator for Dr. Robert A. Pastor, Executive Director of the Commission, and as such, she has handled the senior-level administrative affairs of the Commission. She serves as the manager of the Office of International Affairs and has provided senior-level administrative support for the Commission. Before joining the AU staff, she was the executive assistant to the CEO and COO of GW Solutions.

MEEGAN MCVAY is the Grants and Proposals Manager for the Commission. Since 2003, she has served as the primary fundraiser in the Office of International Affairs, working with the Center for North American Studies and the Center for Democracy and Election Management. Ms. McVay is a Certified Fund Raising Executive with more than eight years of development experience, including positions with the Brookings Institution and ACCION International.

PAULINA PUIG is the Web Master for the Commission, managing Web operations for the Office of International Affairs, Center for Democracy and Election Management, and Center for North American Studies. She is also responsible for the Web sites of the AU Abroad and Abroad at AU programs, as well as the ABTI-American University of Nigeria. Ms. Puig previously worked as a technology consultant for a government agency and was a senior Web developer for Discovery.com.



Back row, left to right: Leslie Wong, Kay Stimson, Paulina Puig, Jimmy Carter, James A. Baker, III, Daniel Calingaert, Doug Chapin, Benjamin Ladner, Vassia Gueorgueva, Katherine Kirlin, and Robert Pastor

Front row, left to right: Nicole Byrd, Kimberly Carusone, Meegan McVay, Murray Gormly, and Lisa Arakaki

VASSIA GUEORGUEVA is a Ph.D. candidate in public administration at the AU School of Public Affairs and a Graduate Research Assistant for the Commission. She has worked for the Bulgarian Parliament and the Organization for Security and Cooperation in Europe.

NICOLE BYRD is a M.A. candidate in International Peace and Conflict Resolution/Foreign Policy at the AU School of International Service and a Graduate Research Assistant for the Commission. She is also vice-president of the Graduate Student Council.

JOHN HENDERSON is a Junior Fellow at the Center for Democracy and Election Management and a Graduate Research Assistant for the Commission. As a Rhodes Scholar, he completed a graduate degree in Comparative Politics at the University of Oxford.

KIMBERLY CARUSONE is a M.A. candidate in International Education at American University and the Assistant Web Master for the Commission. She previously worked in publishing and marketing and is a graduate of Pennsylvania State University.

ZACHARY PFISTER is a B.A. candidate in Conflict Studies at DePauw University in Indiana, where he is also the student body president. He was a Summer Research Assistant to the Commission.

ORGANIZING AND SUPPORTING INSTITUTIONS

The Commission on Federal Election Reform is organized by American University's Center for Democracy and Election Management.



The Center for Democracy and Election Management, established in September 2002, is dedicated to educating students and professionals about best practices in democracy and conducting public policy-oriented research on the management of elections. In addition, the Center seeks to serve as a venue for public policy discussion on these topics and to provide an institutional base for international scholars to study and teach about democratic processes. Dr. Robert A. Pastor serves as its Director. The Center is part of American University in Washington, DC.

IN ASSOCIATION WITH THE FOLLOWING ORGANIZATIONS:

- Rice University's James A. Baker III Institute for Public Policy
- The Carter Center

SUPPORTED BY:

- Carnegie Corporation of New York
- The Ford Foundation
- John S. and James L. Knight Foundation
- Omidyar Network

RESEARCH BY:

- Electionline.org/The Pew Charitable Trusts

CONTRIBUTORS TO THE COMMISSION'S WORK: HEARINGS

Hearing: How Good Are U.S. Elections?

April 18, 2005

American University (Washington, DC)

Panel I: Elections and HAVA: Current Status

Gracia Hillman, Chair, U.S. Election Assistance Commission

Chellie Pingree, President, Common Cause

Kay J. Maxwell, President, League of Women Voters of the U.S.

Henry Brady, Professor of Political Science and Public Policy,
University of California

Panel II: Access and Integrity

Barbara Arnwine, Executive Director, Lawyers' Committee for Civil Rights Under Law

John Fund, Wall Street Journal Editorial Board

Colleen McAndrews, Partner, Bell, McAndrews & Hiltachk, LLP

Arturo Vargas, Executive Director, National Association of Latino
Elected and Appointed Officials

Panel III: Voting Technology and Election Administration

Jim Dickson, Vice President for Governmental Affairs, American
Association of People with Disabilities

David Dill, Professor of Computer Science, Stanford University

Hon. Ron Thornburgh, Secretary of State, State of Kansas

Richard L. Hasen, Professor of Law, Loyola Law School



U.S. Election Assistance Commission Chair Gracia Hillman testifies at the April 18 hearing. Professor Jamin Raskin is to her left, and Hon. John Anderson is to her right. (American University Photo/Jeff Watts)

Hearing: How Can We Improve U.S. Elections?

June 30, 2005

Rice University (Houston, TX)

Panel I: Voter Registration, Identification, and Participation

Ken Smukler, President, InfoVoter Technologies

Michael Alvarez, Professor of Political Science, California Institute of Technology

Paula Hawthorn, Former Manager of Operating Systems Research,
Hewlett-Packard Laboratories

Robert Stein, Dean of Social Sciences and Professor of Political Science,
Rice University

Panel II: Voting Technology

Dan Wallach, Associate Professor of Computer Science, Rice University

Beverly Kaufman, Clerk, Harris County, Texas

Special thanks to Harris County, Texas, and the Nevada Secretary of State Office's Elections
Division for providing electronic voting machines that were demonstrated for the
Commission during this session.

Panel III: Election Management and Election Reform

Donald J. Simon, Partner, Sonosky, Chambers, Sachse, Endreson, & Perry, LLP

Louis Massicotte, Professor of Political Science, University of Montreal

Norman Ornstein, Resident Scholar, American Enterprise Institute



(L-R) Donald Simon, Louis Massicotte, and Norman Ornstein at the
June 30 hearing (Rice University Photo/Jeff Fitlow)

MEETINGS AND PRESENTATIONS

Congressional Meeting

July 15, 2005

Woodrow Wilson International Center for Scholars

Washington, DC

Special thanks to the following Members of Congress for their comments and participation, including related committee staff participation: Rep. Robert Ney (R-OH), Rep. Steny Hoyer (D-MD), Rep. Juanita Millender-McDonald (D-CA), Rep. Rush Holt (D-NJ), and Rep. John Conyers (D-MI).

Common Cause Meeting with Advocates for Election Reform

July 16, 2005

Common Cause Headquarters

Washington, DC

Special thanks to Ed Davis and Barbara Burt of Common Cause for organizing this meeting.

National Association of State Election Directors

August 13, 2005

Beverly Hilton Hotel

Los Angeles, CA

Academic Advisors

Throughout the course of its research and deliberations, the Commission benefitted greatly from the substantial contributions of academic advisors and other experts, as well as opinions shared by citizens around the country. While we wish to acknowledge the distinguished individuals who aided our work, this does not imply that they agree with all of the report's recommendations. Nonetheless, their work was invaluable and we want to express our gratitude.

ALAN ABRAMOWITZ

Professor of Political Science
Emory University

MICHAEL ALVAREZ

Professor of Political Science
California Institute of Technology

CURTIS GANS

Director of the Center for the Study
of the American Electorate
American University

MARK GLAZE

Director of Public Affairs
The Campaign Legal Center

PAUL GRONKE

Associate Professor of Political Science
Reed College

RICHARD HASEN

Professor of Law, Loyola Law School
and Editor of *Election Law Journal*

PAULA HAWTHORN

Former Manager of Operating Systems Research
Hewlett-Packard Laboratories

MARK F. HEARNE II

Partner
Lathrop and Gage LC

STEVEN HOCHMAN

Research Director
The Carter Center

ROBIN LEEDS

Scholar-in-Residence, Women & Politics Institute
American University

R. DOUG LEWIS

Executive Director
The Election Center

DAVID LUBLIN

Associate Professor of Government
American University

JENNIFER MCCOY

Director of the Americas Program
The Carter Center

KAREN O'CONNOR

Professor of Government and Director of the
Women & Politics Institute
American University

NORMAN ORNSTEIN

Resident Scholar
American Enterprise Institute

CAMERON QUINN

U.S. Elections Advisor
International Foundation for Election Systems

JAMIN RASKIN

Professor of Law
American University Washington College of Law

ROB RICHIE

Executive Director
Center for Voting and Democracy

JOHN SAMPLES

Director of the Center for Representative Government
CATO Institute

LEONARD SHAMBON

Counsel
Wilmer Cutler Pickering Hale and Dorr LLP

RICHARD G. SMOLKA

Professor Emeritus of Political Science
American University

ROBERT STEIN

Dean of Social Sciences and Professor of
Political Science
Rice University

JAMES THURBER

Director of the Center for Congressional and
Presidential Studies
American University

DAN WALLACH

Associate Professor of Computer Science
Rice University

TRACY WARREN

Director
Pollworker Institute

EXPERTS CONSULTED BY THE COMMISSION

KIMBALL W. BRACE

President
Election Data Services

CRAIG S. BURKHARDT

Chief Counsel for Technology
U.S. Department of Commerce

STEPHEN E. FIENBERG

Professor of Statistics and Social Science
Carnegie Mellon University

JONATHAN FRENKEL

Director for Law Enforcement Policy
U.S. Department of Homeland Security

JOHN MARK HANSEN

Dean of the Social Sciences Division
University of Chicago

PAUL HERRNSON

Director of the Center for American
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Exhibit 1-6

Managing Polling Place Resources

Charles Stewart III





Managing Polling Place Resources

Charles Stewart III



Caltech/MIT Voting Technology Project

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About the Caltech/MIT Voting Technology Project

The VTP was established by Caltech President David Baltimore and MIT President Charles Vest in December 2000 to prevent a recurrence of the problems that threatened the 2000 U.S. Presidential Election. Since establishment, members of the VTP have studied all aspects of the election process, both in the United States and abroad. VTP faculty, research affiliates, and students have written many working papers, published scores of academic articles and books, and worked on a great array of specific projects.

All of this research and policymaking activity seeks to develop better voting technologies, to improve election administration, and to deepen scientific research in these areas.

About the Polling Place of the Future Project

The Polling Place of the Future Project seeks to improve the performance of America's polling places through research and the development of practical tools for use by election administrators to better allocate resources that are dedicated to voting. The Project is in direct response to President Obama's declaration that when it comes to long lines at the polls, "We have to fix that," and to the benchmark suggested by the Presidential Commission on Election Administration that no voter wait longer than 30 minutes to check in to cast a ballot.

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1. Introduction

Voting is the most important act of a democratic society. In the most recent federal elections in the United States, roughly 75% of voters cast their ballots in a physical location — either in a traditional neighborhood precinct on Election Day or in an early voting center before Election Day.¹ If elections are to fulfill their expected role in society, the polling places voters use must facilitate the act of voting. If they don't, then the quality of our democracy is undermined.

The presidential election of 2012 shone a harsh light on polling places. The press widely reported the existence of long lines of voters in battleground states, many of whom had to wait hours after the polls had closed to cast their ballots. In his victory speech on election night, President Obama was prompted to remark, “We have to fix that.”

This report provides a response by the Caltech/MIT Voting Technology Project (VTP) about how election administration officials can address the problem of long lines at the polls. This response is based on a combination of our knowledge about the science of lines — particularly the field of queuing theory — and research we have conducted over the past two years into the dynamics of polling place lines across the United States. Based on this research, we conclude the following:

1. Long lines are not ubiquitous, either across time or space.
2. Where long lines do occur, they are costly, in terms of lost votes, confidence in elections, and time spent by voters.
3. Long lines occur in predictable places on a chronic basis — in a small handful of states, in urban areas, during early voting, and in areas with many non-English speakers.
4. Long lines are fundamentally due to a mismatch between the number of voters who show up and the resources available to accommodate them; insights from queuing theory provide reliable guidance about how to minimize this mismatch.
5. A few localities already provide models of best practices that are addressing voter-election resource mismatches.
6. An important first step in addressing long polling place lines is for local jurisdictions to get into the habit of regularly collecting the data necessary to diagnose the presence of congestion and analyzing it in a way that helps them to allocate the resources they have, or to advocate more effectively for new resources.

¹ Increasingly states have adopted a third, hybrid in-person voting method: a voting center that is open both before and on Election Day.

Readers will be unsurprised that a report by researchers associated with Caltech and MIT calls for the collection and analysis of more data. However, as we will show, the amount of data needed to better manage polling places is actually quite modest, can be gathered using simple procedures, and can be analyzed using simple web-based applications. In the words uttered by one voting machine vendor at a meeting of the Presidential Commission on Election Administration, this is not rocket surgery.

The remainder of this report goes into these six summary items in greater detail. We begin by spelling out basic facts about waiting to vote in the United States, based on survey research and careful observation of actual polling places. We then provide a brief overview of queuing theory, focusing on how its findings help illuminate why some — but not all — polling places experience long waits to vote. Next, we develop two case studies that show how the insights of queuing theory can help diagnose some of the root causes of polling place lines. We conclude this report by striking two themes. First, we describe what local election administration officials can do *right now* to gather and analyze data they already have so that they are better prepared for possible lines in 2016. Second, we suggest a roadmap that the election administration community could follow over the next several years so that the problems of long lines at the polls are dealt with on a permanent basis.

2. Basic Facts

First, some basic facts about lines at the polls.² We start very broadly by identifying the presence of lines at the national level, which can best be determined through survey research. Two national academic surveys provide the necessary data to answer questions about average wait times and where long lines have arisen in recent elections, the Cooperative Congressional Election Study (CCES) and the Survey of the Performance of American Elections (SPAЕ).³

Lines form when there is congestion; congestion is greatest in presidential elections. Therefore, we start by exploring what the data tell us about long lines in the two most recent presidential elections, 2008 and 2012, and also include a discussion that puts the midterm election of 2014 into context.

² *Much of the research reported in this section has appeared previously in reports and articles written by members of the VTP. See particularly Charles Stewart III and Stephen Ansolabehere, "Waiting to Vote," Election Law Journal 14(1): 47–53.*

³ *Both the CCES and SPAЕ are Internet surveys. They both ask an identical question concerning the amount of time voters waited at the polls. In 2012, the CCES interviewed 54,535 adults, 39,675 of whom voted; the SPAЕ interviewed 10,200 registered voters, 9,336 of whom voted. The CCES asks fewer questions about election administration, but has a larger sample size that is distributed across the nation in proportion to population. The SPAЕ focuses its questions entirely on election administration, with a smaller sample size distributed within states in proportion to population. Depending on the nature of the analysis, one survey will be more appropriate to use than the other and in some cases, the two surveys can be combined to create more precise estimates such as specifically estimating waiting times within states.*

TABLE 1
Average waiting times to vote, 2008 and 2012

	2008	2012
Not at all	36.8%	37.3%
Less than 10 minutes	27.6%	31.8%
10–30 minutes	19.0%	18.4%
31–60 minutes	10.3%	8.6%
More than one hour	6.3%	3.9%
Average (min.)	16.7	13.3
95% margin of error (min.)	0.1	0.1
N	18,836	30,124

Source: CCES, 2008 and 2012

Relying on responses to the 2008 and 2012 CCES, the following table reports the distribution of responses to the question, “Approximately, how long did you have to wait in line to vote?”

Most voters in the past two general elections did not wait very long to vote. Roughly one-third reported not waiting at all, and roughly two-thirds reported waiting ten minutes or less.

It is important to note, though, that among those who waited more than an hour, the waits were quite long. Among those waiting more than an hour in these two presidential elections, the average reported wait time was 109 minutes in 2008 and 110 minutes in 2012.

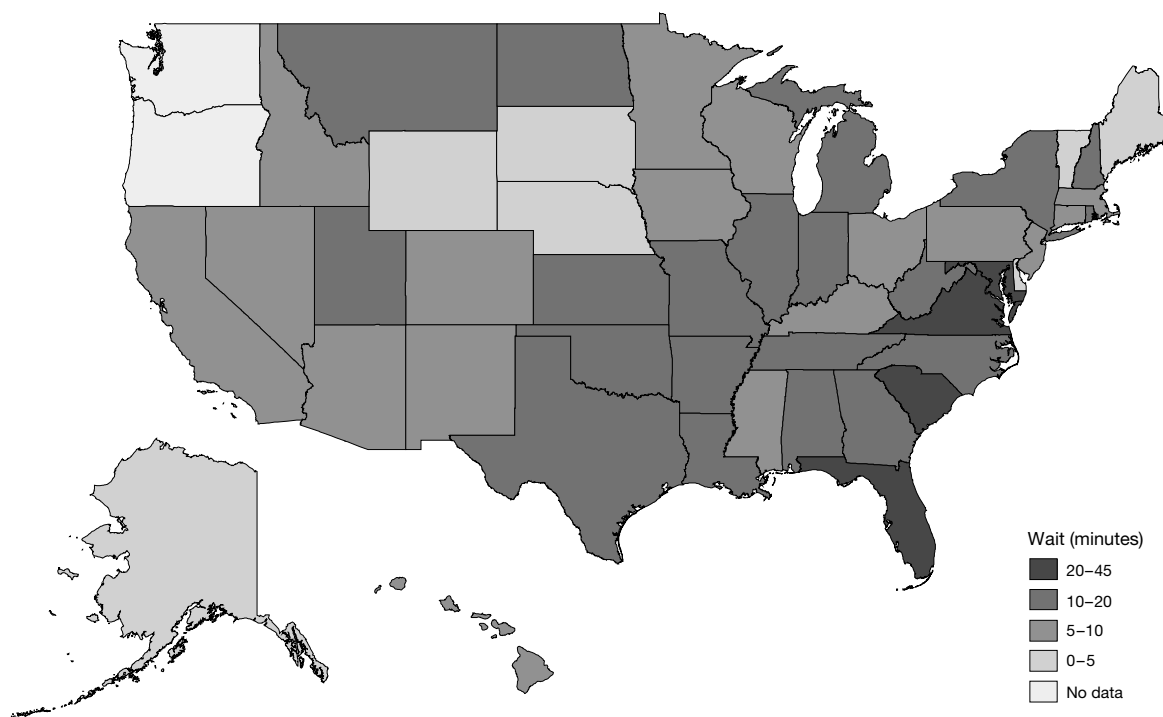
Variation in wait times is not distributed randomly among voters. We next review the geographic distribution of lines, followed by demographic characteristics of voters who wait.

The geography of waiting

The factor that is associated with the biggest differences in wait times is the state where the voter lives. According to estimates derived by combining responses to the CCES and SPAE, average wait times in 2012 ranged from 1.7 minutes in Vermont to 42.3 minutes in Florida — a difference of a factor of 25 between these two states. The table in Appendix 1 reports all state estimates, along with 95% margins of error.

The following map helps to highlight the regions of the country where line length tended to be longer or shorter in 2012. (Oregon and Washington, which primarily use vote-by-mail, are not shaded in this map.) The shortest waiting times tend to occur in the western half of the country and in the northeast, while the longest waits tend to occur in the lower eastern seaboard.

FIGURE 1
Average waiting times to vote, 2012



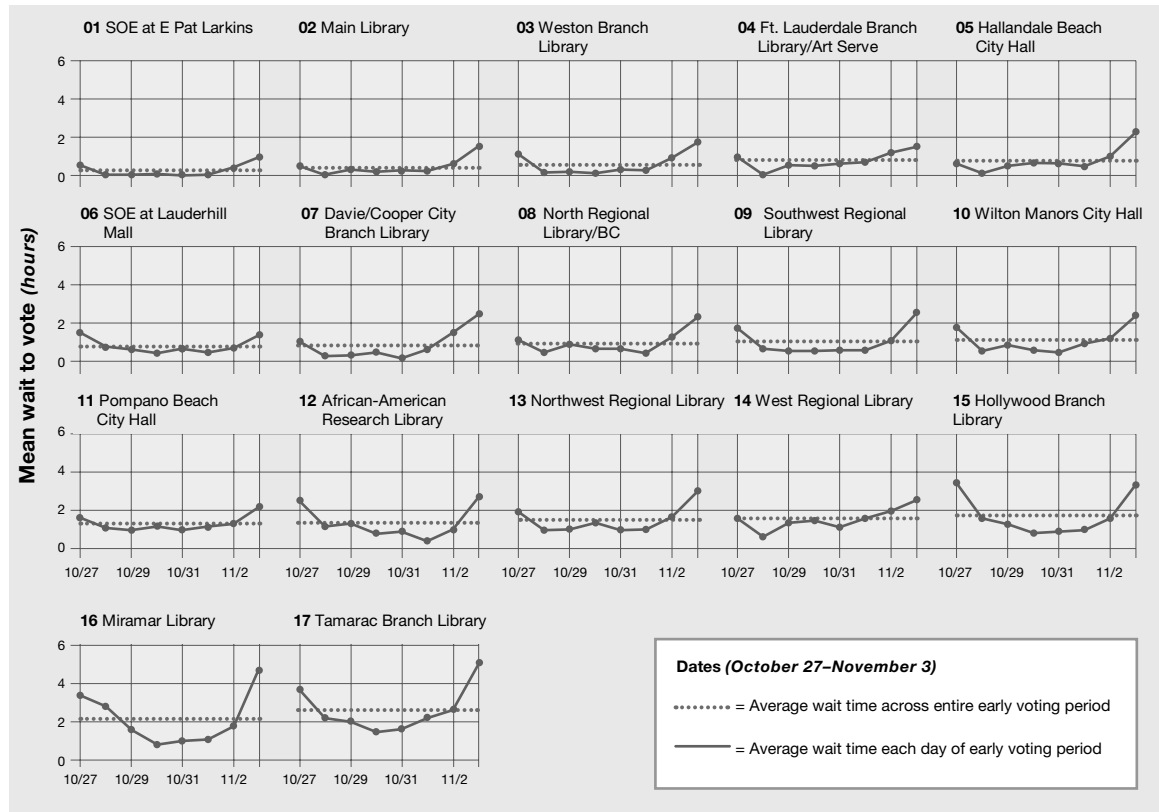
Source: CCES and SPAE, 2012

Waiting times also vary within states. Consider two urbanized states that are toward the opposite ends of the line-length spectrum, New Jersey and Florida. (The statewide averages for New Jersey and Florida, respectively, were 5 and 39 minutes.) In New Jersey, average wait times ranged from 3.6 minutes in Gloucester County to 10 minutes in Union County.⁴ In Florida, average estimated wait times range from 5.7 minutes in Marion County to 136.6 minutes in Lee County.⁵

There was also variation within counties. An interesting example was provided by Broward County, Florida, which in 2012 posted regular updates about estimated waiting times at the 17 early voting sites in the county. The following graph shows the average posted waiting times, for each day of the early voting period, by early voting location. These graphs illustrate that wait times varied from an average of 14 minutes at the Supervisor of Elections branch office at the E. Pat Larkins Community Center, to 2.6 hours at the Tamarac Branch Library.

⁴ These estimates take into account counties for which we have 25 or more observations per county. The 95% confidence intervals are 1.6 minutes for Gloucester and 4.5 for Union.

⁵ The 95% confidence intervals are 1.6 minutes for Marion County and 11.4 minutes for Lee County.

FIGURE 2**Average waiting time, Broward County, Florida, early voting sites, 2012***(Sorted in ascending order according to average wait times.)*

Note: The solid line in each graph plots the average posted wait time each day at the location. The dotted blue line shows the average across the entire early voting period for the location.

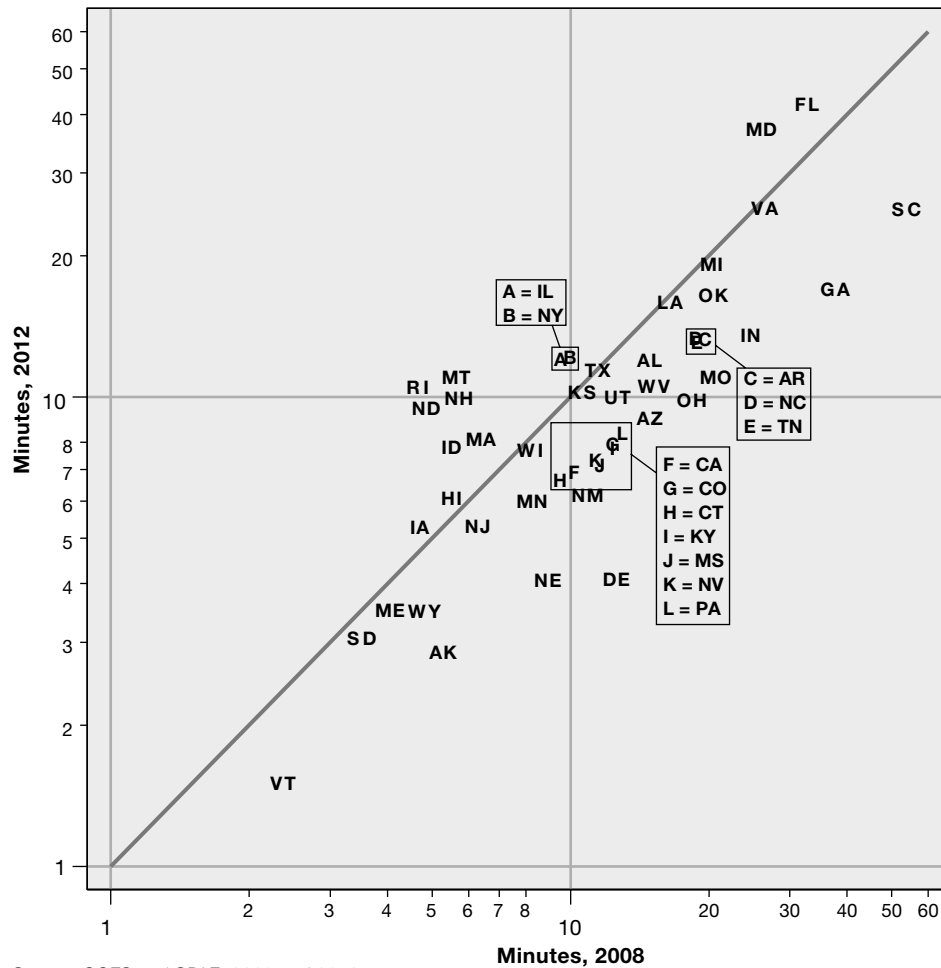
Source: Broward County, Florida, Supervisor of Elections web site

The great variation across states suggests there are state-specific factors, such as laws, regulations, ballot types, voting technology, demographics, and state norms, which influence how long voters wait to vote. The great variation within states suggests there is further influence of demographics and local administrative practices in determining line lengths at the polls.

Why we have such geographic variation in wait times both between and within states remains largely a matter of speculation. As we show below, demographics explain some of these differences. However, demographics are insufficient to explain why the average Floridian waited 26 times longer to vote in 2012 than the average Vermonter, or why the average early voter at the Tamarac Branch Library waited three times longer than the average early voter at the E. Pat Larkins Community Center.

FIGURE 3

Average wait time at the state level, 2012 and 2008 (minutes, logarithmic scale).



Source: CCES and SPAE, 2008 and 2012

There is one final topic to be visited under the heading of the geography of waiting: the persistence of waiting times from one election to the next. When we compare the estimated average wait times at the state level in 2012 with 2008, we see remarkable consistency. This is illustrated in the following graph. Here, we plot the average wait time by state in 2012 along the y -axis, and the 2008 average along the x -axis.⁶ The diagonal line helps to orient us and inform us which states showed increases in wait time in 2012 compared to 2008 (above the line), and which showed decreases (below the line).

States with long wait times in 2012 generally had long wait times in 2008. While there are some exceptions, if we wanted to predict which states would have long wait times in 2012, the best place to start would be to identify those states with long wait times in 2008.

⁶ The axis scales are logarithmic, which aids in the legibility of the individual data points.

This observation is important for thinking about how to tackle the problem of long lines. In trying to pinpoint the source of long lines, it is tempting to focus on problems caused by short-term factors and one-off events. Such things might include an unusually long ballot in one year, for instance. While such one-off events may increase waiting times on the margin, the major factors leading to long lines in particular states appear to be baked into the voting process at a deeper level.

Thus, to be effective in tackling the problem of long lines at the polls, it is important to understand both the long-term and short-term factors that lead to them. It would be a mistake to fix short-term problems that lead to a slight increase in voting times and to ignore deeper problems that lead to long lines in every election.

The demography of waiting

Not only are wait times unevenly distributed geographically, they are unevenly distributed demographically.

1. *Mode of voting.* Early voters in 2012 waited an average of 18 minutes, compared to 12 minutes for Election Day voters.
2. *Race of voters.* Minority voters waited longer to vote than white voters. White voters waited an average of 12 minutes to vote in 2012, compared to 24 minutes for African American voters and 19 minutes for Hispanic voters. (See the table below.)
3. *Population density.* Voters in densely populated neighborhoods waited longer to vote than voters from sparsely populated areas. Respondents to the CCES who lived in the least densely populated ZIP Codes waited an average of 6 minutes to vote, compared to 18 minutes for residents of the most densely populated ZIP Codes.⁷

TABLE 2
Average wait time by racial groups, 2012

Race	Avg.	95% margin of error
White	11.6	0.3
Black	23.3	1.6
Hispanic	18.7	2.2
Asian	15.4	3.0
Native American	13.3	3.2
Mixed	13.6	2.0
Other	13.3	2.0
Middle Eastern	11.7	6.0

Source: CCES, 2012

⁷ This analysis was performed, first, by merging population density data to the CCES, using ZIP Code, and then dividing the sample into equally populated quartiles. Respondents from the least densely populated areas lived in ZIP Codes with a population density of 75 persons per square mile or less. Residents from the most densely populated areas lived in ZIP Codes with a population density of 2,739 persons per square mile or more.

The timing of waiting

Long lines occur when the arrival rates of voters exceed the capacity of polling place resources — particularly check-in stations, voting booths, and scanners — to keep up with the arrivals. Planning for arrivals depends on knowing something about the nature of arrival rates. Are they constant throughout the day, or do arrival rates vary?

TABLE 3

Arrival rates and average wait times by time of arriving at the polling place, 2012.

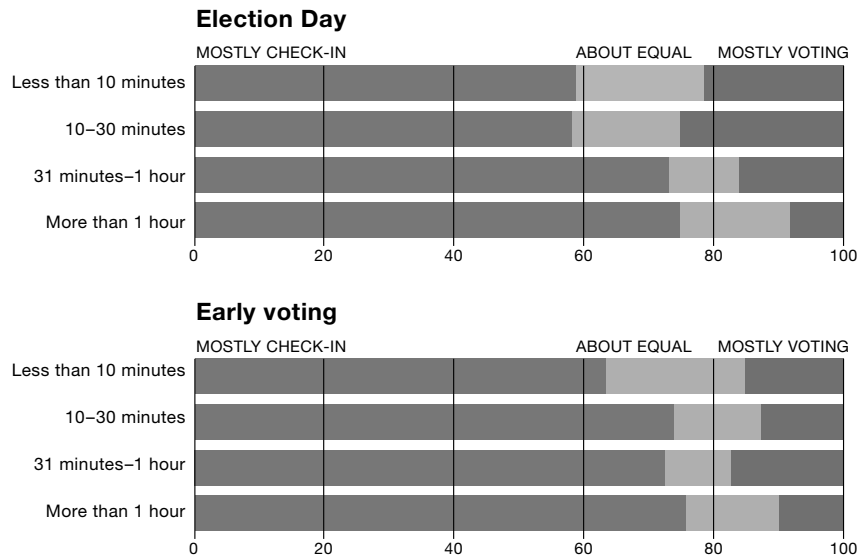
Time of arrival at polling place	Election Day		Early voting	
	Pct. arriving	Avg. wait time	Pct. arriving	Avg. wait time
Before 8:00 a.m.	15.6%	16.5	8.9%	29.8
8:00–9:00	8.7%	15.8		
9:00–10:00	9.5%	10.3	8.5%	18.5
10:00–11:00	11.2%	12.6	14.8%	12.7
11:00–12:00	8.7%	10.7	13.7%	15.2
12:00–1:00 p.m.	5.4%	8.6	8.3%	17.3
1:00–2:00	7.2%	8.6	10.7%	26.8
2:00–3:00	6.7%	6.7	13.1%	15.1
3:00–4:00	6.3%	9.8	7.3%	14.2
4:00–5:00	6.7%	9.7	7.1%	28.3
5:00–6:00	6.8%	10.3	7.6%	22.0
6:00–7:00	5.3%	10.5		
After 7:00 p.m.	2.0%	6.0		

Source: 2012 SPAE

While the answer to this question will be different in each voting location, survey research gives us the overall picture of the nation as a whole. (See Table 3.) For those who vote on Election Day, there is a pre-workday surge, relatively high turnout throughout the morning followed by a drop in arrivals in the afternoon which continues through the end of the day. For early voting — which is much more of a mid-day phenomenon, most arrivals occur in the 10:00 a.m. – 3:00 p.m. window.

When voters arrive is associated with how long they wait. For Election Day voters, the earliest arrivers — often arriving even before the polls are open — wait the longest. The after-work surge also leads to a small up-tick in waiting time. However, note that after-work voters arrive at polling places after lines that had formed earlier have dissipated, in contrast to voters in the morning, who often arrive to encounter lines that may be the result of queuing ahead of the polls opening.

FIGURE 4
Primary location of waiting in 2012 election.



Source: 2012 SPAE

Wait times for early voting are quite different. Because early voting mostly occurs during traditional business hours, a larger fraction of voters tend to arrive for each hour of the voting day, except for the times before and after work. Wait times at the start of the day of early voting tend to be twice as long as the waits during comparable times on Election Day. Because there is no general downward trend in arrival rates over the day, lines remain long, and thus wait times do not decline over the course of a day of early voting.

Wait times also occur at different locations in a polling place. There are generally two or three places in a polling place where lines can build up (depending on the equipment used) — to check in, to claim a voting booth, and (possibly) to scan a ballot. Knowing where congestion can occur can guide policymakers in deciding how to address lines. If lines are backing up because of problems at the check-in table, it certainly won't help to add more voting machines.

As Figure 4 illustrates, the location of lines depends on the mode of voting and the length of the back-up. Early voting lines are more likely to appear at check-in than Election Day lines. As lines get longer, especially on Election Day, the problem voters experience becomes increasingly likely to occur at the registration table.⁸

⁸ The survey question asks voters who experienced a line the location of where the line was. It is possible for poll workers to slow down the check-in process in order to accommodate lines of voters waiting for voting booths and/or scanners. However, the fact that those who wait the least amount of time tend to report that the wait was at the check-in table suggests that, as a general matter, bottlenecks are more common checking in than in being able to cast the ballot after check-in.

Midterm elections

Because lines occur when there is a mismatch between the arrival rate of voters and the resources available to process them, it follows that the longest lines should occur in the highest-turnout elections. Up until now, evidence about lines in non-presidential elections has been light. However, because the SPAE was conducted in 2014, we now have hard evidence to show how much lines are reduced when turnout is lower.

Average wait time to vote in 2014 was 4.3 minutes — 4.1 minutes on Election Day and 5.1 minutes during early voting. Thus, while turnout dropped 38% between 2012 and 2014, average waits dropped 68%. Not surprisingly, lines were not a major issue in most of the country in 2014. This is not because the problems that led to long lines in 2012 were fixed by 2014 — it is simply because fewer voters went to the polls.

The costs of lines

What is wrong with long lines? Aren't lines a sign that the public is excited by an election or the candidates? Because election officials can't plan for every contingency, it is natural that an unusually enthusiastic electorate will produce unusually long lines at the polls.

Furthermore, when we shift our gaze away from the United States, long lines at the polls often illustrate the hope felt by citizens of emerging democracies about the future of their country — think about elections such as Iraq in 2005, where voters risked mortar attacks and suicide bombers to stand in line for hours to cast a ballot.

Stories of long lines to vote in the face of intense violence in foreign lands can certainly inspire Americans to be more appreciative of their democratic rights, but it seems incorrect to equate long lines in a war-torn developing country with long lines in a peaceful, prosperous industrial power such as the United States. Indeed, in the American setting, it can be shown that long lines discourage voting, lower voter confidence, and impose economic costs.

Long lines discourage voting.

Long lines may discourage some from voting, thus undermining the quality of elections as an expression of the people's will. Responses to the 2012 Voting and Registration Supplement (VRS) of the Current Population Survey suggest that over 500,000 eligible voters failed to vote for a variety of polling place problems that included long lines — inconvenient hours or polling place location, or lines too long. On the other hand, among non-voting respondents to the 2012 Cooperative Congressional Election Study (CCES), 0.8% stated that the main reason they did not vote was that "lines at the polls were too long." If we apply this percentage to the 91.6 million eligible voters who failed to vote in 2012, we calculate that there were 730,000 non-voters due to long lines in the most recent federal election.

These “lost votes” due to long lines are not as great as those the VTP has previously documented that can occur due to malfunctioning voting machines and voter registration problems. Still, any problem that keeps hundreds of thousands of voters from the polls in a presidential election is a significant challenge to democracy.

Long lines can reduce voter confidence in elections.

While long lines can cause voters to be turned away at the polls, the greater effect is on those who stay to vote. Responses to the 2012 SPAE suggest that waiting a long time to vote reduces the confidence voters have that their votes are counted. For instance, among Election Day voters, 68% of those who waited ten minutes or less to vote stated they were very confident their own vote was counted as intended, compared to 47% of voters who waited over an hour.⁹ For early voters, the difference in confidence was only slightly less: 69% of those waiting ten minutes or less were very confident, compared to 54% who waited an hour or more.

What is more, the experience of waiting in a long line influences the judgments that form in voters’ minds about the quality of vote counting throughout the nation. Among Election Day voters in 2012 who waited 10 minutes or less, 68% were very confident *their own vote* was counted as intended, 56% were very confident that votes *throughout their county* were counted as intended, etc.¹⁰

Finally, the existence of long lines influences assessments made about the accuracy of vote counting *even among those who do not experience long lines*. Consider, for instance, individual voters who live in states with long average wait times, but who did not experience long lines themselves. Among voters who live in the five states with the longest average wait times in 2012¹¹ but who reported that they, themselves, did not have to wait at all to vote, 23% said they were very confident that votes in their state were counted as intended. This compares to similarly situated voters in the five states with the shortest average wait times, 63% of whom were very confident that votes in their state were counted as intended.

⁹ Research by Sances and Stewart, among others, has shown that the most important influence on answers to the question about whether one’s vote was counted as intended is the partisanship of the respondent — respondents who voted for the winning candidate are generally more confident their vote was counted properly than those who voted for the losing candidate. See Michael W. Sances and Charles Stewart III, “Partisanship and Confidence in the Vote Count: Evidence from U.S. National Elections since 2000,” *Electoral Studies* 40 (Dec. 2015): 176–188. In a multivariate statistical analysis that adds controls for partisanship and state of residence of the voter, the relationship reported here, between voter confidence and wait times, remains.

¹⁰ With the exception of the last cell entry — attitudes among early voters about whether votes nationwide were counted as intended — the differences reported in Table 1 remain once we control statistically for the party identification of the respondent and the respondent’s home state.

¹¹ These states were Florida, the District of Columbia, Maryland, South Carolina, and Virginia. Oregon and Washington are excluded from this analysis, because so few voters in those states vote in person.

Long lines impose monetary costs on voters.

Finally, there are monetary costs to waiting in line to vote. Even if these costs are regarded by voters and society as a reasonable price to pay for exercising the franchise, and even if voters receive paid time off to vote, time spent waiting to vote represents the lost opportunity of voters to engage in productive work or leisure time activities. If costly solutions are proposed to reduce waiting times, it would be useful to have an estimate of what waiting in line to vote costs Americans in economic terms.

A simple way to produce a ballpark estimate is to multiply the total number of hours waiting in line by average hourly earnings. Based on an average wait time in 2012 of 13.1 minutes as reported below and an estimate that 105.2 million people voted in person in 2012 (either on Election Day or in early voting), we calculate that voters spent a total of 23.0 million hours waiting to vote in 2012.¹² According to the U.S. Bureau of Labor Statistics, average hourly earnings were \$23.67 in November 2012. Multiplying the number of hours waiting to vote by average hourly earnings yields an economic cost estimate of \$544.4 million.

We have no opinion about whether this amount is “too high,” “too low,” or “just right.” However, it is of a similar magnitude to previous estimates about the annual costs of administering elections in the U.S. For instance, based on data from a survey of election officials that the VTP conducted for the PCEA in 2013, we can estimate that local governments spent about \$2 billion administering elections in 2012. If we combine the estimated costs borne by local governments conducting elections with the economic cost of waiting in line, a significant fraction of the economic cost of conducting a presidential election is the time spent by voters waiting in line.

¹² *The in-person turnout estimate starts with Professor Michael McDonald's 2012 turnout estimate of 129.1 million. <http://www.electproject.org/>. Using the 2012 Voter Registration Supplement of the CPS, we can estimate that 81.5% of voters voted in-person. Multiplying the turnout estimate by the estimate of the rate of in-person voting yields 105.2 million.*

3. Queuing Theory

Managing lines is a well-known task in both the private and public sectors. Much of modern life is spent in customer service. A science has grown up over the past century that helps managers cope with customer demand in light of constraints on time and resources. At the core of this science is operations research; within operations research, queuing theory — the science of waiting lines — provides important insights into how to organize customer service so that waits are minimized and resources are used most efficiently.

Unfortunately, queuing theory has not penetrated very far in the field of election administration. Based on our experience working with election officials, we conclude that very few allocation decisions are based on even the simplest tools that are used in the customer service field. Instead, decisions such as how many voting machines to buy or how to deploy poll books are based on less efficient rules of thumb, the most common being, “What did we do last time?”

Everyone encounters queuing theory many times each day, even when they don’t know it. Obvious applications include deciding how many cash registers to deploy at grocery stores, how to schedule subway and bus service, how to schedule staff time in health clinics, and how many lines to open up at an amusement park. Queuing theory is encountered daily in non-obvious ways, too, such as in the design of customer service call centers.

We are convinced that if simple, textbook applications of queuing theory were regularly applied to the field of election administration, not only would the long lines that exist be shortened, but that election administration budgets would be spent more efficiently. While we do not believe that queuing theory provides a road to election Nirvana — shorter lines *and* lower costs everywhere — we do know that the application of queuing theory to voting can help guide officials in figuring out how best to deploy new resources and, in some cases, actually save money over current practice.

Some basics

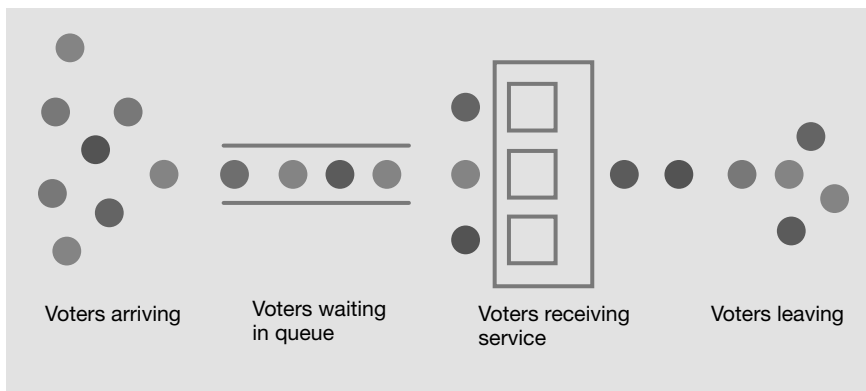
Long lines occur when resources are inadequate. Yet, resources are always constrained, especially in election administration. Thus, managers must decide how best to allocate scarce resources to get the best overall performance. Tools that are based on the science of queuing theory can help managers understand the various trade-offs involved in allocating resources and make the tough decisions that face them.

In voting, queuing theory can help answer the following questions:

- How is it best to allocate a given number of poll books, machines, and staff across a set of precincts?
- How many poll books, machines, and staff are needed to achieve a particular waiting time service target?
- What if...? ...we move a poll book from Precinct A to Precinct B? ...we reduce check-in time by 15 seconds? ...we buy 10 new scanners and deploy them in our largest precincts?

The central organizing idea in queuing theory is (not surprisingly) the queuing system, which is composed of three parts: (1) the arrival of users, (2) the queue itself, and (3) the service that users receive. This is illustrated in the following figure.

FIGURE 5



To understand a system like this, we need to answer the following questions about each part of the queuing system:

- **Arrival of voters:** At what rate do voters arrive, and how variable is the arrival process?
- **The queue itself:** How do voters wait for service? For instance, do voters queue in the order of arrival so that the first users to arrive are the first to be served? And are there multiple queues, one for each server, or just a single queue that feeds a set of parallel service stations?
- **The service that voters receive:** How many service stations are available to receive voters, how quickly are voters processed, and how variable is the processing time?

To see how answers to these questions can help guide common line management decisions, let us imagine we are running a check-in desk at a health clinic. We have been informed by management to keep wait times to no more than 1 minute, because the patients arriving are often sick and in distress. Because of measurements we have taken, we know that patients arrive randomly at a rate of about one every minute, and that it takes an average of $2\frac{1}{2}$ minutes to check in a patient. This time, though, is highly variable from patient to patient. Finally, when patients arrive, they stand in a single line; the first to arrive is the first to be served.

How many receptionists do we need at any given time to keep wait times to less than one minute?

With these simple facts (and with specific assumptions about the nature of the uncertainty in the arrival and service processes), we can consult standard textbook queuing models, which would tell us that we would need 8 receptionists to ensure that virtually no one would experience a wait longer than 1 minute in line. If we could only afford to employ 5 receptionists, the standard textbook models tell us that average waits would still be short — only 8 seconds on average — but that 5% of customers would have to wait more than one minute to reach the front of the line.

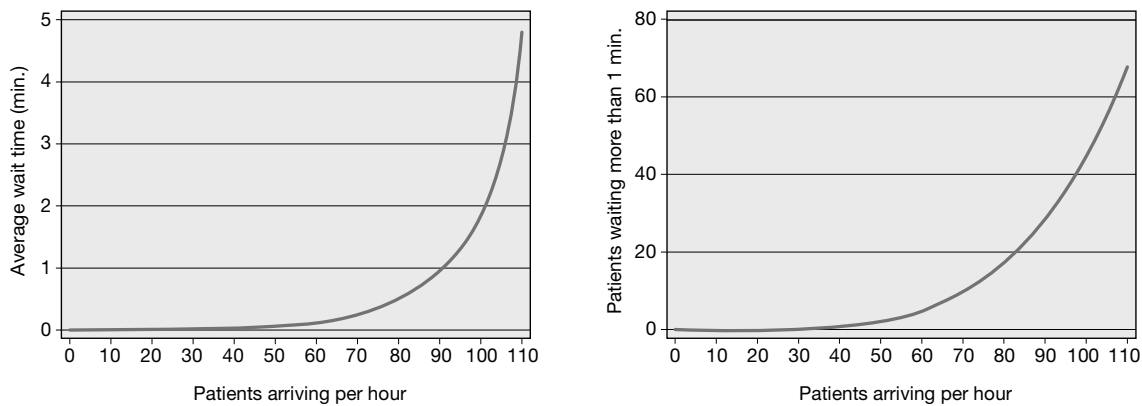
This is a simple example, but it is representative of the problems that queuing theory sets out to solve. Basic, commonly used queuing models help us grasp some very important features of line dynamics. The most important is this: line dynamics are highly non-linear. In other words, line lengths and waiting times do not grow in strict proportion to the arrival rate of customers. When arrival rates are very slow, it may be possible to speed up arrivals substantially without increasing lines and wait times. On the other hand, when arrival rates are very fast, even a small increase in the arrival rate can cause lines and wait times to grow uncontrollably.

Queuing models

Queuing models are summarized using a notation called “Kendall’s notation,” which looks like this: $A/S/c$. The letter “A” records the type of arrival process in the system, the letter “S” records the service time distribution, and the letter “c” records the number of servers. The most common assumption about both the arrival process and the service time distribution is that the interarrival times and service times are both drawn from random distributions that are “Markovian” or “memoryless.” When the process is Markovian, the letter “M” is substituted for the “A” and “S” in the generic notation. Thus, the form of queuing model we discuss in this example is described with the notation $M/M/c$, meaning that both the arrival process and the service time distribution follow a Markovian process, and the number of servers (which we must choose) is described with the placeholder “c”.

This pattern is illustrated below, using the numbers from the health clinic example above — five receptionists who each can check in a patient in $2\frac{1}{2}$ minutes on average. The graphs show what happens to average wait times (left graph) and the percentage of new arrivals who have to wait more than 1 minute (right graph) as the arrival rate varies from 0 to 120 patients per hour.

FIGURES 6A AND 6B

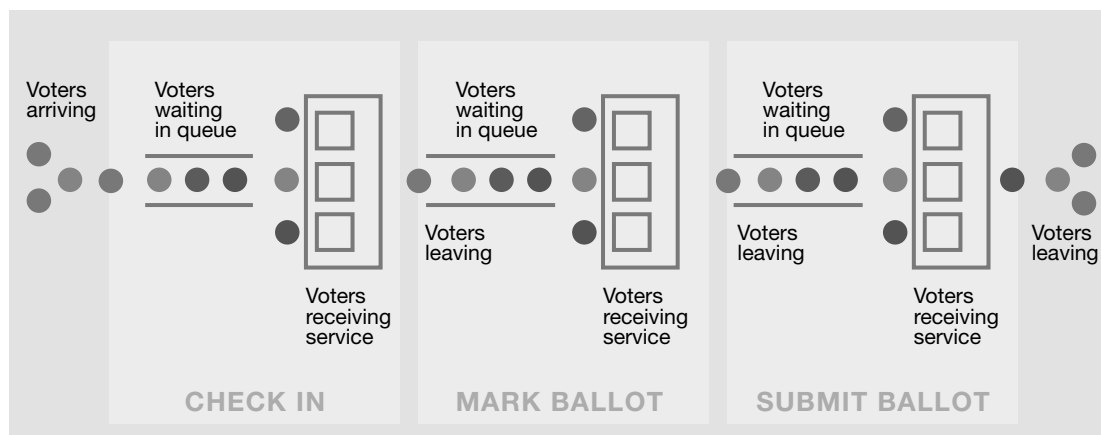


Note that each of these graphs is flat for a long time, and then at some point starts to grow at a faster and faster rate. When the system goes from 50 patients to 60 patients per hour, the amount of strain on the system barely changes: average wait times only go from 4 to 8 seconds, and the percentage waiting more than 1 minute only goes from 2% to 5%. However, if the system goes from 100 patients to 110 patients an hour, average wait times more than double — from 1.9 minutes to 4.8 minutes. The percentage of patients waiting longer than the benchmark 1 minute goes from 44% to 68%.

Beyond the basics: the complexities of polling places

Of course, polling places are more complex than a single check-in desk at a health clinic. Polling places typically have two or three service steps, depending on the voting technology. The following figure illustrates a typical set-up for voting. Queues can form at each step of the process. In the most extreme cases, a long line at the voting booths or scanners might require registration check-in to suspend operations to allow the downstream queues to shorten.

FIGURE 7



Even though precincts involve a chain of service steps and associated queues, it is possible to break the chain apart and ask about whether each place where voters receive service has adequate resources so that lines don't get out of control. Later in this report, we show how that might be done.

4. Applying Queuing Theory to Manage Actual Polling Places

Although it may seem that applying queuing theory to the management of polling places requires the use of complicated math, operations researchers and software designers have developed some easy-to-use tools to help managers of polling places apply the tools, even without a background in probability and statistics. What is needed to use these tools, more than a background in operations research, is attention to how polling places are organized. In addition, some care needs to be taken in consistently measuring the rates and patterns in which voters arrive at polling places and how long it takes to complete each step or task in the voting process.

The URL for the polling place resource toolbox is <http://web.mit.edu/vtp/>.

At the request of the Presidential Commission on Election Administration, the VTP developed a series of web-based software tools that administrators can use to manage the allocation of critical resources to precincts and to control the length of lines. The purpose of this section is to illustrate how these tools can be used to understand and manage lines in actual polling places. We start by describing the process of using the tools in a very general way. Then, we apply the tools to two specific settings — one is in a large, densely-populated city, and the other is in a large county with a mix of city and suburbs.

General considerations

We define a five-step procedure to help describe how to apply the tools of queuing theory to managing lines at polling places. The five steps are these:

1. Identify where lines might form.
2. Measure arrival rates.
3. Measure service times.
4. Enter the data from steps 2 and 3 into the online tools.
5. Use the results from step 4 to consider how resources might be adjusted.

Step 1: Identifying where lines might form. The first step in applying queuing theory to lines at polling places is to identify where voters receive service, and thus where lines might form. The purpose of this first step is to identify those places where you will need to take measurement, to estimate how frequently voters arrive and how long it takes for them to be served.

As a general matter, jurisdictions that use optically scanned paper ballots will have three relevant places:

1. Registration table, where voters check in
2. Voting booths, where voters cast a ballot
3. Scanners, where voters scan and cast their ballots

In jurisdictions that use electronic voting machines, only the first two locations will be relevant. There may be other service locations to be aware of, depending on local laws. For instance, in Massachusetts, voters must check out before they scan their ballots. This adds a fourth service station that must be accounted for.

Step 2: Measuring arrival rates. The next step is to estimate how many voters will arrive at the polling place over some period of time.

There are two general strategies one can follow in estimating arrival rates. The first is simply to take the number of voters anticipated to arrive over a given period of time, and then divide by that amount of time. For instance, if a precinct typically has an Election Day turnout of 1,200 voters and polls are open from 6:00 a.m. to 6:00 p.m. (i.e., 12 hours), the average arrival rate is 100 voters per hour or $1\frac{2}{3}$ voters per minute. This is the easiest method to estimate arrival rates, and in many cases will be sufficient.

However, there will be other cases in which the second method is more appropriate — measure arrival rates by observing when voters actually arrive at the polls. To implement this method, someone must actually observe people arriving at the polls, counting the number of voters who arrive at regular intervals during the voting day. This is the method that was used in some of the cases we discuss below.

The second method is more labor intensive than the first, so why would an election jurisdiction use it? The main reason is to be able to take into account the fact that arrival rates fluctuate significantly throughout the day. If a precinct experiences a period of intense demand — for instance, if half of all voters show up in the two to three hours before the start of the workday, while the other half show up during the rest of Election Day — lines will actually be longer than if the same number of voters arrived evenly throughout the day.

Local jurisdictions sometimes try to take a short-cut in measuring arrival rates throughout the day by relying on statistics they keep that record how many voters have checked in by different times of the day — or similarly, the number of voters who have scanned a ballot at different times of the day.

For instance, the Elections Department of the City of Boston, Massachusetts, receives reports from the city's precincts about the cumulative number of voters who have cast ballots by certain times of the day: 9:00 a.m., noon, 3:00 p.m., and 6:00 p.m. (Polls open at 7:00 a.m. and close at 8:00 p.m.) If 360 voters cast a ballot at a precinct between 9:00 a.m. and noon, it is tempting to estimate that voters have arrived at a rate of 120 per hour during this period. However, we don't know when these voters *arrived* at the polling place, only when they got to the end of the process and scanned their ballot. Most importantly, if a very long line formed before 9:00 a.m., then it is possible that a significant portion of the voters who cast a

Deciding how much effort to invest in gathering data about arrival rates at the polls is a trade-off between administrative simplicity and cost and accuracy. The most accurate methods require a commitment to careful training.

A method that tries to measure arrival rates during peak hours using an indirect method . . . is guaranteed to underestimate the arrival rate at peak time.

ballot between 9:00 and noon actually arrived before 9:00. (Similarly, anyone waiting in line at 12 noon would not be counted as having arrived prior to noon.) The same point could be made of using the number of voters checked in at a registration table during a slice of Election Day. If there is a line to check in, then the check-in time may not accurately reflect the arrival time. The longer the line, the less reliable check-in time data will be in figuring out arrival rates.

The bottom line is this: If a polling place tends to experience a big rush of voters at one specific time of the day — typically before or after work — the most reliable method of estimating arrival rates during these times, by far, is to station someone at the end of the line (or entrance to the precinct), and have them record the number of people arriving at regular intervals. A method that tries to measure arrival rates during peak hours using an indirect method, such as counting the number of ballots scanned during the time period, is guaranteed to underestimate the arrival rate at peak times.

Step 3: Measuring service times. Next, one must measure how long it takes voters to be served at the various steps along the chain of voting, typically checking in at the voter registration table, casting a ballot, and (if the ballot is scanned) scanning the ballot.

We define the duration of a service task as being the time from when the voter is being served at a particular station in the voting process, until the next voter is served (assuming one is waiting). If it is the check-in table, the duration of the service time is the period between one voter beginning to check in and the next voter starting the process; for voting booths, it is the time between one voter arriving at the booth and the next voter going into the booth.

Often someone might only measure the time, say, when the voter is actually filling out the ballot, and neglect other elements of the service time, such as the time to get settled and the time to move into and out of a voting booth.

Before discussing various methods of measuring service times, one critical point must be made up front: The purpose of measuring service times is not to see how long it would take an *ideal* voter to be served. Rather, it is to see how long it takes an *average* voter to be served or to accomplish the task.

The most accurate data will be gathered by watching individual voters actually navigate a polling place. It is usually possible to station observers in precincts whose job it is to time how long it takes a voter to complete each of the tasks necessary to vote. In doing this timing, every second matters. Therefore, it is not overkill to time voters using a stopwatch. In the two case studies we examine below, voters were actually timed by researchers who sat in polling places with clipboards and stopwatches.

Such an exercise may not always be feasible — it may not be possible to recruit enough observers. Or, having observers timing voters during Election Day may seem too intrusive. Therefore, a workable substitute could be timing voters and poll workers in more controlled environments, such as an office.

For instance, to test how long it takes to fill out a ballot, an election official might take sample ballots to various locations around the city — to senior centers, churches, schools, or even co-workers in other city departments — and ask them to time themselves in completing a ballot.

If this second tactic of taking measurements in a controlled setting is used, one thing is crucial: the “test subjects” must be representative of the voters who will cast ballots on Election Day. And again, they must be *typical* voters, not *ideal* voters. It is our experience that election officials too often estimate how long it takes to check a voter’s registration or fill out a ballot based on a best-case scenario.

Step 4: Entering data into the online tools. With the data at your disposal, it is now possible to enter this data into an online tool and get feedback. Here, we demonstrate the use of two tools on the VTP Election Toolkit web site.

The first tool is the one developed by Stephen Graves and Rong Yuan (the “Graves-Yuan Tool”). In this example, we have chosen a precinct that typically experiences 1500 voters during a 13-hour Election Day, or roughly 115 voters per hour on average. In this precinct it takes an average of 30 seconds to check in at the registration table (or 0.5 minutes). There is one person doing the checking in. For this example, we have set a maximum wait-time target or benchmark of 30 minutes to check in a voter; that is, we would like for very few voters, if any, to wait more than 30 minutes to register. Knowing that it will be impossible to ensure that *everyone* is checked in within 15 minutes of waiting, we specify as a goal that 95% of voters be checked in within the 30-minute benchmark.

FIGURE 8

Enter Data

select **Check-In** Voting Machine + Add Precinct

Clear Data

Precinct #	Arrival rate (voters per hour) [1,10000]	Average time for check-in (minutes) [0,100]	Number of Check-in Stations [1,100]	Maximum wait-time target (minutes) [0,60]	Service level (%)	
	115	0.5	1	30	95	✖

Calculate

Results

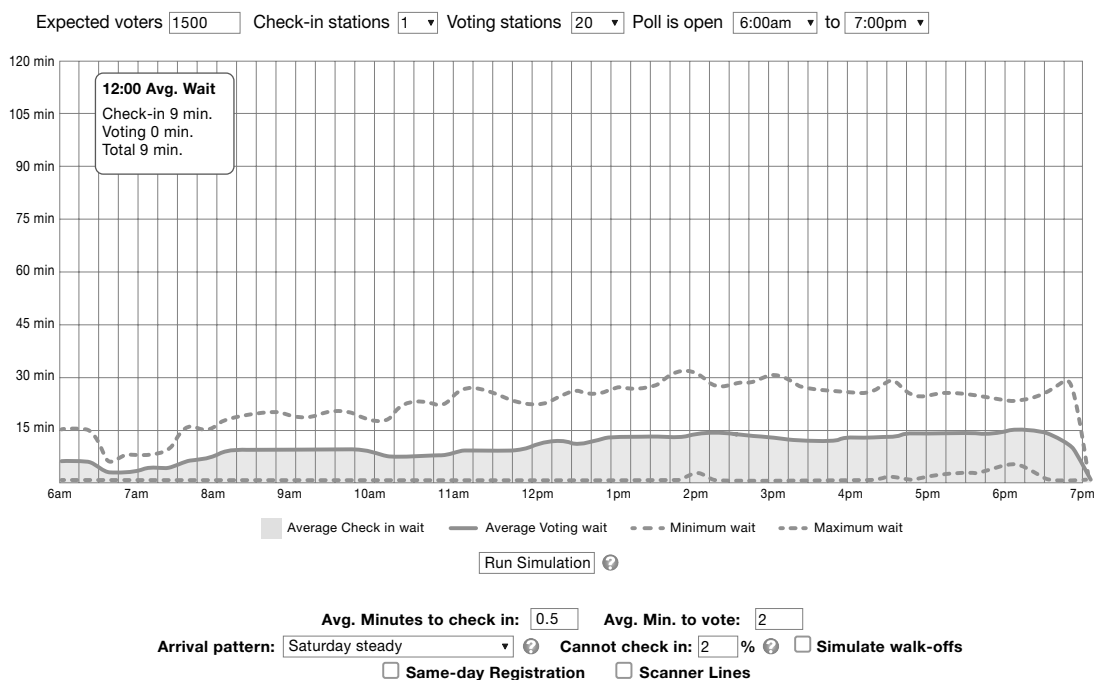
Clear Data

Precinct	Average Wait Time (minutes)	Percent of voters that wait longer than the target	Number of Check-in Stations required to meet the service level	Alert
	11.5	7.9	2	

The upper part of the tool lists the inputs we entered. The lower part lists the results. Based on the inputs, the tool calculates that the average voter will wait 11.5 minutes prior to registration. The tool further calculates that 7.9% of voters will wait longer than our benchmark of 30 minutes, and that we would need two registration tables in order to ensure that 95% of the voters wait less than 30 minutes.

The second tool is the one developed by Mark Pelczarski (the “Pelczarski Tool”). This tool was developed to show wait times throughout the day, and to account for two possible bottlenecks at the same time — checking in and casting a ballot. In this example, we have filled in data for a similar scenario to the previous one. We are expecting 1500 voters during the time the polls are open, from 6:00 a.m. to 7:00 p.m. There is 1 check-in station. (To focus our attention on check-in, we have set the number of voting stations to 20, which is more than enough for anticipated demand.) As before, the average check-in time is 0.5 minutes. (The average time to vote is set to 2 minutes, but this does not affect the estimates of how long it takes to check in.)

FIGURE 9



The output of this tool emphasizes the average wait time to check in throughout the day, indicated by the yellow area in the figure. By moving the cursor over the graph, the tool reports the average wait time for that moment — the sample shows an average check-in wait of 6 minutes at noon. The dashed lines show the variability around the estimates of the average. In this example, some precincts will experience no wait at all during the day, while other precincts could experience waits of as much as 30 minutes — it all depends on the actual arrival pattern of voters.

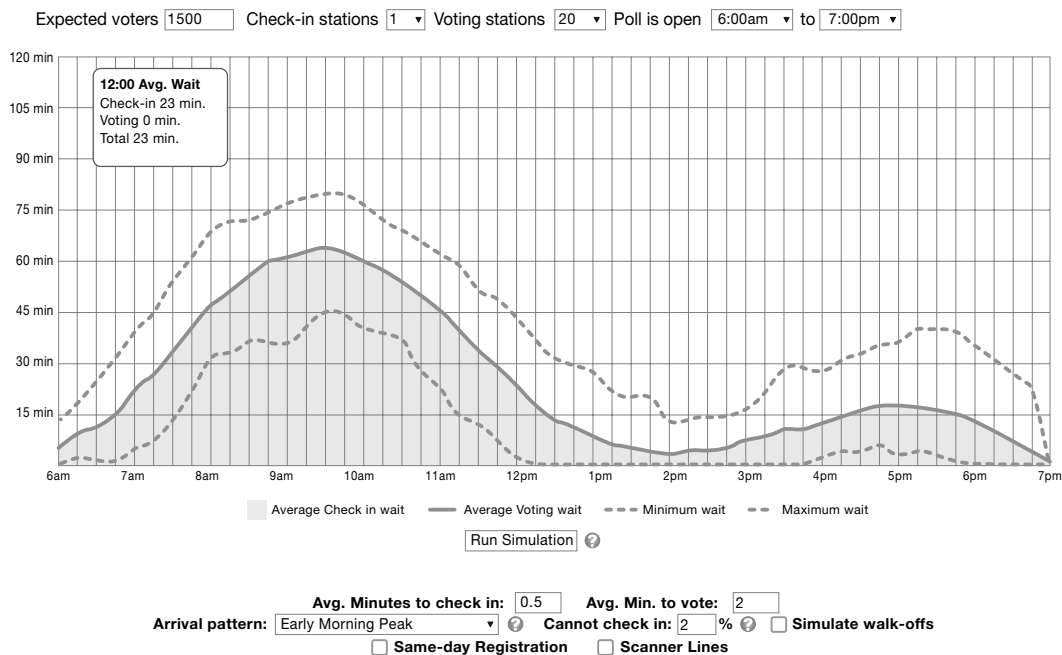
Step 5: Fine-tune the inputs. Finally, if the results of the simulations don't show acceptable results, adjust the inputs to see if you can improve performance.

In the previous step, the results from the Graves-Yuan Tool indicate that we need 2 check-in stations to meet our benchmark service level and that if we add this additional check-in station, average wait times will be reduced by 681 seconds (nearly 11½ minutes) per voters. If we type the number “2” into the box for number of voting stations, the Tool confirms that we would reduce average wait times down to a paltry 9 seconds, and that no one would wait more than 30 minutes. In a similar fashion, if we change the number of check-in stations to 2 in the Pelczarski Tool, the yellow part of the graph disappears, indicating that the wait throughout the day is virtually zero.

The Pelczarski Tool allows you to experiment with other parameters as well, to take into account variations across polling places in factors such as the pattern of arrivals during the day. In the example above, we chose the arrival pattern that corresponds with “Saturday: steady,” which means that the arrival rate is steady throughout the day. We could choose other arrival patterns, such as “Early Morning Peak.” This pattern would take the same 1,500 voters, and instead of assuming they arrive at the same rate throughout the day, simulate what would happen if there was a surge of arrivals at the beginning of the day. The results of that simulation are shown below.

Note that the results are quite different when arrivals are front-loaded during the day. A line builds right off the bat, rising to an average wait time of over an hour by 9:00 a.m. The wait then dissipates, but not entirely. By noon, the average wait is 23 minutes, compared to 6 minutes when arrivals were steady throughout the day.

FIGURE 10



The great advantage to using tools such as these is that they can help election administrators understand various “what-if” scenarios, especially in light of trying to fix problems with long lines.

Having now discussed a general approach to the use of polling place tools to help understand polling place dynamics and correct unacceptably long lines, we turn our attention to two case studies. These case studies draw on data from actual local election jurisdictions. So that we can focus on the technique, we have used fictitious names for each locality. The first case is a city in a state without early voting, and which regularly has reports of Election Day lines scattered throughout the city in presidential election years, but not at midterms. The second case is a county that has a substantial amount of early voting, and which experienced widespread lines in the 2014 midterm election.

Case Study 1: Metro City¹³

Metro City is a dense central city within a large, prosperous metropolitan area. It has over 380,000 registered voters, with turnout in presidential elections approximately 255,000, and 160,000 in midterm elections. Election Day is 13 hours long. Because the state in which Metro City is located does not have early voting and sets high barriers to absentee voting, virtually all votes are cast on Election Day in traditional neighborhood precincts. Voting is done on paper ballots that are optically scanned. Metro City uses paper poll books to check in voters.

There are 255 precincts in Metro City, which means that the average precinct processes 1,000 voters in a presidential election year, but only 627 voters in midterm elections. However, the range in the number of voters who cast ballots in precincts varies greatly. The largest Metro City precinct saw over 2,600 voters cast ballots in 2012, compared to only 21 voters in the smallest. Despite the wide variability in voters at each precinct, the number of clerks checking in voters varies very little. In 2012, the check-in was done at a single line in each precinct. In 2014, a second check-in clerk was added to four of the largest precincts.

In the 2014 midterm election, the Voting Technology Project sent a team of student researchers into a random sample of precincts throughout Metro City. These researchers counted voters as they arrived and timed how long it took a sample of voters to perform the following tasks: check-in, vote, and check-out.

Basic queuing statistics in 2014 for average voter and precinct in Metro City.

Average check-in time: 37 sec.
(0.62 min.)

Arrival rate in average precinct:
48/hr.

1 check-in station

12 places to mark a ballot

Let us first consider the check-in process. Our researchers observed a total of 413 voters checking in during the day. These voters took an average of 37 seconds to check in. Using the Graves-Yuan line optimization calculator discussed previously, we can plug in the relevant information from the average precinct (48 arrivals per hour, 0.62 of a minute to check in, and 1 check-in station) and see that the average wait time in the average precinct would be 0.61 minutes, or 36.6

¹³ In this case, and the one that follows, we have masked the name of the jurisdiction so that we can focus on the process and findings.

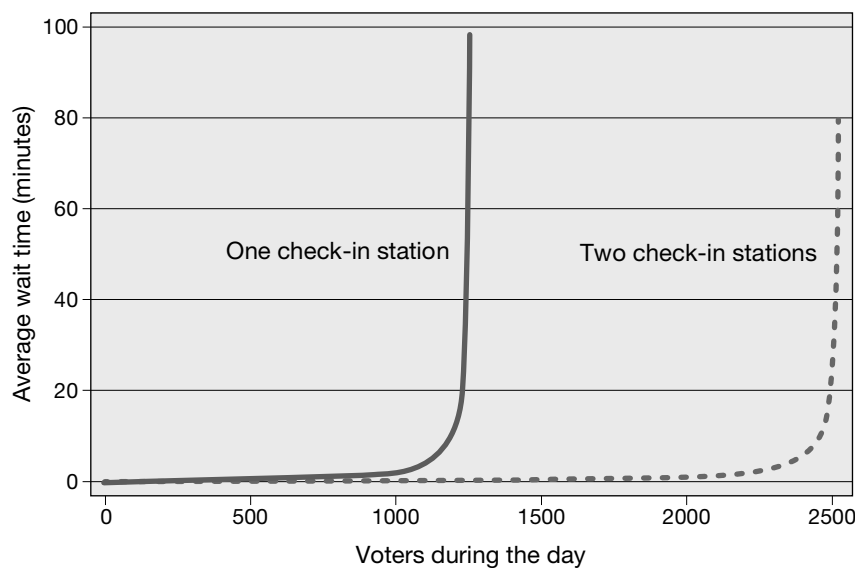
seconds. For a precinct at the 90th percentile of arrivals (997, or 77 per hour), average wait time would be 2.4 minutes.

As we noted above, in 2014 Metro City allocated two check-in clerks to four precincts, including the largest, which saw 1,763 voters on Election Day. The Graves-Yuan calculator confirms that with two check-in stations, the average wait time should be only 36 seconds in this precinct. If only one check-in line had been used, the calculator predicts unstable results — indicating a line growing constantly during the day, as voters arrive at a rate faster than the station can check them in.

The Pelczarski tool shows the dynamics of wait times, and can help show what would have happened in this largest precinct had there been only one check-in station. The Pelczarski tool predicted that the line to check in at this precinct would have grown linearly throughout the day: from 7 minutes at the start of the day to 143 minutes (over two hours) at noon, all the way up to 405 minutes (nearly 7 hours) at closing time.¹⁴ Clearly, the presence of this additional check-in station at the largest precinct prevented a potentially chaotic situation in 2014.

The following graph shows the relationship between the number of voters coming to the polls in Metro City and the average time to check in, assuming it takes an average of 37 seconds to check in at each precinct. The two lines show the average time for one check-in line (the solid blue line) and two check-in lines (the dashed red line).

FIGURE 11



¹⁴ The Pelczarski tool allows the user to choose a variety of arrival patterns. We have chosen to use the “steady” arrival pattern.

Note that the solid line goes vertical around 1,250 voters, while the dashed line goes vertical at about 2,500 voters. These are the points at which line dynamics become unstable, and wait times start to grow without bound. (An average service time of 37 seconds translates into a service rate of 1.62 voters per minute; for a 13-hour day, this means that the single registration station, working without breaks or idle time, would have the capacity to register at most 1265 voters.)

In the case of Metro City in the 2014 midterm, seven precincts had more than 1,250 voters, and thus would have been well served by a second check-in line. However, the city was only able to assign a second check-in clerk to four of these seven precincts, meaning that these three other precincts likely had to manage with very long lines throughout the day, despite the fact that this was a low-turnout election.

This analysis shows that Metro City is in a bit of a pickle for presidential elections. In 2012, over one-fifth of Metro City's precincts (53) had more than 1,250 voters and one had over 2,500. With only one check-in clerk assigned to each precinct in that election, queuing models tell us that it was virtually guaranteed for over one-third of Metro City's voters to wait longer than 30 minutes to vote in 2012, the benchmark established by the PCEA. The theory's predictions are borne out by survey research evidence, which shows that 29.5% of Metro City's voters reported waiting more than 30 minutes to vote in 2012.

What should Metro City do if it wants to reduce wait times in the 2016 presidential election so that only a small fraction of its voters wait more than 30 minutes to check in? It is possible to use the Graves-Yuan tool to run what-if scenarios to answer this question. From what we have seen in the graphs above, the tipping point appears to be in precincts with more than 1,250 voters turning out. If Metro City had been able to assign a second check-in clerk to the 53 precincts with turnout above 1,250, a little manipulation of the Graves-Yuan tool reveals that only 2% of Metro City's voters would have waited more than 30 minutes.

Is this an easy fix? On the one hand, Metro City employed nearly 2,000 poll workers in 2012, and 53 additional clerks would represent a growth of only 2.7%. On the other hand, most local election departments list finding qualified, high-quality poll workers as among their greatest challenges. Whether it would be possible to find "only" 53 more poll workers to staff the check-in tables in 2016 is a question most local election directors don't want to answer.

We end this section on Metro City with what we believe is the most important point: Metro City faces a serious challenge in moving its voters through the polls in presidential election years, yet it is possible to use basic tools derived from queuing theory to identify simple actions that would make the situation much better. The solution suggested — find a way to add a check-in line to 53 polling places — is clear. It may even be achievable.

Case Study 2: Magnolia County

Magnolia County presents different challenges compared to Metro City, and can illustrate how queuing tools can give local jurisdictions a menu of choices in deciding how to address the challenge of long lines at the polls.

Magnolia is a large county located in a fast-growing part of the country. It consists of virtually every type of residential setting seen in the U.S., from high-density urban areas to rural areas that border on wilderness. It has over 700,000 registered voters, with turnout ranging from 300,000 in midterms to over 470,000 in presidential elections. Unlike Metro City, the state in which Magnolia County is located has early in-person voting as well as “no-excuse” absentee voting. As a consequence, the Election Day turnout in Magnolia County is similar to that of Metro City — roughly 130,000 in midterms and 200,000 in presidential years — despite the fact that Magnolia County has nearly twice as many registered voters.

Ballots are cast on optically scanned paper ballots, and voters check in on electronic poll books. The polls are open for 12 hours on Election Day.

Magnolia County has 227 precincts, meaning that the average precinct processes 573 Election Day voters in midterms and 881 in presidential elections.

For the typical precinct, Magnolia County deploys three electronic poll books that can be used to check in voters. However, a few small precincts have only two devices, and a few larger ones have four or five. Regardless of how many poll books are at the precinct, one of them is designated for use at the “help desk,” and thus may not be available for the regular check-in of voters, because it is reserved for any registration problems that arise.

As we did in Metro City, in 2014 we also sent a team of student researchers into a random sample of precincts throughout Magnolia County. Similarly, the researchers counted voters as they arrived, and also timed how long it took a sample as they arrived to check in and cast ballots.

Our researchers observed 327 voters checking in during the day. These voters took an average of 128 seconds to check in. Using the Graves-Yuan line optimization calculator discussed previously, we can plug in the relevant information from the average precinct (48 arrivals per hour, 2.13 minutes to check in, and 3 check-in stations) and see that the average wait time in the typical precinct would be 0.52 minutes, or 31 seconds. We can perform a what-if analysis, and ask what would happen if one fewer check-in station were available at the typical precinct. That results in an estimated average wait of over 5 minutes, with 1.2% of voters waiting more than 30 minutes.

Basic queuing statistics in 2014 for average voter and precinct in Magnolia County.

Average check-in time: 128 sec.
(2.13 min.)

Arrival rate in average precinct:
48/hr.

3 check-in stations

Unstable line dynamics.

Standard queuing models have been developed for cases where line lengths reach an equilibrium, or a “steady state.” For most applications, this is a useful approach. In some cases, however, the average arrival rate exceeds the average service rate, causing lines to grow without bound; for instance, if the arrival rate is 60 voters per hour and if the registration desk can only register 45 voters per hour, then we expect for the line to grow by 15 voters each hour. The system does not reach a natural equilibrium, and the only thing that brings order is outside intervention — usually just turning off access to the service, such as closing the doors and not letting anybody else in.

When lines are unstable, the Graves-Yuan tool cannot estimate the average wait time, because in a sense, there is no average to estimate. However, it is possible to figure out approximately how many people wait longer than the target maximum wait time by equating the maximum wait time to a line length, and then by estimating at what time of day that line length will be reached. Everyone who arrives after this time will wait longer than the maximum wait time.

For instance, if the system can process 60 voters per hour, then a line length of 30 corresponds to a wait time of 30 minutes. If the arrival rate is 70 voters per hour, then it will take 3 hours for the line to build to 30 voters; we expect that any voters who arrive after 3 hours to experience wait times of at least 30 minutes.

In the case of Magnolia County, for instance, it might be reasonable to assume that everyone who arrived after the polls had been open for an hour had to wait more than 30 minutes. While this rule of thumb would produce a less precise estimate of the number of people who waited longer than the target, it may be sufficiently precise for planning purposes.

Magnolia County provided us with information about the number of check-in stations available at all precincts during Election Day 2014. If we assume a 2.13 minute average check-in time for each precinct, then the Graves-Yuan tool predicts that a significant¹⁵ number of voters would have waited more than 30 minutes in eight precincts. In five of these precincts, the tool predicts that line length will reach steady-state during the day, with the steady-state wait times ranging from 12 to 46 minutes. In three of these precincts, line length grows throughout the day because the average arrival rate exceeds the average service rate. In such a case, the tool cannot calculate a steady-state average line length, as the length of the line continues to grow over the day. (See sidebar.)

As with Metro City, we can push the what-if analysis to ask, “If turnout had been at levels typically seen in presidential election years, what would lines look like?” And, just like Metro City, the answer is that lines would have been much longer. However, in this case, it is more accurate to say that the lines would have been much, *much* longer.

Simply plugging in the number of Election Day voters into the Graves-Yuan line optimization calculator reveals that lines would have been unstable — growing continually throughout the day — in 88 of 227 precincts.¹⁶ In the remaining precincts — the ones we predict would develop lines that would reach a steady state — another 20 would develop lines in which a significant number of voters would wait longer than the 30-minute PCEA benchmark to vote.

We can further investigate two scenarios to examine what it would take to reduce waiting times to the 30-minute benchmark. One is to ask how many additional check-in stations would be necessary to reduce waits to be within the 30-minute benchmark. When we do that, we see that Magnolia would need to add over 100 check-in stations throughout the county — a similar prescription to the situation in Metro City, where it was necessary to add an additional 50 check-in stations to bring the city within the 30-minute benchmark.

¹⁵ “Significant” in this case is defined as more than 5% of voters in a precinct waiting longer than the target of 30 minutes.

¹⁶ We did not change the number of poll books from 2014, in order to simulate the type of what-if analysis that might be done if a jurisdiction deployed all its poll books in each federal election.

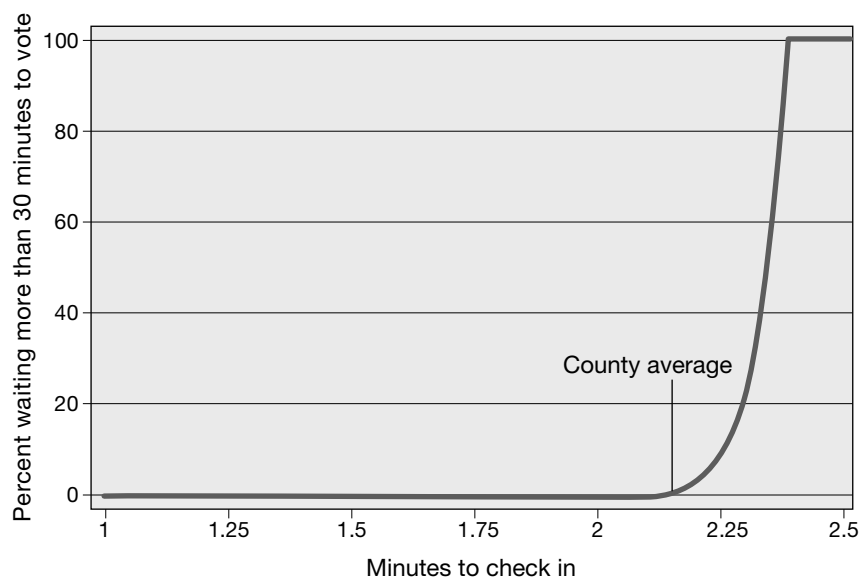
However, it is quite different from the Metro City prescription for this simple reason: Each additional Magnolia County check-in station also must have an additional electronic poll book, whereas adding check-in stations to Metro City only requires that the paper poll book be divided into parts, according to the alphabet. In Metro City, adding an additional check-in station would cost an extra couple of hundred dollars; in Magnolia County, an additional check-in station could cost thousands of dollars, once the personnel and technology costs are calculated.

Thus, before exploring the expenditure of hundreds of thousands of dollars to add check-in stations, Magnolia County could explore another avenue: reducing check-in times. Note that Magnolia's check-in time, at 128 seconds, is almost three and a half times longer than the average check-in time at Metro City.

The following graph shows the estimated percentage of voters in a precinct who would wait more than 30 minutes to check in, as a function of the amount of time it takes for a single voter to check in at a precinct. In estimating these percentages (using the Graves-Yuan calculator), we have set the size of Election Day voting in the precinct at 900, or 75 per hour (which is close to the Magnolia County average), and equipped the precinct with 3 check-in stations, which is also typical.

As before, there is a sharp “elbow” in this graph that appears right around 2¼ minutes of check-in time. Once check-in times exceed 2.4 minutes, virtually everyone has to wait more than 30 minutes in order to check in at the precinct. Note that the county average, 2.13, is right around this inflection point. This suggests two things. First, it suggests that the “average” precinct in a presidential election is teetering on the edge of uncontrollably long lines. Second, it also suggests that if Magnolia County could shave a few seconds off the average check-in time, lines would be considerably shorter in many precincts.

FIGURE 12



To explore the possibility that reducing check-in times would help Magnolia County address its potential problem with lines in presidential elections, we experimented with different values for check-in times, utilizing 2012 Election Day turnout and the number of check-in stations in 2014 for the simulation. If check-in times could be reduced by 8 seconds, down to exactly 2 minutes, the fraction of voters waiting in line for more than 30 minutes would fall from 57% to 46%. If the check-in times were reduced another 15 seconds, to 1¾ minutes, only 21% of voters would need to wait more than 30 minutes to check-in. Finally, if check-in times could be reduced even further, to a minute and a half, only 8% of voters would need to wait more than 30 minutes.

Reducing check-in times would not be a trivial task. Much more goes on when a voter checks in in Magnolia County than simply checking their name off an electronic list. Magnolia County is in a voter ID state, so the ID needs to be verified before voting, which is not true for Metro City. (However, Magnolia County is able to read information off of a voter's driver's license electronically, which should speed up the process.) When they check in, voters are asked if their addresses are up to date in Magnolia County, which is not the case in Metro City. These additional time-consuming tasks may be mandated by the state, or may pay off in other ways.

Magnolia County has no clear path to reducing wait times to check in. Adding more check-in stations would impose a serious financial challenge on the county. Cutting the amount of time to check in would involve more than simply talking faster, but would require a thorough review of administrative practices and a revamping of training. However, despite the fact that substantially reducing check-in times in Magnolia County would be expensive, the use of resource allocation tools gives the county something to aim for, and makes the case for any additional resource needs.

5. Moving Forward

The purpose of this report is to help introduce the election administration community to tools that can be used to help effectively manage capacity on Election Day. While the tools are based on the application of a sophisticated field of operations research science, the inputs are easy to conceptualize and measure, and the tools are straightforward to use.

In our work with state and local election officials, we have run across several jurisdictions that attempt to manage capacity in a systematic way. Notable recent examples include jurisdictions such as Travis County, Texas; Orange County, California; Denver, Colorado; and Bernalillo County, New Mexico.

The most systematic application of queuing-based tools undertaken at the initiative of local administrators since the 2012 presidential election was done by the District of Columbia Board of Elections in 2014. As part of a comprehensive review of polling place practices, the DC Board of Elections sent Election Day Data Teams to five precincts. These teams engaged in intensive measurement of arrival rates and service times at each of the precincts they visited.

The Elections Board staff was able to input the data gathered by the data teams into the VTP polling place tools, which helped to provide feedback about whether the allocation of resources to precincts was optimal.

A particular problem confronting DC was the fact that voters in most precincts could choose to vote on either touchscreen voting machines or optically scanned paper ballots. Board staff believed that some of the problems the District was facing with long lines stemmed from the choice of many voters to vote on the touchscreen machines. However, without close observation of polling place dynamics, they could not say precisely how the choice of electronic voting machines slowed things down.

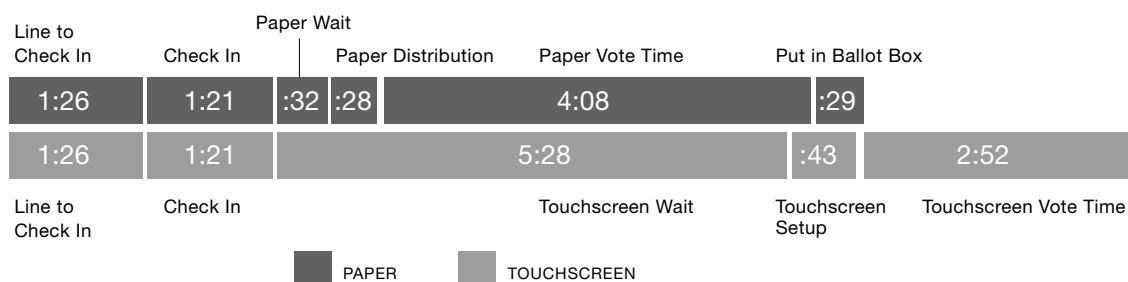
The accompanying graph, prepared by Board staff, provides a stark contrast in the experience of voters depending on the mode of voting chosen. Interestingly enough, although it took voters less time to vote on the touchscreen machines, the wait to gain access to the machines was so long that electronic voting overall was much more prone to delay.

The 2014 study of polling places in DC is an exemplary case of a local jurisdiction taking the tools discussed in the previous section and building on them to improve the voting process. The long-term payoff will not only be fewer frayed nerves among voters and election administrators, but also fewer potential voters walking away because of long lines and, ultimately, greater confidence by local voters in the legitimacy of election outcomes.

There have been interesting recent developments internationally as well. For instance, in the 2015 Danish parliamentary election, DemTech — with the approval of the Danish election authority — ran a small pilot project in which they used sensors to track and record the location of voters in polling places, based on cell phone signals. This method, which preserves the anonymity of the voter, suggests that it may be possible to gather rich performance data about the functioning of polling places unobtrusively, and without adding to the burden of election workers. Of course, using cell phone signals to track the location of voters in a polling place, even if done anonymously, raises privacy concerns that would need to be addressed before being deployed in the United States.

FIGURE 13

Paper Ballot vs. Touchscreen Voting



Source: DC Board of Elections, "Data Team Findings," PowerPoint presentation, May 28, 2015.

The goal of this report is to highlight how it is possible, today, to harness the power of systematic observation to generate and analyze the data to develop concrete proposals that improve the management of polling places. The tools and methods outlined in this report are used by thousands of businesses across the country to ensure that their customers are served quickly and efficiently. With scrutiny recently focused on how long it takes to vote in some parts of the United States, it is inexcusable for election officials and policymakers not to take advantage of these tools and methods.

Systematic observation of arrival rates and service times at polling places is a critical piece of the puzzle that must be assembled to move election administration more fully into the metrics-driven age.

A state or locality wanting to base its resource allocation decisions on hard facts needs access to a basic suite of information in order to make these decisions. Among these facts are:

- Historical turnout figures, broken down by precinct and mode of voting (in-person on Election Day, in-person during early voting, and by mail/absentee).
- Service times at the critical bottlenecks of the voting process — check-in, printing ballots, gaining access to machines/booths, marking ballots, gaining access to scanners, scanning ballots, and checking out. (The actual bottlenecks will depend on the type of in-person voting conducted in each jurisdiction.)
- The number and type of equipment used to perform service functions, as well as their physical layout. (For instance, how many check-in stations were available and where at each precinct and what hours were each functioning? The same goes for voting machines as well.)
- The geo-location of voters.

Not only is it necessary for local jurisdictions to collect this data for analysis, it is important that jurisdictions archive this data and make it publicly available. We have been struck, for instance, by the number of times we have asked localities if they have records about how many check-in stations or voting machines were allocated to each precinct in the 2012 presidential election, only to be told that this information is discarded soon after the election. Without an archive of past allocation decisions and statistics such as precinct-level turnout, a local election jurisdiction will be unable to learn from the past as it makes allocation decisions for the future.

Polling place technologies will play an important part in the future in collecting the data needed by election managers as they make allocation decisions. In fact, we have been surprised and disappointed that existing technologies aren't already facilitating data collection — after all, the computers that run the poll books, scanners, and DREs are built around clocks and thus are in a position to record, for instance, how long it takes for check-in transactions to occur or how long it takes to scan in a ballot.

However, despite the fact that computer-based election technologies have the internal capacity to deliver relevant metrics to election managers, election systems are rarely designed to make retrieving that information easy. We strongly urge local election jurisdictions, when they buy new computerized voting equipment — poll books, balloting marking devices, and scanners — to require as part of the RFP process that the equipment provide event logs in ways that are easily retrievable and easily portable into commonly used software tools such as Excel.

Poll workers also have a role to play in the improved collection of polling place data. We are sensitive to the many tasks poll workers must perform in a polling place, and do not wish for them to be burdened any more than they already are. That is one reason we believe it is so important that computerized voting technologies take on the lion's share of the responsibility for recording and reporting relevant election management data.

Still, there will be times when poll workers will need to take an active role in data gathering. This is particularly true in measuring how long lines are at regular intervals which, at the present time, requires significant human intervention.

While we need more extensive and systematic data collection to manage polling places better, we also need new tools to turn this data into actionable information. The resource allocation tools highlighted on the VTP web site are one example of the types of tools needed, but there could be more, including the following two:

- Methods to estimate how long it takes to vote a ballot without pre-testing all configurations of ballot layouts. While there is no substitute to asking a sample of voters to test ballot completion time ahead of an election, in large jurisdictions it will often be impossible to produce estimated timings for every ballot style used in that jurisdiction. Thus, there is the need for a simple method that tells an administrator, if s/he has a ballot with twelve “choose one” offices, five ballot questions, and seven judicial retentions, what average amount of time it should take to fill out that ballot.
- Tools to estimate likely in-person turnout. Many jurisdictions have rules of thumb in estimating how many people will turn out to vote in person at each polling place. Usually, this involves looking back over the most recent two or three “similar” elections, choosing the number from the year with the highest turnout, and then adding a “cushion,” such as 10%.¹⁷ However, with the rise of early voting and mail absentee voting, there is also the need to take into account alternative ways that people might vote, and thus take pressure off a polling place. Incorporating information about early voting and mail absentee voting into estimates of Election Day turnout is particularly tricky, since Election Day allocation decisions must generally be made well in advance — often even before the beginning of absentee or early voting.

¹⁷ *In states that have rigid formulas about resource allocation — such as requiring the printing of as many ballots as there are registered voters in a precinct, or the allocation of one poll book for a certain number of registered voters — it may be less critical to estimate turnout in an election. However, even in these states, there will be other reasons to estimate turnout, such as in assigning “floater” poll workers to handle surges during peak turnout times.*

We conclude by noting how much work needs to be done if we are to meet the challenge set by the Presidential Commission on Election Administration that no voter wait longer than 30 minutes to vote. However, we also note the encouraging first steps taken by state and local election administrators toward reaching that goal, including the positive feedback we have received as they experiment with our online data tools.

The challenge is to stay focused on the task of improving the performance of polling places, so that lines are shorter and the public sees elections run more smoothly. The problem of long lines is in many ways more complex than previous challenges in voting technology and election administration, because there is no one, silver bullet “fix” that will solve the problem in all places. We are confident, however, that with more systematic and complete collection of data, along with the application of simple queuing tools and concepts, we will see significant improvements in 2016.

6. Further Reading

Richard C. Larson and Amedeo R. Odoni, *Urban Operations Research*, Prentice-Hall, 1981.

Classic textbook in operations research available free online at

http://web.mit.edu/urban_or_book/www/book/.

Chapter 4 provides a straightforward introduction to queuing theory.

Floyd H. Grant III, “Reducing Voter Waiting Time,” *INTERFACES* 10, no. 5 (1980): 19–25.

Earliest published application of queuing theory to the problem of long lines at the polls.

Alexander S. Belenky and Richard C. Larson, “To Queue or Not to Queue?”

OR/MS Today 2006: **<http://www.orms-today.org/orms-6-06/queues.html>.**

Brief, accessible discussion of queuing-related issues related to the problem of long lines at the polls.

Theodore Allen and Mikhail Bernshteyn, “Mitigating Voter Waiting Times,”

Chance 19, no. 4 (2006): 25–34.

Illustrates how statistical techniques can illustrate and address problems of long lines at the polling place.

Douglas M. Spencer and Zachary S. Markovits, “Long Lines at Polling Stations?

Observations from an Election Day Field Study,” *Election Law Journal* 9, no. 1 (2010): 3–17.

Reports results of a systematic study of wait times at 30 polling stations across three counties in the San Francisco Bay area during the 2008 presidential election.

William A. Edelstein and Arthur D. Edelstein, “Queuing and Elections: Long Lines, DREs and Paper Ballots,” *Proceedings of EVT/WOTE 2010* (2010),

https://www.usenix.org/legacy/event/evtwote10/tech/full_papers/Edelstein.pdf.

Develops a “Queue Stop Rule” that can be applied to prevent long lines at polling places.

Mauer Yang, Michael J. Fry, W. David Kelton, and Theodore T. Allen, “Improving Voting Systems through Service-Operations Management,” *Production & Operations Management* 23, no. 7 (2014): 1083–1097.

Develops methods to allocate voting machines optimally to precincts and presents a case study based on data from the 2008 general election in Franklin County, Ohio.

Xinfang (Jocelyn) Wang, Mauer Yang, and Michael J. Fry, “Efficiency and Equity Tradeoffs in Voting Machine Allocation Problems,” *Journal of the Operational Research Society* 66: 1363–1369.

Develops a technique to allocate voting machines that balances efficiency and equity in waiting times across a local election jurisdiction. Applies this technique to data from Franklin County, Ohio.

Charles Stewart III and Stephen Ansolabehere, “Waiting to Vote,” *Election Law Journal* 14, no. 1 (2015): 47–53.

Summary academic revision of white paper prepared for the Presidential Commission on Election Administration about long lines at the polls.

Appendix 1

State	Avg. wait (min.)	95% confid. interval	State	Avg. wait (min.)	95% confid. interval
Alabama	12.4	2.1	Montana	11.8	4.4
Alaska	3.1	3.5	Nebraska	4.3	2.5
Arizona	9.4	2.6	Nevada	7.7	2.2
Arkansas	13.8	2.4	New Hampshire	10.5	2.5
California	7.0	1.3	New Jersey	5.5	1.7
Colorado	8.1	3.3	New Mexico	6.4	2.6
Connecticut	6.9	2.3	New York	12.3	1.2
Delaware	4.5	2.9	North Carolina	13.8	1.5
D.C.	36.9	3.5	North Dakota	10.2	4.5
Florida	42.3	1.3	Ohio	10.0	1.6
Georgia	17.3	1.5	Oklahoma	16.9	2.2
Hawaii	6.6	4.1	Oregon	na	na
Idaho	8.2	2.8	Pennsylvania	8.5	1.3
Illinois	12.2	1.4	Rhode Island	11.0	2.8
Indiana	13.8	1.9	South Carolina	25.6	2.0
Iowa	5.5	2.6	South Dakota	3.4	3.3
Kansas	10.6	2.3	Tennessee	13.7	1.8
Kentucky	8.0	2.0	Texas	11.7	1.1
Louisiana	16.4	2.2	Utah	10.4	2.5
Maine	3.7	2.8	Vermont	1.7	3.4
Maryland	37.6	1.8	Virginia	25.6	1.6
Massachusetts	8.4	1.7	Washington	na	na
Michigan	19.6	1.7	West Virginia	11.1	2.7
Minnesota	6.2	1.8	Wisconsin	7.9	1.8
Mississippi	7.5	2.6	Wyoming	3.9	3.4
Missouri	11.3	1.7			

NOTE: The entries in the table are estimated average wait times to vote in person in the 2012 general election. The entries are a weighted average of the results obtained through identical questions in the Survey of the Performance of American Elections and the Cooperative Congressional Election Study.

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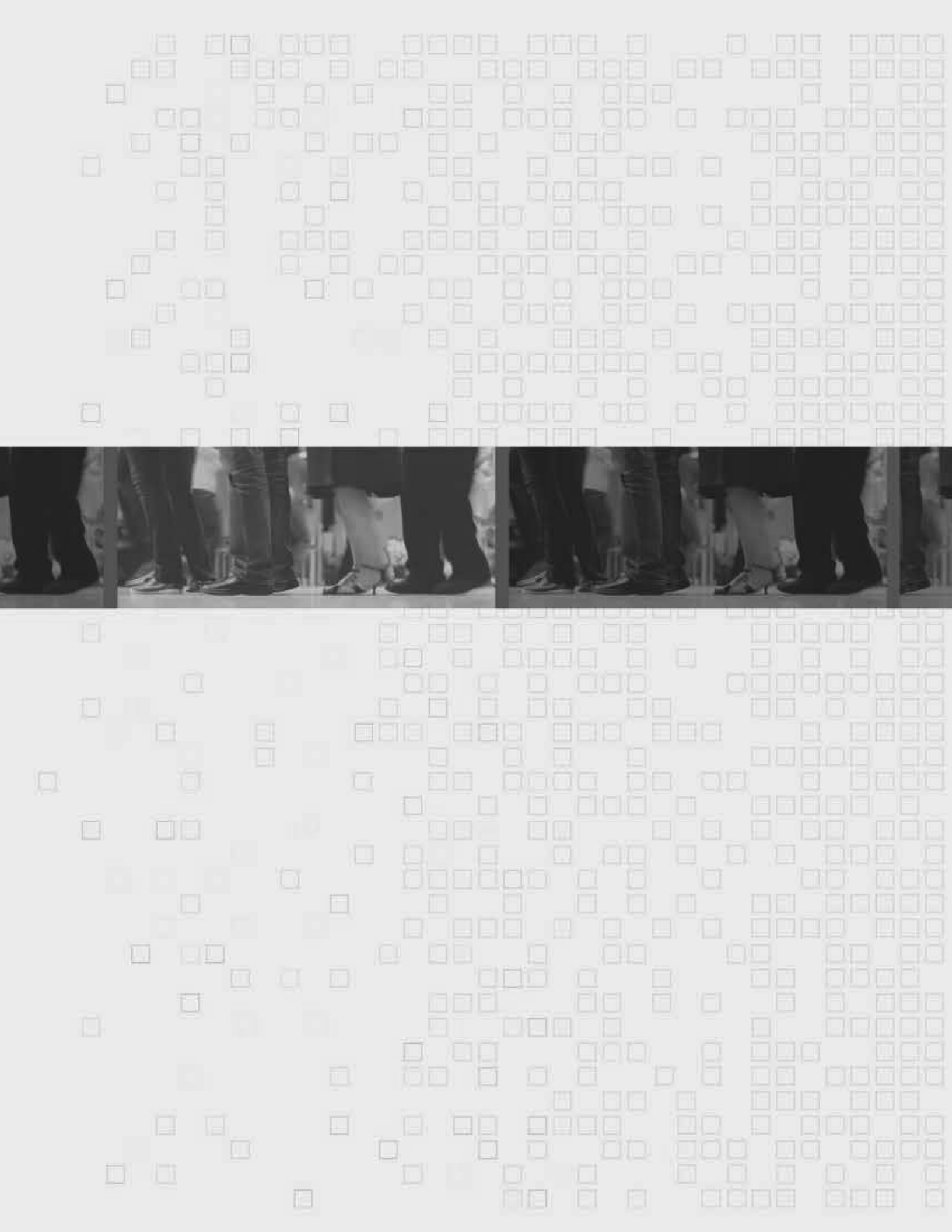



Exhibit 1-7

Photo identification laws and perceptions of electoral fraud

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Abstract

Photo identification (ID) laws are often passed on the premise that they will prevent voter fraud and/or reduce perceptions of electoral fraud. The impact of ID laws on perceptions of electoral fraud remains unsettled and is complicated by widespread confusion about current voting requirements. In the 2017 Virginia election, we fielded an experiment, with an advocacy organization, evaluating the effects of the organization's outreach campaign. We randomized which registered voters were mailed one of three informational postcards. After the election, we surveyed subjects about electoral integrity and their knowledge about election laws. We find that providing registrants with information on the state's photo ID requirements is associated with a reduction in perceptions of fraud and increased knowledge about voting requirements.

Keywords

Photo identification, voter fraud, electoral integrity, political knowledge

Introduction

The US Supreme Court decision in *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008) rested partly on the rationale that possible burdens from photo identification (ID) laws should be balanced against actual and perceived reductions in electoral fraud. There is scant evidence of systematic, in-person voter fraud in US elections (e.g., Cottrell et al., 2018; Levitt, 2007), but whether (and how much) photo ID requirements reduce perceptions of voter fraud remains an open question. Perceived voter fraud in states with strict voter ID laws is generally comparable to states without strict ID laws (Cantoni and Pons, 2019; Stewart et al., 2016), which suggests that ID laws have little impact on views of electoral fraud. However, the public is routinely uninformed about their states' voter ID requirements (Stewart et al., 2016). The widespread lack of knowledge about voter ID laws advances the possibility that perceptions of election fraud could shift as the public becomes more knowledgeable about their state's voting restrictions.

We experimentally evaluated the relationship between expanding knowledge about photo ID requirements and views about the pervasiveness of electoral fraud in the 2017 Virginia election. We partnered with the League of Women Voters (LWV) to design and deliver informational postcards detailing the state's photo ID requirement. We obtained a sample of registered voters who were randomly assigned either to a no-contact control group or one of three

treatment groups to whom single, informational postcards were mailed prior to the election. We surveyed subjects after the election to assess their views on the pervasiveness of electoral fraud in the 2017 election and their knowledge about the state's voting requirements. The postcard mailers appear to have reduced (but did not eliminate) perceived voter fraud and increased overall knowledge about voting procedures among subjects who were randomly assigned to a treatment group.

We proceed as follows. In the next section we briefly summarize the literature on this topic and develop our theoretical expectations. We then describe our experimental procedures and present the results of our study. We conclude by considering the implications, acknowledging limitations, and offering ideas about potential extensions of this research.

Background and expectations

Proponents of voter ID requirements often justify ID restrictions on the grounds that ID laws protect against

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voter fraud and promote the integrity of elections (Mazo, 2018). However, these purported benefits are rebutted by critics who point to the lack of evidence that systematic in-person voter fraud exists (e.g., Cottrell et al., 2018; Levitt, 2007). Even though in-person voter fraud is a rare occurrence, large percentages of Americans believe that voter fraud is common. This is especially true among Republicans who are more likely than Democrats to believe that voter fraud is widespread (Atkeson et al., 2014a; Bowler and Donovan, 2016; Gronke et al., 2019; Wilson and Brewer, 2013). These partisan divisions appear to extend to the elite level as well (Bowler and Donovan, 2016), as evidenced by the passage of more rigorous ID restrictions in states where Republicans controlled the legislatures at the time of enactment (Biggers and Hanmer, 2017; Hale and McNeal, 2010).

The potential relationship between voter ID laws and reduced perceptions of electoral fraud has primarily been assessed by comparing public opinion across states with differing laws. The comparisons suggest that ID laws generally fail to reduce perceptions of electoral fraud, as perceived levels of voting fraud are similar between states with and without strict ID laws (Ansolabehere, 2009; Cantoni and Pons, 2019; Stewart et al., 2016). Even within states that have voter ID requirements, the direct experience of individuals who recall a poll worker requesting they present an ID is generally not associated with elevated confidence in the integrity of the election relative to individuals who did not report showing an ID (Ansolabehere and Persily, 2007). However, ID laws are not uniformly understood or implemented by poll workers (Atkeson et al., 2014b), and some groups of voters tend to face more scrutiny at the polls (Atkeson et al., 2010); additionally, individuals who recall being asked for an ID may differ from those who do not recall an ID request.

The failure to detect differences in public opinion about electoral fraud between states with and without various ID requirements could be attributed to widespread confusion about ID requirements. Moreover, many Americans are uninformed (or even misinformed) about their state's ID requirements (Jones, 2016; Stewart et al., 2016). A 2015 survey, for example, revealed that, among survey respondents who lived in a state that did not require any documentation to vote, less than one-third was knowledgeable of that fact. Respondents who lived in states with strict photo ID requirements were somewhat more informed, with only 57% correctly answering that their state required a photo ID at the polls (Stewart et al., 2016). The lack of knowledge about ID laws aside, most Americans profess a belief that voter ID laws reduce and prevent electoral fraud (Atkeson et al. 2014a; Stewart et al., 2016). If the public actually believes that voter ID laws reduce electoral fraud, then raising awareness about the existence of ID requirements should reduce how much electoral fraud they believe occurs in their state. We test this hypothesis by designing and

implementing a randomized field experiment described in the next section.

Experimental design

We examine the potential relationship between informing registered voters about photo ID laws and their views about voter fraud by conducting a randomized experiment in the context of the 2017 Virginia election. In 2017, Virginia had a strict photo ID mandate requiring all individuals who intended to cast a ballot in person to present a valid photo ID. We worked with the LWV to produce and distribute educational postcards designed to inform the public about the ID requirements. Following the election, we conducted a telephone survey measuring both perceptions of electoral fraud and knowledge about the state's ID requirements among experimental subjects. Our experiment was designed as follows. We obtained a random sample of 28,000 registered voters drawn from the official, Virginia voter file. Because we planned to collect outcome measures by a telephone survey following the election, eligibility was limited to registered voters with a known landline phone number and restricted to one registered voter per household. To create groups that were closely balanced in terms of pre-treatment characteristics, we used block randomization (blocking on age group, gender, 2013 turnout, and 2016 turnout) to assign experimental subjects to one of four conditions. Subjects were randomly assigned to either a no-contact control group or to one of three treatment groups that were sent an informational postcard (described below).

Our outcome measures were collected by conducting a brief, automated telephone survey using interactive voice response technology. The post-election survey was fielded during November 8–13, 2017. The survey probed respondents about perceptions of electoral fraud, knowledge about Virginia voting requirements, basic demographics, and other topics (full questionnaire is in the Online Supplemental Appendix). All 28,000 subjects were called for the survey. Both nonresponse and breakoffs are generally higher for automated phone surveys without live callers (Tourangeau et al., 2002), which was true for our survey.¹ A total of 1090 individuals (3.89%) answered our main substantive question on perceptions of electoral fraud, but only 431 of them (1.54%) reported demographic characteristics (age group and gender) that matched their corresponding records in the voter file.² Accordingly, our analyses focus on this sample of subjects. Unsurprisingly, these 431 individuals tended to be older and to have voted at higher rates in recent elections than the full sample of 28,000 registered voters in the field experiment, which is often the case when conducting political surveys.³

Overall, among the complete, original sample, 1.40% of subjects randomly assigned to the control group and 1.59% of individuals randomly assigned to a treatment group were successfully surveyed. The response rate is slightly higher

among subjects assigned to the treatment groups, however the difference is not statistically significant ($p = 0.28$, two-tailed). An examination of the demographic characteristics of survey participants reveals minor and insignificant differences between the treatment and controls groups. A balance Table is included in the Online Supplemental Appendix. Further, an F -test of the significance of available pre-treatment covariates on treatment assignment is insignificant ($F(10, 420) = 0.85$; $p = 0.58$), confirming balance across experimental conditions among survey respondents.

Postcard treatments

We partnered with the LWV to design and distribute postcards modeled after mailers used in earlier ID experiments (see Citrin et al., 2014). The postcards featured an American flag background overlaid with informational text about voting in the upcoming election. The LWV logo appeared on each card (images are in the Online Supplemental Appendix). Individuals received one of three different versions. Each postcard displayed the following:

Please be aware that Virginia law now requires all voters to show an acceptable photo ID at the polls in order to vote.

Acceptable forms of photo ID include: Virginia DMV-issued photo IDs and driver's licenses; U.S. Passports; employer-issued photo IDs; student photo IDs from a college or university located in VA; photo ID cards issued by the federal, state or local government; and VA-issued voter photo ID cards. If you don't have an accepted form of identification, a free photo ID can be obtained from any voter registration office.

The second version expanded on the above information by also detailing the process of casting a provisional ballot if the individual arrives at their polling location without an acceptable form of photo ID. The third version included all of the information on the second version and additional details that "some studies show ID requirements disproportionately affect women, young people, the elderly, and communities of color." The various versions of the postcards were intended primarily to evaluate if frames highlighting the disproportionate impact of ID laws on certain demographic groups boosted turnout.⁴ When evaluating the impact on perceptions of voter fraud, we consider the postcards together since each contained the relevant informational elements.

Results

Our key outcome measures assess perceptions of election fraud as well as knowledge about voting procedures in the 2017 Virginia election. Specifically, survey participants were asked, "Which of the following best describes your opinion of the November 2017 election in Virginia? Do you think no fraudulent votes were cast, not that many fraudulent votes were cast, some fraudulent votes were cast, or

many fraudulent votes were cast?" This variable is coded, from "1" to "4," where "1" represents "no" and "4" represents "many" fraudulent votes were cast. Overall, a plurality (43%) of respondents believed that no fraudulent votes were cast, 21% reported not that many fraudulent votes were cast, 23% reported some fraudulent votes were cast, and 13% reported many fraudulent votes were cast in the 2017 Virginia election. Both means (Panel A) and distributions (Panel B) of responses by experimental condition are depicted visually in Figure 1. Panel A shows that the mean rating on this scale was lower for the treatment group (mean (M) = 2.01, standard error (SE) = 0.06) than for the control group (M = 2.18, SE = 0.12), suggesting that perceptions of fraud were, as expected, somewhat lower for subjects exposed to our treatment, but the difference is not statistically significant at traditional levels ($p < 0.17$, two-tailed). Panel B also reveals some compelling differences in the distributions of responses across experimental conditions. While comparable numbers of subjects assigned to treatment and control conditions believed "no" (44% and 42%, respectively) or "many" (12% and 15%, respectively) fraudulent votes were cast (the two extreme positions), comparatively more subjects in the treatment group (23%) believed "not that many" fraudulent votes were cast, relative to subjects in the control group (13%), and comparatively more subjects in the control condition (30%) responded they perceived that "some" fraudulent votes were cast, compared to subjects who were treated (21%). In fact, subjects randomly assigned to a treatment group reported that "no" or "not that many" fraudulent votes were cast (the two response categories that denote lower levels of electoral fraud perceptions) more frequently than individuals randomly assigned to the control group, with differences of 2 and 10 percentage points, respectively. The control group, on the other hand, reported that "some" or "many" fraudulent votes were cast (the two response categories that denote higher levels of electoral fraud perceptions) more often than subjects assigned to the treatment groups. A Chi-square (χ^2) test reveals that the difference in the overall distributions across experimental conditions approaches statistical significance ($\chi^2(3) = 6.6592$, $p = 0.084$).

We further investigate the possibility that the outreach campaign may reduce perceptions of the prevalence of voter fraud in elections using an ordered logistic regression model. We regress the ordinal measure of voter fraud prevalence on an indicator variable for assignment to a treatment group, both with and without pre-treatment covariates to account for imbalances due to chance. All pre-treatment covariates were obtained from a nationally-reputable vendor that provided the voter file and included party affiliation, age, gender, turnout in the previous gubernatorial election, turnout in the previous presidential election, and turnout in the 2017 primary. The regression results are displayed in Table 1. The evidence suggests that informational mailers informing registered voters of the state's photo ID

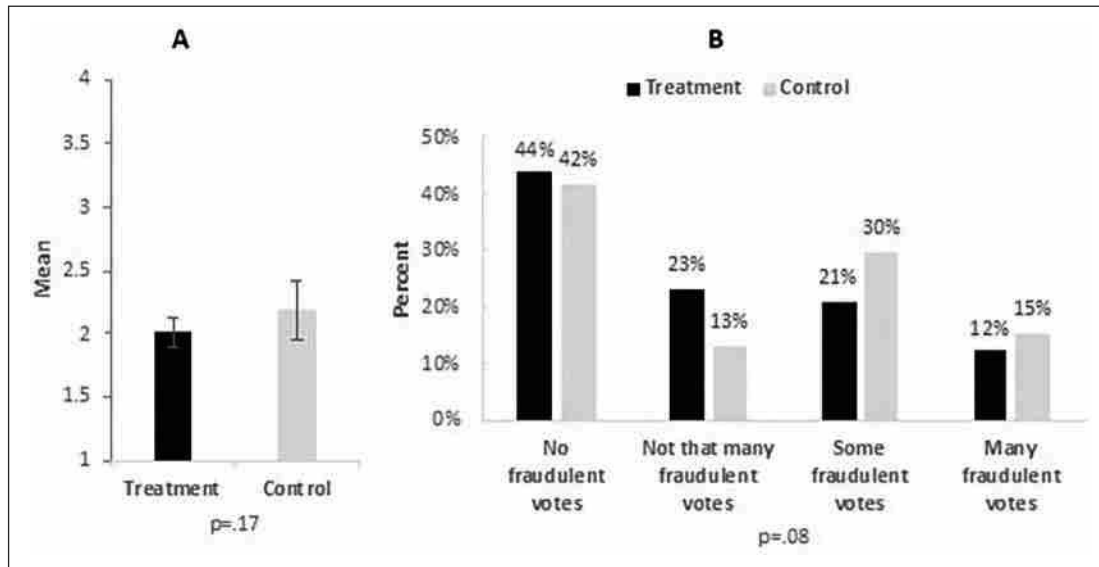


Figure 1. Perceptions of fraudulent votes cast in the 2017 election.

Note: Panel A displays the mean with 95% confidence intervals; and Panel B displays the percentage who selected each response option in response to the survey question: “Which of the following best describes your opinion of the November 2017 election in Virginia? Do you think no fraudulent votes were cast, not that many fraudulent votes were cast, some fraudulent votes were cast, or many fraudulent votes were cast?”.

Table 1. Perceptions of voter fraud prevalence in the 2017 Virginia election.

	1	2
Postcard treatment (0/1)	−0.26 (0.21)	−0.50* (0.22)
<i>n</i>	431	431
Pseudo <i>R</i> ²	0.00	0.10
Covariates included?	No	Yes

Note: each cell contains the coefficient with the standard error in parentheses from an ordered logistic regression model. The question wording is “Which of the following best describes your opinion of the November 2017 election in Virginia? Do you think no fraudulent votes were cast (1), not that many fraudulent votes were cast (2), some fraudulent votes were cast (3), or many fraudulent votes were cast (4)?”, and the question was asked to all respondents. *p*-values are two-tailed. **p* < 0.05.

law reduced perceptions of voter fraud among our experimental subjects, with statistically significant effects for the covariate-adjusted model.

We use the covariate-adjusted model to estimate the marginal treatment effects to contextualize the impact of the ID information on perceptions of voter fraud. On average, registered voters who were randomly assigned to a treatment group were 9.5 percentage points more likely than registered voters assigned to the control group to report that no fraudulent votes were cast in the 2017 election ($p = 0.02$). The difference across conditions for the “not that many fraudulent votes” category was slim, with individuals assigned to the treatment group being more likely to select this category by 0.2 percentage points on average. Assignment to a treatment group is also associated with a decreased likelihood of indicating that some or many

fraudulent votes were cast. On average, registered voters assigned to a treatment group were 4.1 ($p = 0.02$) and 5.7 ($p = 0.03$) percentage points less likely to indicate that some or many fraudulent votes were cast, respectively. Overall, these estimates suggest that the photo ID information reduced perceptions of electoral fraud among treated survey subjects compared to their counterparts in the control group.

Knowledge about voting requirements

Our survey also included a manipulation check to gauge knowledge about information that was provided on two of the postcards. These mailers noted, “If you arrive at your polling place without an acceptable form of photo ID, you will be given the opportunity to cast a provisional ballot that will be counted if a copy of your photo ID is delivered via fax, email, in-person submission, or through USPS [United States postal Service] or commercial delivery service to the voter registration office.” The final, substantive survey item asked, “Do you happen to know what happens if voters in Virginia attempt to vote but they do not have an acceptable form of photo ID? Are voters without an acceptable form of photo ID not allowed to cast a ballot of any kind, or are they allowed to cast a provisional ballot? Press 1 if ‘Voters without an acceptable form of photo ID are not allowed to cast a ballot of any kind’ (coded as 0). Press 2, if ‘Voters without an acceptable form of photo ID are allowed to cast a provisional ballot’ (coded as 1). Press 3 if you ‘don’t know’ (coded as 0)”. Almost half (48%) of the survey participants correctly answered this question. We test whether the relevant treatments increased knowledge about

Table 2. Knowledge about voting requirements.

	1	2
Postcards with provisional ballot information (0/1)	0.11* (0.05)	0.12* (0.05)
Constant	0.42* (0.03)	0.24 (0.21)
<i>n</i>	431	431
<i>R</i> ²	0.01	0.09
Covariates included?	No	Yes

Note: each cell contains the coefficient with the standard error in parentheses from an ordinary least squares regression model. The question wording is “Do you happen to know what happens if voters in Virginia attempt to vote but they do not have an acceptable form of photo ID? Are voters without an acceptable form of photo ID not allowed to cast a ballot of any kind, or are they allowed to cast a provisional ballot? Press 1 if ‘Voters without an acceptable form of photo ID are not allowed to cast a ballot of any kind’ (coded as 0) Press 2, if ‘Voters without an acceptable form of photo ID are allowed to cast a provisional ballot’ (coded as 1). Press 3 if you ‘don’t know’ (coded as 0)”. *p*-values are two-tailed. **p* < 0.05.

provisional ballots by estimating a linear probability model in which the dependent variable equals “1” for subjects who answered correctly, and “0” for individuals who did not.⁵

Subjects who were randomly assigned to receive either of the two postcard treatments that included the relevant information about casting a provisional ballot are collapsed together into a single group; similarly, we combine subjects in the no-contact control group and those assigned to the postcard condition that did not detail the provisional ballot process into a separate group. Our analyses, reported in Table 2, suggest that subjects who were randomly assigned to receive a postcard treatment that provided factual information about casting provisional ballots were significantly more likely to report accurate knowledge about provisional ballots compared to subjects who were not assigned to receive this information. In fact, the estimates imply that the experimental treatments boosted the rate of correct responses by about 11 or 12 percentage points, on average, for these experimental subjects. Furthermore, respondents who answered the knowledge item correctly reported perceiving significantly less voter fraud in the 2017 election than respondents who reported either not knowing or selected the incorrect response option. This finding implies that becoming more knowledgeable about voting procedures is likely a mechanism for reducing perceptions of voting fraud, with a difference in means on the electoral fraud perceptions item of 0.21 (*SE* 0 = 0.10, *p* < 0.05, two-tailed).

Discussion

Critics of voter ID laws contend that there are many reasons to be concerned about these restrictions. Some assert that these laws are designed to disenfranchise minority or other voters, and several studies find evidence that voter ID

requirements target minority populations or are implemented inequitably (e.g., Atkeson et al., 2014b; Stein et al., 2020). On the other side, proponents, including former president Donald Trump, claim that voter ID restrictions reduce election fraud—or at least the perception of electoral fraud—and bolster election security and voter confidence in American democracy (Edge and Holstege, 2016).

In this study, we examine the relationship between awareness of photo ID requirements and perceived election fraud. The randomized field experiment we describe suggests that informing registered Virginia voters that the state required a valid, photo ID to vote at the polls likely reduced perceptions of electoral fraud. This is the first, known study to survey individuals about their views of election fraud following the implementation of randomized, field interventions in which some subjects were assigned to receive educational information about the ID requirement. Our findings provide support for the notion that photo ID restrictions can reduce perceptions of voter fraud when the public learns about these restrictions. The results also stand in contrast to previous studies that have failed to find a link between strict photo ID requirements and actual or perceived electoral fraud (Cantoni and Pons, 2019), suggesting, at a minimum, that this remains an open question warranting subsequent scholarly scrutiny.

Nevertheless, lower levels of perceived voter fraud among American voters resulting from awareness of ID law adoption is noteworthy, despite the fact that evidence of widespread, in-person, voter fraud is exceedingly rare in US elections (Christensen and Schutlz, 2013; Goel et al., 2020). In fact, a comprehensive study of allegations of election and voter fraud in all 50 states from 2000–2012 uncovered only 2068 such allegations out of more than one billion ballots estimated to have been cast during this time period, implying that the rate of alleged cases of voter fraud per ballot cast was no higher than 0.00021% and leading the authors to conclude that, “while fraud has occurred, the rate is infinitesimal” (Kahn and Carson, 2012). Even if voter fraud is rare, however, perceptions about electoral fraud are important for both confidence in election outcomes and democracy writ large.

Notwithstanding the results we report, we recognize several limitations. We note, for example, that the study relied upon automated telephone surveys, which exclude wireless-only individuals. Subsequent replications and extensions of this work would need to determine whether the findings generalize to broader populations. For instance, registered voters with landline phones differ from wireless-only individuals in both unknown and known ways (e.g., individuals with landlines, on average, are older and vote at higher rates). Future studies can also investigate whether these findings persist in other states and among national samples. Nonetheless, identifying a possible link between photo ID laws and perceptions of electoral fraud is important as the existence of ID laws has been justified partly on the grounds that they have the potential to reduce the risk of

perceived voter fraud. Documenting such a relationship between ID requirements and perceptions of voter fraud adds another dimension along which to fully evaluate the effects of ID requirements.

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Supplemental Material

Online Appendix

The Online Appendix is available at: <http://journals.sagepub.com/doi/suppl/10.1177/20531680211030435>. The replication files are available at: <http://thedata.harvard.edu/dvn/dv/researchandpolitics/>

Notes

- US telephone response rates have steadily declined, averaging 7% in 2017 (Kennedy and Hartig, 2019).
- A downside of automated telephone surveys is the inability to restrict participation to the targeted individual, which produces a combined sample including the experimental subject for some households and secondary residents for others. Consistent with previous field experiments that delivered a treatment to a specific registered voter and collected outcome variables using automated surveys (e.g., Endres and Panagopoulos, 2019), we identify experimental subjects by matching self-reported age and gender to the voter file.
- Higher participation is neither unexpected nor unique to this survey. Individuals who agree to take political surveys generally vote at higher rates than non-respondents—a reality for even the highest quality surveys, such as the American National Election Study, where validated voting records reveal elevated turnout among participants (see Jackman and Spahn, 2019). See the Online Appendix for a side-by-side comparison to the full sample.
- These findings are described elsewhere (see Endres and Panagopoulos, 2021).
- We view incorrect responses and “don’t know” responses as a lack of knowledge (Jessee, 2017; Luskin and Bullock, 2011) and jointly code them as “0.”

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Exhibit 1-8

NBER WORKING PAPER SERIES

STRICT ID LAWS DON'T STOP VOTERS:
EVIDENCE FROM A U.S. NATIONWIDE PANEL, 2008–2018

Enrico Cantoni
Vincent Pons

Working Paper 25522
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Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel, 2008–2018
Enrico Cantoni and Vincent Pons
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ABSTRACT

U.S. states increasingly require identification to vote – an ostensive attempt to deter fraud that prompts complaints of selective disenfranchisement. Using a difference-in-differences design on a 1.6-billion-observations panel dataset, 2008–2018, we find that the laws have no negative effect on registration or turnout, overall or for any group defined by race, gender, age, or party affiliation. These results hold through a large number of specifications. Our most demanding specification controls for state, year, and voter fixed effects, along with state and voter time-varying controls. Based on this specification, we obtain point estimates of -0.1 percentage point for effects both on overall registration and turnout (with 95 percent confidence intervals of [-2.3; 2.1pp] and [-3.0; 2.8pp], respectively), and +1.4pp for the effect on the turnout of non-white voters relative to whites (with a 95 percent confidence interval of [-0.5; 3.2pp]). The lack of negative impact on voter turnout cannot be attributed to voters' reaction against the laws, measured by campaign contributions and self-reported political engagement. However, the likelihood that non-white voters were contacted by a campaign increases by 4.7 percentage points, suggesting that parties' mobilization might have offset modest effects of the laws on the participation of ethnic minorities. Finally, strict ID requirements have no effect on fraud – actual or perceived. Overall, our findings suggest that efforts to improve elections may be better directed at other reforms.

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1 Introduction

A tension exists in democracies between safeguarding the integrity of the vote and ensuring broad participation. Electoral fraud – which takes the form of stuffing ballot boxes, buying or intimidating voters, or impersonating citizens who are deceased, absentee, or no longer in residence – was prevalent in the early decades of Western democracies (e.g., Garrigou, 1992; Lehoucq, 2003; Stokes et al., 2013) and is still widespread in developing democracies today (e.g., Collier and Vicente, 2012). Combating such fraud is critical to build citizen confidence in election results and consolidate democratic regimes (Diamond, 1999; Berman et al., 2019). However, rules pursuing those objectives can also weaken democracy if they keep eligible citizens away from the polling booth. Compounding the matter, legislators have an incentive to push for restrictions if citizens enfranchised by flexible rules will likely vote for rival parties – or oppose restrictions if that will widen their base.

This paper presents empirical evidence on the consequences of strict ID laws in the context of the United States, where the debate on control versus enfranchisement is particularly heated. Between 2006 and 2018, 11 states, mostly with Republican majorities, adopted strict voter identification measures (Hicks et al., 2015).¹ Strict ID laws require voters to present an accepted form of identification document before voting. Voters who fail to do so can cast a provisional ballot but their vote will not be counted unless they present proper ID to election officials within the next few days. In contrast, all other states allow people without ID to vote. They either have a non-strict ID law requesting voters to show an ID but allowing those without it to cast a regular ballot, typically by signing an affidavit; check voters' identity by asking them to sign the poll book and verifying their signature; or simply ask voters for their name and check it against a list of eligible citizens.

The effects of strict ID laws on overall participation are ex-ante ambiguous. While these laws create additional costs for people without ID, those who want to vote can acquire it before the election, and it is unclear what share of non-ID-holders would vote otherwise: groups of voters less likely to hold an ID include Blacks and Hispanics, the young, voters older than 70, and poorer and less educated voters (Barreto et al., 2009; Stewart, 2013; Ansolabehere and Hersh, 2017), who have long shown lower propensity to vote than other groups (Wolfinger and Rosenstone, 1980; Verba et al., 1995; Schlozman et al., 2012; Fraga, 2018). Moreover, some citizens may become more likely to vote if the laws enhance their confidence in the fairness of the election.

Using a nationwide individual-level panel dataset, 2008–2018, and a difference-in-differences (DD) design, we find that strict ID laws have no significant negative effect on registration or turnout,

¹These states are Arizona, Georgia, Indiana, Kansas, Mississippi, North Dakota, Ohio, Tennessee, Texas, Virginia, and Wisconsin. North Dakota and Texas are the only states that experienced a reversal: both states adopted a strict ID law in 2014, and both laws were struck down by federal courts in 2016. In 2018, North Dakota re-instituted a strict, non-photo ID law.

overall or for any subgroup defined by age, gender, race, or party affiliation. These results hold through a large number of specifications and robustness checks. Our most demanding specification controls for state, year, and voter fixed effects, along with state and voter time-varying controls. Based on this specification, and considering the lower bound of the 95-percent confidence interval, we can rule out that strict ID laws reduce aggregate registration and turnout by more than 2.3 and 3.0 percentage points. Focusing on voters living in adjacent counties across state borders, we can further rule out that the laws reduce their participation by more than 0.5 percentage points.

Most importantly, given the complaints of selective disenfranchisement, strict ID requirements do not decrease the participation of ethnic minorities relative to whites. The lower bound of the 95-percent confidence interval from our voter fixed effects regression rules out that the laws decrease non-white turnout (relative to white) by more than 0.5 percentage points. Focusing specifically on Black voters, we can rule out that strict ID laws reduce their turnout by more than 1.3 percentage points, relative to white, and by more than 3.1 percentage points in total.

Strict ID laws' overall effects do not increase over time, they remain close to zero and non-significant whether the election is a midterm or presidential election, and whether the laws are the more restrictive type that stipulate photo IDs. Our identification assumption is that treated states (which adopted a strict ID law between 2008 and 2018) would have experienced the same changes in turnout as other states, absent the treatment. We find that voters in treated states did have different turnout levels prior to the laws, but they did not show different participation *trends* than others, lending support for our identification strategy. Finally, in line with the lack of negative effect on the participation of any subgroup of voters, strict ID laws do not affect the relative vote share of Democratic and Republican candidates either.

These results contrast with the large participation effects of other dimensions of election administration: voter registration laws (Rosenstone and Wolfinger, 1978; Braconnier et al., 2017), convenience voting (Gerber et al., 2013a; Hodler et al., 2015; Kaplan and Yuan, 2019), voting technology (Fujiwara, 2015), and distance to polling station (Cantoni, 2020). It could be that our null findings reflect two mutually opposing forces: the laws' negative effect on participation versus a reaction of voters against a threat to their right to vote (Citrin et al., 2014; Biggers and Smith, 2018). We do not find evidence of such backlash on the part of voters. Strict ID laws have no significant effect on total campaign contributions, measured using administrative records from Bonica (2018), or on an index of voter activity aggregating people's self-reported having donated to a candidate, the amount donated, their having attended a political meeting, put up a campaign sign, and volunteered for a campaign, all measured using the Cooperative Congressional Election Study surveys. However, the laws increase the likelihood that non-white voters report being contacted by a campaign by 4.7 percentage points, suggesting that parties and candidates who fear they might lose votes as a result of strict ID requirements mobilize their supporters around this issue. These

mobilization efforts might have offset small direct negative effects on the participation of ethnic minorities.

In a 2017 review of the literature, Highton notes that contemporary concerns and controversies about voter identification requirements date back to the adoption of Indiana and Georgia's strict ID laws in 2005, but he finds only limited evidence about the effect of this type of laws on turnout (Highton, 2017). Early studies based on cross-state comparisons were unable to isolate the effect of strict ID laws (which, again, are characterized by the fact that they prevent citizens without identification from voting) due to the relative recency of these laws and to the slow increase in the number of states enforcing them. Instead, these studies focused on other types of voter identification requirements or, to address the issue of the then low number of states enforcing strict ID laws, pooled together strict ID laws with other methods of voter identification. Estimates ranged from negative effects, overall or specifically for ethnic minorities (de Alth, 2009; Vercellotti and Andersen, 2009), to null (Muhlhausen and Sikich, 2007; Mycoff et al., 2009; Rocha and Matsubayashi, 2014) or even positive effects (Larocca and Klemanski, 2011). Alvarez et al. (2008, 2011) are the first to estimate the effects of strict ID laws specifically. They find a voter turnout difference of two percentage points between states with strict laws and states simply verifying voters' name. However, this difference is imprecisely estimated since the most recent data analyzed in the study are from 2006, the first general election in which strict ID laws were ever implemented. Using similar data, Erikson and Minnite (2009) conclude that the effect of strict ID laws is not significantly different from zero. Government Accountability Office (2014) finds excess average turnout declines of up to 3.2 percentage points in two states that implemented strict photo ID laws between 2008 and 2012, compared to states that did not change their voter identification requirements, and larger drops among Blacks than among whites and Hispanics. Pryor et al. (2019) and Hajnal et al. (2017) use data going until 2014, and they respectively report negative turnout effects of strict ID laws across all races, and disproportionately large and negative effects on the participation of Blacks and Hispanics.

We improve on this literature in three critical ways. First, existing estimates rely on state-level turnout aggregates, which make estimating heterogeneous effects by voter characteristics difficult, or on national surveys, which have limited representativeness and accuracy. National surveys' samples can fail to reflect state voting populations; voters' likelihood to respond can differ across groups; and their turnout data are based on self-reports, which are untrustworthy (Silver et al., 1986; Ansolabehere and Hersh, 2012), or they use validation procedures which vary across states and over time (Grimmer et al., 2018). By contrast, we use administrative records of individual registration and turnout. Our data, collected by the political data vendor Catalist, combine official voter registration and turnout records from all states and cover the near universe of U.S. voting-age individuals, 2008–2018, resulting in a total of more than 1.6 billion observations. This compre-

hensive individual-level dataset enables us to accurately measure the effects of strict ID laws for different subgroups, which is critical given the concern of differential negative impact on ethnic minorities. In addition, the fact that the data follow individuals over time allows us to test the robustness of the results to specifications controlling for voter fixed effects and estimating the laws' impact out of individuals who faced them for some but not all years.

Differently from the rest of the literature, Hood and Bullock (2012) and Esposito et al. (2019) use individual-level administrative data and difference-in-differences designs like we do. They find that the participation of voters without photo ID decreased relative to voters with ID following the implementation of new voter identification requirements in Georgia and Rhode Island in 2008 and 2014, respectively. However, unlike our analysis, these studies are each restricted to a unique state. Since all individuals in their sample experienced the new law in the post period, these papers' estimates correspond to the differential effects of the law for people without photo ID. But people with ID may also be affected by changes in voter identification requirements, as discussed in Section 2.2. Therefore, the *relative* decline in the participation of voters without ID reported in these papers is consistent with *overall* negative, null, or even positive turnout effects of the law change. By contrast with Hood and Bullock (2012) and Esposito et al. (2019), our estimates compare turnout changes in states which adopted a strict ID law with states which did not and, therefore, they capture total, not differential effects. On the other hand, unlike these papers, our data do not allow us to distinguish people who were initially with or without ID.

Second, except for Esposito et al. (2019), prior research has examined the effects of ID laws using samples of registered citizens only, neglecting possible effects on voter registration (citizens who expect not to be able to vote may not register in the first place), and possibly obtaining downward biased estimates of the laws' effects on turnout (if citizens deterred from registering and absent from the sample have a low propensity to vote). By contrast, Catalist data include unregistered voters, allowing us to measure effects on both registration and turnout.

Third, previous papers have used unconvincing or untestable identification assumptions, such as cross-sectional regressions or DD regressions with only two cross-sections. We use the full length of our panel to show parallel pre-trends and bring support for the identification assumption underlying our design; we demonstrate the robustness of our estimates to alternative specifications including state and voter controls, linear state time trends (or state-by-year fixed effects, for heterogeneous effects), and voter fixed effects; and we show that our results hold when comparing voters in contiguous county-pairs straddling a state border, which further enhances the causal credibility of our estimates. This alternative estimation strategy requires restricting the sample to adjacent counties in neighboring states and including county-pair-by-year fixed effects. It is only possible because our dataset provides the location of each individual and contains a sufficiently large number of people living in these counties, thanks to its near-universal coverage of the U.S. voting-age

population. We also show that our results remain very similar using novel estimators proposed by de Chaisemartin and D’Haultfœuille (2020a) and Sun and Abraham (2020) to address possible shortcomings of two-way fixed effects estimators. Finally, while the control group of our main regressions includes all states without strict ID laws, we also estimate specifications distinguishing all types of identification requirements. These regressions allow to compare strict ID laws to non-strict laws, thus isolating the effect of the one characteristic of strict laws that is most susceptible of raising voting costs: requiring voters to show an ID to be able to vote. Again, we find effects which are close to null and not statistically significant.

Other studies also based on administrative data consider non-strict ID law states, which request but do not require voters to present an ID and record ballots cast without identification. These studies use counts of people voting without ID to estimate how many voters would be disenfranchised by a shift to a strict ID law (Henninger et al., 2020; Hoekstra and Koppa, 2019). While ingenious, this method may severely overestimate the effects of strict laws. Many of the people voting without identification under a non-strict law actually have a valid ID (Henninger et al., 2020) and would bring it to the polls if required, and some of those without ID could acquire one before the election. Beyond the approximations required to estimate the direct effects of strict laws, descriptive analyses of the prevalence of voting without identification suffer from a second important limitation: they do not take into account indirect effects that may result from increased trust in the electoral process, anger against the laws, countermobilization efforts, and other mechanisms discussed in Section 2.2. In contrast, we estimate the net overall effect of strict ID laws and we exploit variation from all states which have adopted them.

Furthermore, we give evidence on both sides of the debate: while most existing research has focused on the effects of strict ID laws on participation, we also measure their effects on voter fraud – the laws’ ostensive target. Research has shown that interventions such as deploying observers (Ichino and Schündeln, 2012) or informing voters (Vicente, 2014) can successfully reduce fraud in contexts where it is prevalent. Even if fraud is much more limited in the United States, the extensive attention paid to existing cases could make any reduction consequential. We use two datasets listing cases of voter fraud: one by the Heritage Foundation, a conservative think tank, and another one by News21, a more liberal initiative. We find no significant negative effect in either dataset. Irrespective of any effect on fraud, the very existence of stricter controls at polling places could be perceived as an improvement in election administration and increase voter confidence (Norris, 2004; Atkeson and Saunders, 2007). Stewart et al. (2016) uses the Survey of the Performance of American Elections to show that perceived occurrence of different types of fraud is similar in states with and without strict ID laws. Using the same survey, our DD estimates show no significant impact on this outcome. In addition, we use the American National Election Studies surveys to measure the laws’ impact on citizens’ belief that elections were fair. Again, we find no significant

effect.

Our finding that voter ID laws have null effects is particularly salient in the United States, given the country's history of balancing the threat of fraud against the promise of enfranchisement. Well into the 19th century, political parties took advantage of the lack of control over the identity of people coming to vote. They hired large groups of "repeaters," who walked from one polling place to another and voted over and over again (Converse, 1972). After 1890, many states addressed widespread fraud by requiring citizens to prove their identity and eligibility and sign a register before voting. Registration laws reduced voter impersonation, as voters' signatures could be verified on Election Day, and the registers were frequently purged of nonresidents and the deceased. However, they also created an additional burden for eligible voters, which has prevented many from participating in elections ever since (Nickerson, 2015). Conversely, voting by mail, early voting, and other forms of convenience voting, which have become more widespread since the turn of the century, facilitate participation (e.g., Gerber et al., 2013a) but are more susceptible to fraud than in-person voting on Election Day (Gronke et al., 2008).

Over the last decade, strict ID laws have become one of the country's most polarizing issues (Hasen, 2012): they are supported by a large majority of the overall population, but with a growing gap between Republicans and Democrats (Stewart et al., 2016). Advocates and opponents of these laws disagree both on their benefits and costs.

On benefits, advocates insist that electoral fraud still exists today – about one third of Americans believe it is widespread (Kobach, 2011; Richman et al., 2014). They argue that strict ID laws are required to deter voter impersonation, double-voting, and non-citizen voting, and to boost public confidence in the integrity of elections (von Spakovsky, 2012). Opponents argue that voter fraud, extremely rare, results from individual cases of initiative or error rather than a coordinated effort (Minnite, 2010; Cottrell et al., 2018). On costs, advocates of strict laws argue that they impose only a minor burden on voters, as proof of identification is also required for other activities, like cashing a check. They point to the fact that most other Western democracies also require voters to show identification (Commission on Federal Election Reform, 2005). Opponents observe that, unlike other countries, the United States does not require its citizens to hold a national ID card, (Schaffer and Wang, 2009), and as a result 5 to 19 percent of eligible voters (depending on the state) lack any accepted form of identification (Government Accountability Office, 2014; Ansolabehere and Hersh, 2017). They see these laws as a deliberate and politically motivated attempt to disenfranchise minorities, akin to the poll taxes, literacy tests, and other Jim Crow legislation prevalent before the 1965 Voting Rights Act (Rocha and Matsubayashi, 2014). The laws are enforced more stringently against Blacks and Hispanics (Atkeson et al., 2014; White et al., 2015), who favor the Democratic Party and are less likely to hold an ID in the first place.

Our results suggest that efforts both to safeguard electoral integrity and enfranchise more voters

may be better served through other reforms.

The remainder of the paper is organized as follows. Section 2 summarizes the history of strict ID laws and outlines the main mechanisms through which these laws may affect participation and other outcomes. Section 3 provides more information on Catalist’s voter-level panel data and the other datasets we use. Section 4 presents the empirical specifications and results. Section 5 concludes.

2 Research Setting

2.1 History of Strict ID Laws

In the U.S., laws requiring voters to present a document verifying their identity are relatively recent. In 1950, South Carolina became the first state to request – but not require – voters present an ID at the polls. By 2000, 14 states had adopted a similar law, under both Democratic and Republican majorities, without generating much discussion. New voter identification requirements were adopted as part of election-reform efforts following the disputed 2000 presidential election and the ensuing anxiety on electoral integrity (Minnite, 2012). In 2002, Congress passed the Help America Vote Act, which prescribed that first-time voters who registered by mail show identification at the polling place, but refrained from establishing uniform ID requirements for other voters (Ansolabehere, 2008). In 2005, the bipartisan Commission on Federal Election Reform recommended the adoption, at the federal level, of a photo voter-ID card (Carter-Baker Commission, 2005). Soon afterwards, Georgia and Indiana became the first states to require a photo ID at the polls. In 2008, the Supreme Court upheld the constitutionality of Indiana’s law in *Crawford v. Marion County*, thereby paving the way for the implementation of similarly restrictive ID laws in other states, mostly by Republican-controlled legislatures (Hicks et al., 2015; Biggers and Hanmer, 2017).

Following the National Conference of State Legislatures (NCSL), we distinguish between two main categories of ID laws: strict and non-strict. In states with non-strict laws, voters are asked to show an ID, but are still allowed to vote without identification. For their ballot to be counted, voters without ID simply need to sign an affidavit identifying themselves (in most states) or have their signature checked against the voter registration record. In contrast, strict ID laws (such as Georgia and Indiana’s current laws) require all voters to show an ID. People without one may cast a provisional ballot, but this ballot will only be counted if they return within a few days to the polling place, election board, or county election office to show an accepted form of identification. In other words, citizens without ID are prevented from voting.² Strict ID laws further differ by the

²The distinction between states requesting vs. requiring an ID is generally straightforward. However, one state is at the limit between these two categories: Alabama. The NCSL classifies Alabama’s ID law as non-strict because people without ID can vote if they are identified by two election officials. It remains that voters without ID who are

type of ID they consider valid. While some accept a wide range of documents, including utility bills or bank statements, most require a document bearing a photo, such as a driver's license, state-issued ID card, or U.S. passport, and are therefore referred to as strict photo ID laws. Appendix Table A1 details the requirements associated with each strict ID law enforced in at least one general election.

Due to their restrictive nature, strict ID laws are very controversial and they have come under immense scrutiny by state and federal courts, as well as by the U.S. Supreme Court. In addition to its 2008 judgment ruling Indiana's strict ID law as constitutional, the Supreme Court effectively upheld a federal court's ruling that Wisconsin's strict ID law was constitutional when it rejected a challenge to this law in 2015. By contrast, in 2017, it declined to hear an appeal to a federal court's striking down a strict law adopted but not implemented by North Carolina, thereby allowing the federal court's decision to stand. Beyond courtrooms, strict ID laws have generated heated partisan debates and received large media coverage and public interest.

States without any ID law do not request, let alone require, any identification document. They verify voters' identity in either of the two following ways. Some states ask voters to sign the poll book or an affidavit of vote eligibility and, in some cases, ask poll workers to verify that this signature matches the one on file. Others simply check voters' name (and, sometimes, other personal information such as voters' address) against a list of eligible citizens.³

Appendix Figures A1 and A2 plot the overall distribution of the four types of voter identification requirements (strict ID law, non-strict law, signature, and checking voters' name) as well as the requirements enforced in each state and general election since 2004. The most important shift in this period is the implementation of strict ID laws by a growing number of states and the simultaneous decline in the number of states with non-documentary ID requirements.

2.2 Conceptual Framework

Strict ID laws are commonly hypothesized to have negative turnout effects by increasing the cost of voting (Highton, 2017), which is a low-benefit activity (Downs, 1957; Riker and Ordeshook, 1968). However, other indirect mechanisms make the overall effects of the laws ex-ante ambiguous.

To the extent that strict ID laws decrease participation by preventing eligible citizens without ID from voting, minority voters and other groups who are less likely to have an ID should be the most impacted. However, this effect will be reduced if people without ID are willing to spend the

not identified by election officials are prevented from voting. For that reason, some studies which otherwise follow the NCSL classification count Alabama as a strict ID law state (e.g., Highton, 2017; Kuk et al., 2020). Relabeling Alabama's law as strict would not affect our results, since we control for state fixed effects and Alabama's request to show identification dates back to 2003 (i.e., before our sample period).

³See <https://www.ncsl.org/research/elections-and-campaigns/voter-verification-without-id-documents.aspx>. Accessed: January 15, 2021.

time (and, sometimes, the money) required to obtain an ID or if their propensity to vote is low even absent any ID requirement.

Beyond administrative costs, strict ID laws also create information costs for all voters. Whether or not they have an ID, all voters need to be aware that a new law was implemented and they need to learn which forms of identification are accepted. If they are unaware of the ID requirement, voters who possess a valid ID may not bring it to the polling station. In that case, they will be asked to return with the document for their vote to be counted, and only a subset of voters will do so. Others may wrongly believe their ID is not accepted and thus refrain from even trying to vote.

Several forces may reduce these costs or mitigate their effects. First, states implementing strict ID laws may conduct educational campaigns to inform voters and they may facilitate the acquisition of state-issued IDs (e.g., Hopkins et al., 2017; Bright and Lynch, 2017). Second, Democratic candidates and interest groups opposing strict ID laws may respond strategically by conducting outreach information programs and helping people obtain proper identification (Citrin et al., 2014; Neiheisel and Horner, 2019). In addition, they may use the laws as an argument to mobilize their entire base, including voters who are not personally affected (Endres and Panagopoulos, 2018). Third, media coverage asserting that the goal of the laws is to disenfranchise some citizens may cause anger among voters who feel their group or their party is targeted, thus increasing turnout among these voters (Valentino and Neuner, 2017; Smith et al., 2020).

On net, the effects of the laws on Democratic turnout may be null or even positive if these different responses are sufficiently strong. Differences across groups of voters in the strength of the mechanisms through which strict ID laws affect turnout might generate heterogeneous effects. In addition, these effects may change over time. Early declines in participation may subside as voters learn about the laws, or negative effects may appear after a few years if countermobilization weakens gradually.

On the opposite side of the aisle, Republican voters may become more likely to vote if the laws increase their confidence in election integrity (Endres and Panagopoulos, 2018) and if enhanced trust in elections, in turn, boosts participation. The decision of the Supreme Court in *Crawford v. Marion County* draws the latter connection when it asserts that perceptions of voter fraud depress turnout, but we are not aware of any empirical evidence establishing this relationship. An experiment by Gerber et al. (2013b) studies beliefs on ballot secrecy, not voter fraud, and shows that improving these beliefs causes participation to increase. It is possible that other policies also affect turnout if they improve trust in elections.

Finally, the participation of Democrats and Republicans may endogenously adjust to the expected level of participation of the other side, a mechanism highlighted for instance in group rule-utilitarian models by Coate and Conlin (2004) and Feddersen and Sandroni (2006). Such strategic response may amplify the aforementioned effects, whether they are positive or negative. For in-

stance, Republicans may be less likely to vote if they expect the laws to reduce the participation of Democrats and infer that the number of votes required to obtain a plurality is now lower.

Beyond voter turnout, the laws may also affect vote shares and election outcomes, if they have different overall effects on the participation of Democratic- and Republican-leaning voters. Moreover, strict ID laws have become such a politicized issue that some voters in implementing states may change the orientation of their vote if, on this particular issue, they disagree with the party they usually vote for. Substantial impacts on voter fraud are perhaps less likely, given the low baseline level of fraud (Minnite, 2010).

We estimate the impact of strict ID laws on these different outcomes (participation, vote shares, and voter fraud), and we unpack net effects on participation by examining subsets of voters defined by race or party affiliation, studying changes in effect size over time, and checking whether the laws generated backlash or countermobilization efforts.

3 Data

3.1 Catalist Voter-Level Panel Data

We measure voter turnout and registration using a novel individual-level panel dataset collected by Catalist, a U.S. company that provides data and data-related services to progressive organizations and has a long history of collaborating with academics (e.g., Nickerson and Rogers, 2014; Hersh and Nall, 2016). The panel covers the near universe of the U.S. voting-eligible population in the 2008, 2010, 2012, 2014, 2016, and 2018 presidential and midterm elections, resulting in a total of about 1.6 billion observations.

For each voter-election, the data report state and county of residence, registration status, voter turnout, and party affiliation (in the 30 states in which it is available). The data also contain age, race, and gender. These demographic characteristics are available for nearly all voters and have been shown to be very reliable (Fraga, 2016, 2018). In eight states – Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee – Catalist uses self-reports of race that come directly from the voter rolls. For unregistered voters in these eight states and all voters in other states, Catalist estimates race using voters’ full names, socio-demographic information about their census block groups or tracts of residence, and, where available, self-reported race from commercial and nonprofit databases. According to Fraga (2018), the average accuracy of Catalist’s proprietary race model is very high (93.1 percent), with race-specific accuracy of 77.1, 79.8, and 97.8 percent for Black, Hispanic, and white voters, respectively.⁴ Next to race, the Catalist

⁴These estimates indicate the fraction of 2016 CCES respondents matched to Catalist registration records with 90 percent match confidence or greater and self-identifying with the indicated racial/ethnic group who have the same race/ethnicity listed in the Catalist database.

data contain a categorical variable for the degree of confidence in a voter’s race estimate (featuring five possible values: “highly likely,” “likely,” “possibly,” “uncoded,” and “no code assigned”). For example, Catalist predicts some voters’ races with a relatively higher degree of confidence when they reside in racially homogeneous areas or when they carry racially distinctive names (Hersh, 2015). Appendix Table A11 shows that race-specific impact estimates remain very close to those of Table III if we restrict the sample to voters whose race is estimated with highest confidence. This indicates potential race misclassification is unlikely to bias our results.

Catalist’s data on registered voters primarily come from official voter registration and turnout records from all states. In addition, about 55 million unregistered voters are covered thanks to three different data sources. First, Catalist keeps track of voters present in past voter files and absent from the most recent one. Second, it identifies unregistered voters using information from data aggregation firms (so-called “commercial data”) and customer files of retailers and direct marketing companies. Finally, unregistered voters include individuals who moved to a state without registering, according to commercial data or USPS National Change of Address data (NCOALink®).

Despite Catalist’s efforts and multiple data sources, coverage of the unregistered population is likely incomplete: Jackman and Spahn (2018) estimate that at least 11 percent of the adult citizenry – and a disproportionate share of minority voters – do not appear in commercial voter lists like Catalist’s. This generates the following risk. Suppose some voters only register absent strict ID laws. We will observe all these marginal registrants in states without ID requirements – as the data cover the universe of the registered population – but might only observe a subset of them in states with ID requirements – as they would not register in these states and coverage of the unregistered population is incomplete. Under this scenario, our estimated registration effects would be biased upward as we would underestimate the share of unregistered voters in state-years with strict ID laws. Reassuringly, Appendix Table A3 shows that the probability of voters appearing in or disappearing from the Catalist data is (conditionally) orthogonal to the presence of strict ID laws. Specifications controlling for voter fixed effects further assuage this concern since they estimate the effects out of individuals who faced a strict ID law for some but not all years. These individuals are present in our sample before the implementation of the law, reducing the risk of sample selection bias.

Another potential issue is that some unregistered individuals in Catalist data may be ineligible to vote. Yet, it seems implausible that the implementation of strict ID laws correlates systematically with the presence of ineligible voters in the data. In addition, Table I and Appendix Table A12 show that our results hold when we restrict attention to registered voters, all of whom should be voting-eligible individuals. Furthermore, Appendix Figure A3 plots the relationship between total state-by-year headcounts in the Catalist data and estimates of the citizen voting-age population from the United States Census Bureau. The nearly perfect linear correlation between the two variables

shown in the figure ($R^2 = 0.986$) indicates that variations in headcounts in the Catalist data across states and years nearly perfectly mirror underlying fluctuations in the citizen voting-age population, thus alleviating concerns that our data do not adequately reflect the population of interest.

Further details on the Catalist panel data are given in Appendix A.2.

3.2 Data on Mobilization and Campaign Contributions

Measures of campaign contact and voter engagement come from the 2006—2018 post-electoral Cooperative Congressional Election Study (CCES) surveys. We use questions on whether the interviewee was contacted by a campaign, donated to a candidate or campaign (and how much she contributed), attended a political meeting, posted a campaign sign, or volunteered for a campaign.⁵ We also construct a summary index of voter activity, defined to be the equally weighted average of the z-scores of its components. An important caveat is that survey data on campaign activities may suffer from misreporting, due for instance to social desirability bias or misremembering. Misreporting would bias our estimates if its prevalence changes differentially across treated and control states following the implementation of strict ID laws.

Information on state-level campaign contributions is from Bonica (2018)’s Database on Ideology, Money in Politics, and Elections (DIME), version 3.0. The data contain all political contributions recorded by the Federal Election Commission, 2004–2018. We compute the total dollar-value contributed by residents of each state in each election cycle, normalize it by the state population in that election year, and take the log, to reduce the impact of outlier states like New York.

Data on total expenditures and campaign-related expenditures by candidates running to the U.S. House of Representatives, 2004–2018, are also based on records from the Federal Election Commission, and compiled by the Center for Responsive Politics. We also obtained data on estimated TV ad expenditures spanning most down-ballot, state, and federal electoral races held in 2004 and 2008–2018 from the Wisconsin Advertising Project and the Wesleyan Media Project.⁶ Similarly as for total contributions, we also measure total expenditures, campaign-related expenditures, and TV ad expenditures in logs after normalizing by the state population.

⁵For all survey data we use, exact questions are detailed in Appendix A.3. Beyond questions on campaign contact and voter engagement, we also use the CCES surveys to check the robustness of the effects on turnout estimated with the Catalist data. These results are shown in Appendix Tables A13 and A14, and discussed in Section 4.2.

⁶See <https://elections.wisc.edu/wisconsin-advertising-project/> and <https://mediaproject.wesleyan.edu/>, both accessed January 15, 2021. Estimated expenditures on TV ads for down-ballot races are available for the 2010–2018 elections, while expenditures for congressional, gubernatorial, and presidential races are available starting from 2004. To focus on general elections (instead of primaries), we restrict attention to TV ad expenditures occurring in even-numbered years from June onwards.

3.3 Voter Fraud

Measuring voter fraud represents a challenge, as federal and state agencies vary in the extent to which they collect and share information on it (Government Accountability Office, 2014).

We found two datasets covering reported cases of voter fraud. The first is by News21, an investigative project funded by the Carnegie Corporation and the John S. and James L. Knight Foundation. For the project, 24 students from 11 U.S. universities submitted more than 2,000 public-records requests and combed through nearly 5,000 court documents, official records, and media reports about voter fraud. The result is a collection of 2,068 cases of suspected voter fraud reported from 2000 through 2012. The database is admittedly incomplete, as the research team received partial or no responses from several states, and even replying jurisdictions may have failed to include some cases.⁷ The second dataset, by the Heritage Foundation, includes 1,277 proven cases. Again, the Foundation's website indicates that this database is non-exhaustive.⁸

We define two outcomes separately in either dataset: the number of fraud cases documented in each state-year per 100,000 residents, and the number of cases potentially preventable by strict identification requirements.⁹ We restrict attention to cases of fraud reported in or after 2004, the last election year before the implementation of the country's first strict ID law.

In both datasets, the summaries are typically insufficient to reconstruct the election year the alleged fraud took place. We thus take the reported years as given. We assign records with odd years (i.e., years in which no general election took place) to the previous year's treatment status and covariates.

Despite their limitations, these two datasets allow us to propose the first estimates of the effect of strict ID laws on voter fraud.

3.4 Surveys on Perceived Election Integrity

To assess if strict identification laws alter the perceived integrity of the electoral process, we use the 2004, 2012, and 2016 waves of the American National Election Studies (ANES) survey and the 2008–2016 waves of the Survey of the Performance of American Elections (SPAEE). From the ANES, we construct a dummy identifying respondents who think the past election was very fair or fair. From the SPAEE, we construct separate dummy outcomes for whether the respondent believes the following frauds happen commonly or occasionally: pretending to be another voter, casting multiple votes, non-citizens casting a ballot, casting an absentee ballot intended for another person,

⁷Further details on News21 are available here: <https://votingrights.news21.com/article/election-fraud-explainer/> Accessed: March 5, 2020.

⁸See <https://www.heritage.org/voterfraud>. Accessed: March 5, 2020.

⁹We classify voter impersonation, duplicate voting, false registrations, and ineligible voting as preventable frauds. Other categories are buying votes, altering the vote counts, fraudulent use or application of absentee ballots, illegal assistance at the polls, and intimidation.

officials changing the vote counts, stealing or tampering with ballots. As with voter activity, we construct a standardized index of perceived election integrity based on the individual voter-fraud outcomes.

3.5 Calendars of Voter Identification Requirements, Election Laws, and State Party Control

We identify the type of voter identification requirement enforced in each state-year based on information provided by the NCSL. We also use the NCSL, together with data from Biggers and Hammer (2015), to construct the following state-level covariates. We build state-by-year indicators for the availability of no-excuse absentee voting, early voting, all-mail voting, and Election-Day registration. Partisan control of the state legislature is identified by three dummies indicating whether the state legislature was controlled by Republicans, Democrats, or its control was split among the two main parties.¹⁰ Similarly, the party affiliation of the governor can take three possible values, Democratic, Republican, and independent.¹¹

4 Results

4.1 Impact on Turnout

We first estimate the average impact of strict ID laws on all voters with DD specifications of the following form:

$$Y_{ist} = \beta ID_{st} + X'_{ist}\gamma + \alpha_s + \delta_t + \mu_{ist}, \quad (1)$$

where Y_{ist} is a dummy equal to 1 if individual i in state s voted in election year t , ID_{st} is a dummy for whether the state used a strict ID law in that year, X_{ist} is a vector of individual and state controls, α_s are state fixed effects, and δ_t election year fixed effects. Our individual controls include both time-invariant (gender as well as race-by-state fixed effects) and time-varying covariates (age as well as race-by-year fixed effects). All our state controls are time dependent (partisan control of the state legislature, governor's party, and other election administration rules affecting turnout: no-excuse absentee voting, early voting, same-day registration, and all-mail voting). Since the treatment varies at the state-year level, we follow Bertrand et al. (2004) and conservatively cluster standard errors by state.¹²

¹⁰We include Nebraska's non-partisan state legislature in the final category.

¹¹We include the District of Columbia in the final category.

¹²Appendix Tables A32–A36 and A37–A41 show that the state-clustered asymptotic p-values of Tables I–V's coefficients are very close both to their wild cluster bootstrap counterparts (Cameron et al., 2008) and to the randomization inference p-values based either on t-statistics or on regression coefficients (MacKinnon and Webb, 2020).

The coefficient of interest, β , measures the difference in average participation between states with and without strict ID laws (henceforth, treated and control states), conditional on controls. This represents the causal impact of the laws under the assumption that treated and control states were on parallel trends, so that year-to-year turnout changes in control states correspond to the counterfactual evolution in treated states, had they not implemented the law.

The results from equation [1] are presented in Table I. Panel A restricts the sample to registered citizens, following the existing literature. Using a specification with state and election-year fixed effects but without any other control, we obtain an effect close to null and not statistically significant (column 1). Angrist and Pischke (2015) suggest that credible DD estimates should be robust to the inclusion or omission of covariates and linear state time trends. Accordingly, we test the robustness of our result to three additional specifications.

Namely, our second specification includes individual and state controls. Our third specification also adds state time trends, to allow treated and control states to be on differential linear trajectories. While controlling for state time trends relaxes our identification assumption, it also decreases the precision and accuracy of the estimates for at least two reasons. First and most importantly, using linear time trends in DD specifications is a source of bias. Neumark et al. (2014), Meer and West (2016), and Goodman-Bacon (2019) note that with time-varying treatment effects, linear time trends tend to absorb part of the effect of interest (i.e., to “overfit”), thus leading to attenuation bias. Goodman-Bacon (2019) also points that controlling for time trends implicitly over-weights observations at the end of the panel, adding another source of bias (of a-priori unknown direction and magnitude). Second, controlling for linear trends reduces the available treatment variation, making resulting estimates less precise than un-detrended ones. These caveats mean that results obtained using the third specification should be interpreted with caution. Our fourth and most demanding specification includes voter fixed effects. While identification continues to rely on states that changed voter identification requirements, this specification estimates the impact using only within-individual variation, out of voters who faced a strict ID law for some but not all years (because they experienced a change in their state’s law or because they moved across states with different voter identification requirements and their state of origin or destination is one of the states which adopted a strict ID law after 2008). Corresponding estimates are unaffected by the possibility that strict ID laws changed people’s likelihood to appear in the Catalist sample, which is otherwise a possible source of bias as discussed in Section 3.1. We find no significant effect in any of these alternative specifications (columns 2 through 4).

In Panel B, we use the same specifications as in Panel A but include both registered and un-registered individuals in the sample, which the existing literature has typically failed to do. This is important, first, because effects on the turnout of registered citizens shown in Panel A miss possible effects on registration: while strict ID laws do not change registration requirements, citizens

who expect not to be able to vote might decide not to register in the first place, and citizens who stop voting are more likely to be purged from voter rolls. In addition, restricting the sample to registered voters might lead us to underestimate the laws' true effects on turnout if they decrease registration of citizens with lower propensity to vote than the average registrant. In other words, the estimated null effect on registered voters' turnout could reflect two negative effects: decreased registration (leading to increased turnout of registered citizens, if those deterred from registering have low propensity to vote) and decreased turnout of voters whose registration is unaffected. The inclusion of both registered and unregistered individuals in Panel B addresses both issues. The results reported in this panel are thus our main estimates of the effects of strict ID laws on overall participation.

Panel B considers two outcomes: unconditional turnout (equal to 1 if the individual is registered and votes, and 0 otherwise), in columns 1–4, and registration, in columns 5–8. The effects of strict ID laws on both outcomes are close to null and point estimates are not statistically significant in any specification. Based on our most demanding specification controlling for state, year, and voter fixed effects, along with state and voter controls, and considering the lower bound of the 95-percent confidence interval, we can rule out that strict ID laws reduce aggregate registration and turnout by more than 2.3 and 3.0 percentage points, respectively (columns 4 and 8). The precision of our estimates is comparable across specifications.

[Table I about here]

In Appendix Table A4, we implement an alternative strategy based on Dube et al. (2010). We restrict our sample to adjacent counties in neighboring states to compare voters in contiguous county-pairs straddling a state border. Focusing on voters living in adjacent counties across state borders (and controlling for county-pair-by-year fixed effects) further enhances the causal credibility of our estimates. In this table as well as in the remaining analysis on turnout, we use unconditional turnout on the full sample as our outcome, unless specified otherwise. Again, we find no effect of strict ID laws on turnout. Considering the lower bound of the 95-percent confidence interval, we can rule out that strict ID laws reduce overall turnout by more than 0.5 percentage points.

Table II, Panel A, shows the robustness of the null result to different data. Specifically, instead of using individual-level turnout data, we use McDonald's aggregate state-level estimates, whose denominator for turnout excludes non-citizens and ineligible felons (McDonald and Popkin, 2001; McDonald, 2002, 2010). Since the share of ineligible voters fluctuates wildly across states and over time, McDonald's turnout estimates are considered more reliable than alternative measures using the Census Bureau voting-age (or citizen voting-age) population, and are widely used (e.g., Leighley and Nagler, 2013; Burden, 2014; Taylor et al., 2015; Fraga, 2018). We use McDonald's data for 2004–2018, since 2004 is the last year before Arizona, Indiana, and Ohio became the first states in

the country to implement a strict ID law.¹³ Also this strategy confirms the null result. Similarly, we do not find any significant effect on aggregate state-level registration rates, 2008–2018, computed as counts of registered voters in the Catalist data divided by McDonald’s figures for the voting-age or voting-eligible population (Appendix Table A6).

[Table II about here]

While regressions with time and state fixed effects in the form of equation [1] are widely used, a recent literature documents possible shortcomings of these two-way fixed effects specifications (Borusyak and Jaravel, 2017; Goodman-Bacon, 2019; de Chaisemartin and D’Haultfœuille, 2020a; Sun and Abraham, 2020; Callaway and Sant’Anna, 2020). In particular, de Chaisemartin and D’Haultfœuille (2020a) show that the underlying estimator can be written as a weighted sum of the average treatment effects in each state and period, with some possibly negative weights. When treatment effects vary over time or across states, negative weights may result in a negative estimate even if all the average treatment effects are positive. Reassuringly, using de Chaisemartin and D’Haultfœuille (2020a)’s *twowayfweights* Stata command, we find that less than one third of the weights are negative and that their sum is only 0.087. Furthermore, Appendix Table A7, Panel A (resp. A8, Panel A) checks the robustness of the results obtained with the Catalist data (resp. the McDonald’s aggregate state-level turnout estimates) to alternative estimators proposed by de Chaisemartin and D’Haultfœuille (2020a) and Sun and Abraham (2020). Columns 1 and 2 report the estimated effects in the first election after the implementation of strict ID laws, and columns 3 and 4 the aggregate effects across all elections post implementation. The point estimates are very close in magnitude to our baseline estimates, and none of them is statistically significant.¹⁴

¹³As shown in Appendix Table A5, we obtain very similar results when using the voting-age population instead of the voting-eligible population as denominator (Panel A, columns 5 through 8) or when using McDonald’s turnout data for 2008–2018, the period corresponding to the Catalist sample, instead of 2004–2018 (Panel B).

¹⁴We use the Stata *did_multiplot* command to compute de Chaisemartin and D’Haultfœuille (2020a)’s estimator and run a linear regression interacting relative year fixed effects with cohort fixed effects to compute the estimator by Sun and Abraham (2020). Our design includes three cohorts, each designating a group of states which first implemented their strict ID law in the same year: 2012, 2014, and 2016. Cohort-specific relative year fixed effects are then aggregated using weights which correspond to the share of observations of that relative year that fall in that cohort. Sun and Abraham (2020)’s method does not provide a clear way to aggregate relative year fixed effects across years, so we only show the effects in the first election after implementation of the law. We compare the estimates obtained with these two estimators to two sets of estimates obtained with the two-way fixed effects estimator: estimates based on the full sample, and estimates obtained after dropping always-treated states and transforming our data into a staggered design, where states always remain treated after they first adopted a strict ID law. To do so, we recode the reversals that took place in North Dakota and Texas by assigning positive treatments to the corresponding years. Indeed, negative weights which arise with the two-way fixed effects estimator are only on always-treated states, and both de Chaisemartin and D’Haultfœuille (2020a) and Sun and Abraham (2020)’s estimators drop always-treated states. In addition, Sun and Abraham (2020) focus on staggered designs, and thus require the aforementioned transformation. In contrast, de Chaisemartin and D’Haultfœuille (2020a)’s estimator of the effect immediately following the change in treatment applies to any two-way fixed effects regressions, not only to those with staggered adoption, so the corresponding estimates use the untransformed data. The *did_multiplot* command collapses data at the cell level (i.e., by state-

Finally, to corroborate the validity of the parallel-trend assumption, we plot estimates of β_τ 's from the following leads-and-lags regression:

$$Y_{ist} = \sum_{\tau} \beta_{\tau} ID_{st}^{\tau} + X'_{ist} \gamma + \alpha_s + \delta_t + \mu_{ist}, \quad (2)$$

where ID_{st}^{τ} is a dummy equal to 1 if election year t occurs τ elections after state s first implemented its strict ID law. τ ranges between -4 and +3. The β_{τ} 's measure the difference in participation between treated and control states before ($\tau < 0$) or after ($\tau \geq 0$) the first implementation of the law, conditional on controls. All coefficients are normalized relative to the last pre-treatment election ($\tau = -1$).

Figure I shows that turnout does not change differentially in treated states *after* the first implementation of the law, consistent with the estimates in Table I. Corroborating our identification strategy, we also find no evidence of differential trends *before* implementation: though strict ID laws are not randomly assigned to states (Appendix Table A2 shows slightly lower turnout level in treated states), their implementation does not correlate with differential pre-trends in turnout.¹⁵

[Figure I about here]

4.2 Heterogeneity Analysis

The null effects of strict ID laws on overall registration and turnout could potentially mask negative effects on minorities (who are less likely to possess an accepted ID) and positive effects on whites, or differences along other dimensions. To assess treatment impact heterogeneity, we estimate regressions of the following form:

$$Y_{ist} = ID_{st} \times Z'_{ist} \lambda + Z'_{ist} \eta + X'_{ist} \gamma + \alpha_s + \delta_t + \mu_{ist}, \quad (3)$$

where Z_{ist} is the vector of characteristics along which we allow for heterogeneity in the treatment effects. Since this specification does not include ID_{st} uninteracted, the coefficients on the interactions between ID_{st} and Z_{ist} directly indicate the effects of strict ID laws on the corresponding groups. In addition, we test for heterogeneous effects across groups.

Table III reports the results for the main dimension of heterogeneity: race. We use the same specifications as in Table I, with two differences. First, all specifications control for race-by-year

year) and computes bootstrap standard errors by resampling entire clusters (states). The command can accommodate covariates, which are averaged at the cell level. However, due to the state-level bootstrap resampling, including a large number of controls may cause some bootstrap replications to run regressions with more covariates than observations. To avoid this issue, when using *did_multipligt*, we only include state-level controls (i.e., we do not include the voter-level controls race-by-year, race-by-state, age ventile, and gender fixed effects). To ensure comparability across methods, all other estimates in the table similarly control for state-level covariates, but not for voter-level ones.

¹⁵Appendix Figure A4 reports event-study graphs based on McDonald's turnout data, 2008–2018. The resulting plots are remarkably similar to the main event-study graph based on the individual-level Catalist data (Figure I).

and race-by-state fixed effects, to ensure that the interaction between ID_{st} and race dummies is not biased by race-specific shocks occurring in a given year (across all states) or in a given state (across all years). Second, in column 4, we control for state-by-year fixed effects instead of state time trends, thereby using a triple-difference framework. The inclusion of state-by-year fixed effects allows us to account for a larger set of possible confounders. It precludes estimating the overall effect of the laws, which varies at this level, but not differential effects by race.

As shown in Panel A, in all specifications the point estimates are close to null for whites and positive but statistically non-significant for non-whites. We cannot reject the null of identical effects on both groups. Considering the lower bounds of the 95-percent confidence intervals of the differential effects estimated using our voter fixed effects specification (column 5), we can reject that strict ID laws decrease non-white turnout (relative to white turnout) by more than 0.5 percentage points. Various other policies and institutions have been shown to induce substantially larger differential turnout effects. For example, Cantoni (2020) estimates that the disproportionate effect of distance to polling location widens the turnout gap between whites and non-whites by 1.6 to 4.0 percentage points, depending on the election; White (2019) shows that receiving a short jail sentence causes Black turnout to drop in the next election by approximately 13 percentage points, with small and non-significant effects on white turnout; and Fraga (2016) reports that increasing the within-district share of a race group from 10 to 50 percent would raise Black and Hispanic general election turnout by 9.3 to 6.4 percentage points, respectively, while the predicted effect on white turnout is 0.6 percentage point.

In Panel B, we allow the effects to differ by detailed race. Surprisingly, we find a large, positive, and significant effect on Hispanics. The sign and magnitude of this effect are robust across specifications. The estimated difference relative to whites is 2.6 to 3.2 percentage points, depending on the specification. The next subsection discusses one possible mechanism underlying this effect. Instead, we do not find any significant direct or differential effect of the laws on Blacks and on voters of other races. The bottom line is that strict ID laws did not decrease the participation of any race group.

[Table III about here]

The validity of this result relies on the assumption that turnout trends were parallel between treated and control states for each race, which is supported by the lack of differential pre-trends in race-specific event studies plotted in Figure II.

[Figure II about here]

Estimates obtained when restricting attention to voters in adjacent counties across state borders yield the consistent conclusion that strict ID laws did not decrease the participation of any race

group (Appendix Table A4, columns 2–5). In Appendix Table A9, we also test the robustness of the race heterogeneity results to state-by-race-level regressions. Specifically, we collapse the data by race-state-years, counting ballots cast by voters of different races. We then construct two outcomes: the natural logarithm of ballots cast and total ballots cast divided by estimates of the citizen voting-age population based on U.S. Census Data in a given race-state-year. Point estimates and resulting patterns of race heterogeneity are very similar to those reported in Table III.¹⁶ Finally, Panels B through E of Appendix Tables A7 and A8 show the robustness of the race-heterogeneity results to using de Chaisemartin and D’Haultfœuille (2020a) and Sun and Abraham (2020)’s estimators.

A possible concern is that our estimates might miss actual effects of strict ID laws on the participation of Black voters or other ethnic minorities due to the miscategorization of some of these voters’ race. Because many campaigns use data similar to ours, minority voters who may be miscategorized in our data may also be less likely to be targeted by campaigns and, thus, more negatively affected by strict ID laws. However, Appendix Tables A11 and A12 show the robustness of our race-heterogeneity results to restricting the sample to voters whose race is estimated with highest confidence and to registered voters, respectively. (Table A12 uses the turnout of the registered voters as outcome, as in Table I, Panel A.) Furthermore, Appendix Tables A13 and A14 measure the effects of strict ID laws, overall and separately by race, using the CCES self-reported turnout data. Despite the limited representativeness and accuracy of national surveys, discussed in the Introduction, one strength of the CCES is that it includes self-reported race. Reassuringly, our null results are robust to using this alternative source of data.

Appendix Table A15 explores treatment impact heterogeneity along other individual characteristics. We find that the laws did not negatively affect the participation of any group of voters defined by age, gender, or party affiliation.¹⁷ This makes it unlikely that the laws changed electoral outcomes. We test this prediction in Table II, Panel B, and find that strict ID laws did not affect the two-party Democratic vote share in elections from 2004 to 2018. In this panel, we pool results from presidential and U.S. House elections. Units of observation are thus state-years, for presidential elections, and congressional district-years, for U.S. House elections. All point estimates are positive but lower than 1 percentage point and not statistically significant. As shown in Appendix Table A16, the results remain close to null and non-significant when we consider congressional and presidential elections separately.

¹⁶Appendix Table A10 replicates Appendix Table A9 for voter registration (instead of voter turnout). We construct again two outcomes for each race group: the natural logarithm of registered voters and the number of registered voters divided by the citizen voting-age population. The race-specific point estimates are generally non-significant and we do not find any significant differential effect of strict ID laws on minority voters, compared to whites.

¹⁷Party affiliation is only available for two treated states (Arizona and Kansas), one of which is always treated over our sample period (Arizona). Corresponding estimates should thus be interpreted with caution.

4.3 Effects Due to Specific Components of the Laws or Specific Contexts

We now do one last step to challenge our result that strict ID laws have null effects on participation: we test whether specific components of the laws or contextual factors are associated with larger effects.

First, we isolate the effect of *requiring* an ID from the effect of *requesting* one. As discussed in Section 2.1, the distinctive feature of strict ID laws is that they require voters to show an ID, meaning that people without proper ID are prevented from voting. In contrast, non-strict laws request voters to show an ID but they allow those without ID to vote, typically by signing an affidavit of identity. While our regressions so far have included all states without a strict ID law in the control group, we isolate the effect of requiring an ID by comparing strict ID laws to non-strict laws, in a specification distinguishing between all four types of voter identification requirements: requiring an ID, requesting an ID, requiring voters to sign the poll book or an affidavit, and checking their name against a list of eligible citizens. Formally, we run a regression in the form of equation [1], in which we replace the dummy ID_{st} with three dummies, respectively for non-strict law, requiring a signature, or simply asking to state one’s name.¹⁸ This regression allows us to run pairwise comparisons between states with strict ID law (the default group) and any of the three other types of requirements. An important caveat is that when multiple treatment effects are estimated at once, the coefficient on each treatment is contaminated by a weighted sum of the effects of the other treatments in each state and period, with weights summing to 0 (de Chaisemartin and D’Haultfoeuille, 2020b). Unfortunately, the novel estimators proposed by de Chaisemartin and D’Haultfoeuille (2020a) and Sun and Abraham (2020) to improve on the two-way fixed effects estimator do not address this specific issue and they cannot be readily used to estimate the effects of multiple treatments. Therefore, the results of this model may be biased, and they should be interpreted with caution.

We report the results obtained with the Catalist data and McDonald’s aggregate turnout data in Appendix Tables A17 and A18, respectively. The sign on the non-strict ID law dummy is generally negative, indicating that strict ID laws have a modest positive effect compared to non-strict laws, but the point estimates are small, and they are non-significant in all specifications, overall and for whites and non-whites considered separately. In comparison to states with strict ID laws, voter turnout tends to be higher when voters are required to sign the poll book, and lower when they are only asked to state their name, but these differences are generally not statistically significant. The first difference dampens and the second increases when the sample is expanded to also include the

¹⁸Colorado (2014–2018), Oregon (throughout our sample years), and Washington state (2012–2018) implemented all-mail voting. Since voters in all-mail states must sign ballot return envelopes for their votes to be counted, we classify all-mail state-years as “signature.” All results are substantively unaffected by alternative classifications of voter identification requirements in these state-years.

2004 and 2006 elections (Appendix Table A18). Importantly, the effect of strict ID laws, whether measured against non-strict laws, requiring a signature, or asking to state one’s name, is never significantly different across whites and non-whites (Appendix Table A17, Panel B).

Second, strict ID laws requiring photo identification (like a driver’s license or a state-issued identification card) could affect participation more negatively than those also allowing non-photo IDs (like a bank statement or utility bill). However, we do not find support for this hypothesis: all results are substantively identical using strict photo ID laws as treatment (Appendix Figures A5 and A6 and Tables A24 through A28). Out of 30 coefficients shown in Appendix Tables A24 and A26, only one is negative and significant (at the 10 percent level). It corresponds to the overall effect of strict photo ID laws on registration, in the specification controlling for state time trends, which is the least reliable as discussed in Section 4.1.

Third, the effects of strict ID laws could also vary over time: they could be largest immediately following implementation, if people are confused by the new rules, or escalate later, if the laws become more stringently enforced.¹⁹ Alternatively, the effects might vary with election type: they might be larger in presidential elections, if these attract more voters unlikely to have an ID (Burden, 2018), or in midterms, if these elections’ lower salience makes the administrative cost of acquiring an ID more prohibitive. However, we find no evidence of differential effects along any of these dimensions (Appendix Table A19). If anything, the overall and race-specific event studies show more *positive* (although generally non-significant) effects on turnout in later elections (Figures I and II).

4.4 Mobilization Against the Laws

The null average effect of strict ID laws on participation and the positive effect on Hispanics could result from the combination of a direct negative effect of the new requirements imposed by the laws, on one hand, and mobilization against them, on the other.

First, parties and candidates who fear they might lose votes as a result of the laws might mobilize their supporters around this issue and they might help voters without an ID acquiring one (Citrin et al., 2014; Neiheisel and Horner, 2019). A large body of evidence shows that get-out-the-vote campaigns can have large participation effects (Gerber and Green, 2000, 2015), including among disenfranchised members of ethnic minorities (Garcia Bedolla and Michelson, 2012; Pons and Liegey, 2019), and that information and administrative help provided in person to voters can

¹⁹Relatedly, in North Dakota and Texas, where strict ID laws were implemented and later repealed, the effects of the laws may persist even after they were abandoned (Grimmer and Yoder, 2021). To account for this possibility, Appendix Figures A7 and A8 and Tables A29 through A31 replace the treatment dummy ID_{st} , equal to one if state s used a strict ID law in year t , with the dummy \widehat{ID}_{st} , equal to one if the state used a strict ID law in that year or in any year before. The results leave our conclusion unchanged: strict ID laws have no negative effect on registration or turnout, overall or for any race.

help them overcome obstacles to voting such as registration requirements (Nickerson, 2015; Bracconier et al., 2017). While we do not measure the extent to which electoral campaigns specifically refer to the laws or provide assistance to obtain acceptable ID, people’s self-reported likelihood to be contacted by a campaign, in the CCES post-election survey data, is a good proxy for campaign intensity. We report the effects of strict ID laws on this outcome in Table IV, columns 1 and 2.

Second, even absent party mobilization, voters belonging to groups least likely to have an ID might perceive these laws as an attempt to deprive them of their rights, and become more likely to vote and engage politically as a result (Valentino and Neuner, 2017). Biggers and Smith (2018) report large effects on turnout of being threatened to be purged from voter rolls, particularly for Hispanics, and explain it based on psychological reactance theory (Brehm, 1966). According to this theory, a threat to a right (here, the right to vote) can enhance its perceived value and lead individuals to take steps to protect it even if they rarely used it previously. We do not have data on feelings associated with strict ID laws, but can estimate their effects on forms of political engagement beyond voting. After each election, the CCES surveys record whether people attended political meetings, posted a campaign sign, volunteered for a campaign, donated to a candidate or a campaign, and how much they contributed. We report effects on a standardized index aggregating these five variables in Table IV, columns 3 and 4, and on the individual outcomes in Appendix Table A20. Finally, we measure effects on total campaign contributions by state and election year using official data from the Federal Election Commission collected by Bonica (2018) (Table IV, columns 5 and 6).

[Table IV about here]

Panel A of Table IV shows the average effect of strict ID laws on these outcomes for all voters. We find no significant overall impact on any variable, whether we only control for year and state fixed effects or also include state controls and, for individual-level outcomes, voter controls.

Panel B explores treatment impact heterogeneity along race. The effect on the CCES index of voter activity is small and non-significant for both whites and non-whites. As shown in Appendix Table A20, Panel B, we only find a positive and significant effect (at the 10 percent level) for non-whites on one out of five components of the index (i.e., volunteered for a campaign, in column 9). For this outcome, the differential effect on non-whites compared to whites is significant at the 5 and 10 percent levels in the specifications with and without state and voter controls, respectively. But overall, we do not find any systematic evidence that individual reaction against the laws alleviated direct negative effects.

Instead, we do observe a large and positive effect on campaign contact among non-white voters. The laws increased the likelihood that these voters were contacted by a campaign by 4.7 percentage points, which is significant at the 5 percent level (column 1). This effect is of similar magnitude

and significant at the 1 percent level when including state and voter controls (column 2). White voters were not more likely to be contacted by campaigns, differently than non-whites, leading to a differential effect of 4.1 percentage points. This differential effect remains significant (at the 5 percent level) and of almost identical magnitude when using strict photo ID laws as treatment (Appendix Table A27).²⁰

This result should be interpreted with caution since it is based on self-reported survey data and voters may misremember whether or not they were contacted during the campaign. In addition, even if the increase in campaign contact is real, parties might have targeted a subset of non-white voters unlikely to increase their participation as a result of being contacted. Our data do not allow us to directly measure the consequences of increased party mobilization for voter participation. However, we can check whether increases in the likelihood to be contacted by a campaign and in participation are observed for the same groups of voters. Interestingly, as shown in Appendix Table A22, Panel B, columns 1 and 2, the effect on campaign contact is particularly strong (around 5 percentage points) among Hispanics, who also showed a positive effect on participation, suggesting that the former impact could contribute to explain the latter. The effect on campaign contact is less precisely estimated but also large and positive for the residual race category and it is smaller and non-significant for Blacks, whose participation was not affected by strict ID laws.²¹

Overall, these patterns bring suggestive indirect evidence that the increase in campaign contact was consequential, but they do not allow us to estimate the magnitude of plausible downstream effects on voter turnout. For this, we turn to the existing get-out-the-vote literature. In their review of a large number of experiments conducted in the U.S., Gerber and Green (2015) report that it takes about fifteen canvassing contacts to generate one vote among voters whose baseline propensity to vote lies between 30 and 50 percent. The average turnout of non-white voters in the sample was within this range, as shown in Table III, Panel A, column 1. Therefore, taken at face value, the increase in campaign contact might have increased the participation of non-white voters by about 0.31 percentage points (4.7 percentage points divided by 15). In other words, mobilization against strict ID laws might have offset direct negative effects on the participation of ethnic minorities of

²⁰Ideally, we would have liked to corroborate this result based on survey responses with data from political parties or from the Federal Election Commission. Unfortunately, we were not able to find administrative data isolating expenditures and activities specifically related to field campaigns, let alone a breakdown of such data by the race of targeted voters. Appendix Table A21 shows effects on coarser outcomes measured at the state-year level: total expenditures and total campaign-related expenditures (encompassing the following expenditure categories: “Campaign data and technology,” “Campaign events and activities,” “Campaign mailings and materials,” “Campaign strategy and communications consulting,” and “Polling and surveys”) by candidates running to the U.S. House of Representatives, from the Center for Responsive Politics; and TV ad expenditures spanning down-ballot, state, and federal candidates from the Wisconsin Advertising Project and the Wesleyan Media Project. The point estimates are generally positive but modest, and none of them reaches statistical significance.

²¹The effect on the CCES index of voter activity is non-significant for any race, in any specification, except for Blacks, in the specification without state and voter controls (column 3), where it is positive and marginally significant. When adding these controls, the effect is no longer statistically significant (column 4).

about one third of a percentage point.

4.5 Voter Fraud and Perception of Fraud

Finally, we explore the effects of strict ID laws on voter fraud and beliefs on election integrity. Studies of crime face a well-known challenge: increases in crime statistics can reflect changes in both the number of committed and reported crimes, and many treatments can have both direct and reporting effects (e.g., Bhuller et al., 2013; Draca et al., 2018). Similarly, strict ID laws might affect both the actual number of fraud cases and the likelihood that they get detected and reported. Other limitations inherent to the data available to us and discussed in Section 2 compound this issue. With these caveats in mind, we report the effects on the extent of fraud in Table V. We consider both the total number of cases (columns 1–2 and 5–6) and the subset of cases belonging to categories more directly addressed by strict ID requirements (columns 3–4 and 7–8), as described in Section 3.3. The total number of cases reported in both the News21 and Heritage Foundation datasets is very low, corroborating existing studies (Minnite, 2010; Cottrell et al., 2018): 0.08 and 0.02 cases per year per 100,000 residents, respectively. About one third (0.03) and one half (0.01) of these cases were directly addressed by the laws. We do not find any significant negative effect of the laws on either outcome in either dataset.

The lack of effect on detected fraud does not preclude effects on voters’ beliefs on election integrity. However, using SPAE data, we find the laws had no significant effect on the perceived occurrence of voter impersonation, multiple voting, and non-citizen voting (columns 11–16). The effect on an index aggregating these outcomes (along with the other outcomes reported in Appendix Table A23) is small and non-significant (columns 9–10). Similarly, the laws did not significantly affect citizens’ belief that the election was fair, recorded in the ANES (columns 17–18).

[Table V about here]

5 Conclusion

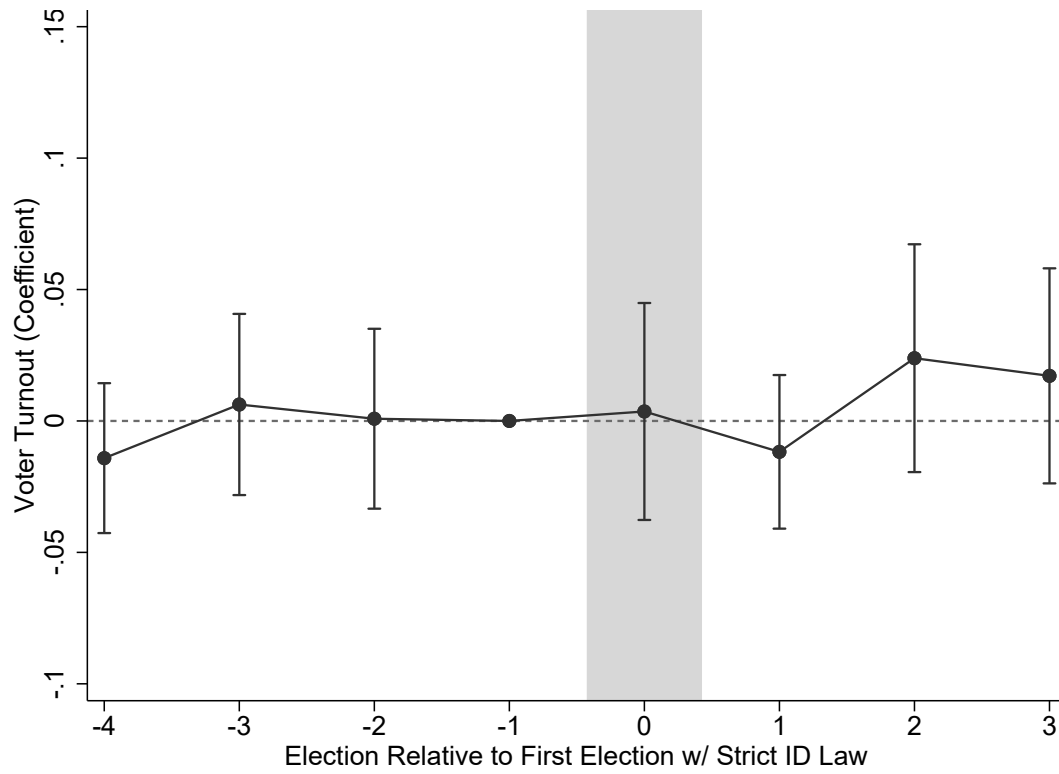
For all the heated debates around strict voter ID laws, our analysis of their effects obtains mostly null results. First, the fears that strict ID requirements would disenfranchise disadvantaged populations have not materialized. Using the largest individual-level dataset ever assembled to study voter participation, we do not find any negative effect on overall turnout and registration rates or on any group defined by race, age, gender, or party affiliation. Close to null turnout effects are robust to the choice of the DD specification and to a large number of robustness checks. While we cannot entirely rule out the interpretation that this null result may be due to voters reacting against laws they felt could disenfranchise them, we do not find any effect on campaign contributions or

on other forms of political engagement different than voting. However, we find a 4.7 percentage points increase in the fraction of non-white voters contacted by parties, bringing some support for the alternative interpretation that parties responded to the laws by mobilizing their supporters around them. It remains that based on existing estimates of the impact of campaign contact, these mobilization efforts might only have offset direct negative effects on the participation of ethnic minorities of about one third of a percentage point.

Second, contrary to the argument used by the Supreme Court in the 2008 case *Crawford v. Marion County* to uphold the constitutionality of one of the early strict ID laws, we find no significant impact on fraud or public confidence in election integrity. This result weakens the case for adopting such laws in the first place.

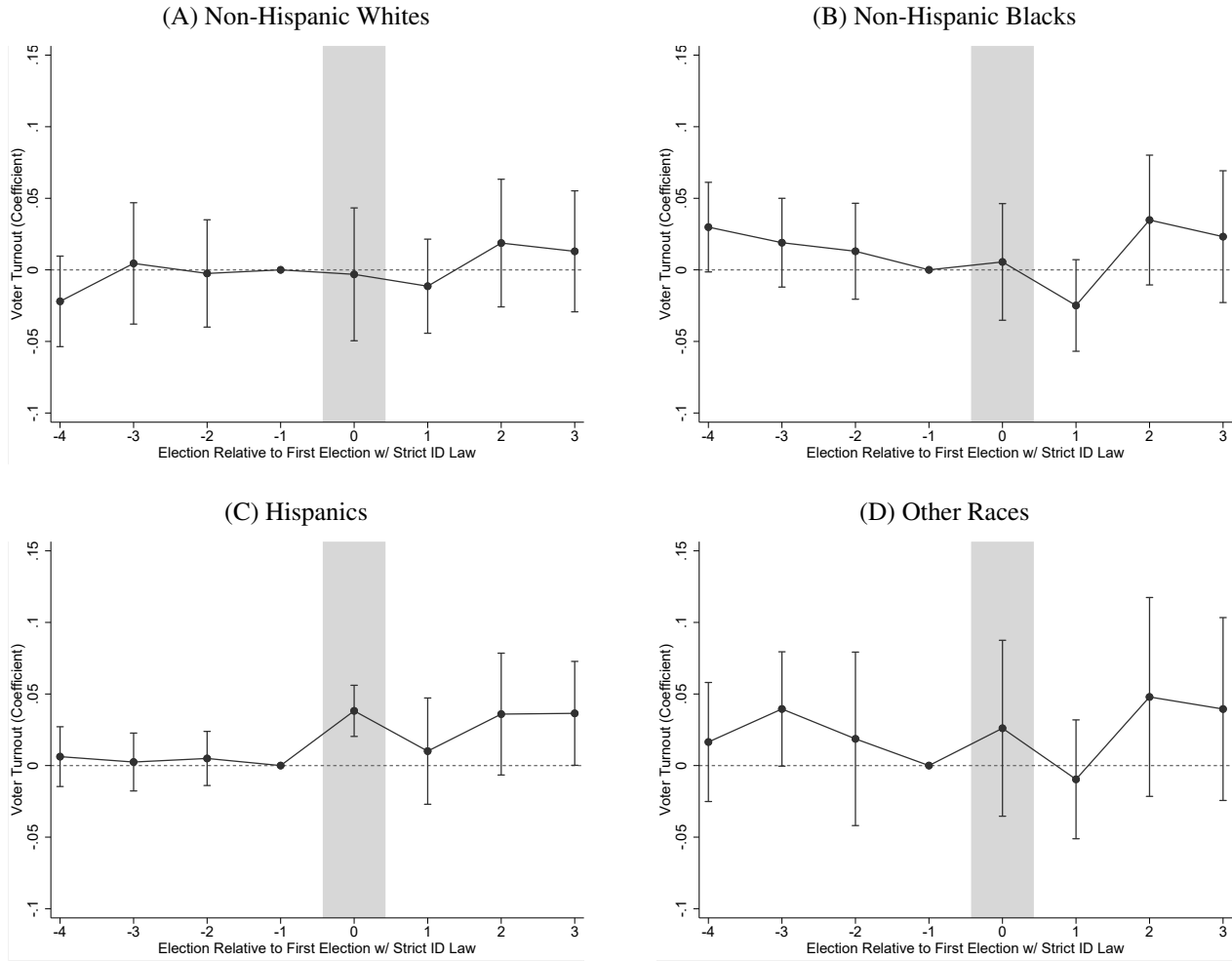
Because states adopted strict ID laws only 4 to 14 years ago, our results should be interpreted with caution: we find negative participation effects neither in the first election after the adoption of the laws nor in following ones, but cannot rule out that such effects will arise in the future. Enforcement of the laws already varies across locations and could very well become more stringent over time, especially if polarization on the issue increases. Partisan mobilization against the laws could also weaken over time. So we do not see our results as the last word on this matter – quite the opposite, we hope that they will provide guidance on the types of data and empirical strategies others can use to analyze the longer-run effects of the laws in a few years. For now, there is a real need to improve the administration of U.S. elections, including voting technology, and increase faith in elections (Alvarez et al., 2012), but strict ID laws are unlikely to do that. At the same time, low and unequal participation represent real threats to democracy (e.g., Meltzer and Richard, 1981; Miller, 2008; Cascio and Washington, 2014; Fujiwara, 2015) – but these may be more effectively addressed by reducing other barriers to voting, such as voter registration costs (Braconnier et al., 2017) or long travel and waiting time in areas with low polling station density (Cantoni, 2020).

Figure I: Event-Study Graph of the Turnout Effects of Strict ID Laws



Notes: The figure plots event-study estimates and 95-percent confidence intervals from a regression (in the form of equation [2]) run on all registered and unregistered voters. The sample includes treated and control states. To avoid picking up variation from 2016 North Dakota, 2016 Texas, and 2018 Texas (which, unlike 2014 and 2018 North Dakota and 2014 Texas, did not enforce a strict law), we define $ID_{ND,2016}^{\tau=1} = ID_{TX,2016}^{\tau=1} = ID_{TX,2018}^{\tau=2} = 0$.

Figure II: Event-Study Graphs of the Turnout Effects of Strict ID Laws by Race



Notes: Each panel plots event-study estimates and 95-percent confidence intervals from a separate regression (in the form of equation [2]) run on all registered and unregistered voters of a given race. The sample includes treated and control states. To avoid picking up variation from 2016 North Dakota, 2016 Texas, and 2018 Texas (which, unlike 2014 and 2018 North Dakota and 2014 Texas, did not enforce a strict law), we define $ID_{ND,2016}^{\tau=1} = ID_{TX,2016}^{\tau=1} = ID_{TX,2018}^{\tau=2} = 0$.

Table I: Turnout and Registration Effects of Strict ID Laws

	Outcome:							
	1 (Voted)				1 (Registered)			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Panel A. Only Registered Voters								
1 (Strict ID Law)	-.001 (.013)	-.001 (.011)	-.011 (.019)	-.008 (.017)	-	-	-	-
Outcome Mean	.620	.620	.620	.620				
Panel B. Registered and Unregistered Voters								
1 (Strict ID Law)	-.007 (.015)	-.001 (.012)	-.008 (.014)	-.001 (.014)	-.015 (.012)	-.004 (.011)	-.008 (.007)	-.001 (.011)
Outcome Mean	.428	.428	.428	.428	.686	.686	.686	.686
Year FEs	✓	✓	✓	✓	✓	✓	✓	✓
State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓	✓	✓		✓	✓	✓
State Linear Trends			✓				✓	
Voter FEs				✓				✓

Notes: Each cell reports estimates from a separate regression run on the Catalist data. The sample for Panels A and B consists of, respectively, registered voters and both registered and unregistered voters. The sample size in the two panels is 1,100,864,728 and 1,604,600,472, respectively. State controls are dummies for the availability of no-excuse absentee voting, early in-person voting, all-mail voting, and Election-Day registration, along with indicators for the partisan composition of the state legislature and the governor's party as of Election Day. Voter controls are gender, dummies for the voter's age ventile (defined in the full panel data and including an additional dummy for voters with missing age information), and dummies for whether the voter is Black, Hispanic, or of other non-white, non-Hispanic (or unknown) race, along with interactions of these race dummies with states and years. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table II: Effects of Strict ID Laws on Aggregate Outcomes

	(1)	(2)	(3)	(4)
<u>Panel A. Ballots Cast/VEP (McDonald's Data)</u>				
1(Strict ID Law)	.006 (.012)	.006 (.013)	.001 (.012)	.002 (.014)
Outcome Mean	.528	.528	.517	.517
N	408	408	408	408
Year FEs	✓	✓	✓	✓
State FEs	✓	✓	✓	✓
State-Year Controls		✓	✓	✓
VEP Weights			✓	✓
State Linear Trends				✓
<u>Panel B. Democratic 2-Party Vote Share</u>				
1(Strict ID Law)	.001 (.020)	.009 (.017)	.005 (.010)	- -
Outcome Mean	.520	.520	.520	-
N	3,684	3,684	3,684	-
Year FEs	✓	✓	✓	
State FEs	✓	✓	✓	
State-Year Controls		✓	✓	
State Linear Trends			✓	

Notes: Panel A reports estimated turnout effects based on McDonald's state turnout data, 2004-2018 (2004 is the last year before strict ID laws were ever implemented). Turnout is defined as the ratio between ballots cast for the highest office on the ballot and the voting-eligible population (VEP) in a given state-year. Panel B reports estimated effects on the Democratic 2-party vote share based on constituency-level election results, 2004-2018, collected by the MIT Election Data and Science Lab. The sample in Panel B pools together congressional and presidential elections; units of observation are state-years (or DC) or congressional district-years. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table III: Turnout Effects of Strict ID Laws by Race

	Outcome: 1(Voted)				
	Outcome Mean	Impact Estimates			
	(1)	(2)	(3)	(4)	(5)
Panel A. Whites vs. Non-Whites					
1(Strict ID Law)×White	.458	-.006 (.015)	-.003 (.014)		-.005 (.016)
1(Strict ID Law)×non-White	.340	.006 (.014)	.006 (.010)		.009 (.012)
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$		.013 (.008)	.010 (.007)	.007 (.007)	.014 (.009)
Panel B. By Detailed Race					
1(Strict ID Law)×White	.458	-.006 (.015)	-.003 (.014)		-.005 (.016)
1(Strict ID Law)×Hispanic	.295	.025 * (.015)	.022 *** (.008)		.026 ** (.010)
1(Strict ID Law)×Black	.380	-.009 (.014)	-.006 (.013)		-.004 (.014)
1(Strict ID Law)×Other Race	.330	.013 (.028)	.007 (.022)		.008 (.024)
$\beta^{\text{hispanic}} - \beta^{\text{white}}$		.032 *** (.011)	.026 ** (.011)	.026 *** (.006)	.030 ** (.014)
$\beta^{\text{black}} - \beta^{\text{white}}$		-.003 (.008)	-.003 (.006)	-.003 (.006)	.001 (.007)
$\beta^{\text{other}} - \beta^{\text{white}}$		.019 (.016)	.010 (.010)	-.001 (.006)	.013 (.011)
Race-by-Year FEs		✓	✓	✓	✓
Race-by-State FEs		✓	✓	✓	✓
State & Voter Controls			✓	✓	✓
State-by-Year FEs				✓	
Voter FEs					✓

Notes: The sample (N = 1,604,600,472) consists of both registered and unregistered voters. See notes to Table I for details on the controls. Column 1 reports mean turnout in the interacting category. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table IV: Effects of Strict ID Laws on CCES Campaign Contact, Voter Activity, and DIME Campaign Contributions

	Was Contacted by Campaign		Index of Voter Activity		Contributions ln(\$1/100k residents)	
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Panel A. Average Effect</u>						
1(Strict ID Law)	.015 (.020)	.014 (.019)	-.002 (.016)	-.008 (.016)	.024 (.102)	.031 (.103)
Year & State FEs	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓
<u>Panel B. Whites vs. Non-Whites</u>						
1(Strict ID Law)×White	.006 (.021)	.004 (.020)	-.003 (.017)	-.011 (.016)		
1(Strict ID Law)×non-White	.047 ** (.019)	.046 *** (.016)	.002 (.015)	.001 (.014)		
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$	.041 ** (.016)	.042 *** (.015)	.005 (.011)	.011 (.010)		
Race-by-Year FEs	✓	✓	✓	✓	✓	✓
Race-by-State FEs	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓
Outcome Mean	.640	.640	.000	.000	14.682	14.682
N	221,926	221,926	308,704	308,704	408	408

Notes: The voter-level outcome for columns 1-2 is a dummy for whether a CCES survey respondent reported being contacted by a campaign in the last general election. The voter-level outcome for columns 3-4 is a summary index (i.e., sum of z-scores of individual components) of five variables measuring voter engagement in the last general election and recorded in the CCES data: whether people attended political meetings, posted a campaign sign, volunteered for a campaign, donated to a candidate or a campaign, and how much they contributed. The outcome for columns 5-6 is the log of political contributions to candidates and parties by state-year per 100k residents, 2004-2018. For a description of state controls, see the notes to Table I. Voter controls in columns 1-4 are education, gender, income, and race-by-year and race-by-state fixed effects. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table V: Effects of Strict ID Laws on Reported and Perceived Frequency of Voter Fraud

	News21		News21 Preventable		Heritage		Heritage Preventable	
	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 (Strict ID Law)	.045 (.113)	.025 (.109)	.014 (.046)	.001 (.050)	.009 (.007)	.006 (.008)	.013 ** (.006)	.011 (.007)
Year & State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓		✓
Outcome Mean	.078	.078	.033	.033	.020	.020	.013	.013
N	459	459	459	459	765	765	765	765

	SPAE		SPAE		SPAE		SPAE		ANES	
	Perceived Fraud Index	Voter Impersonation	Multiple Voting	Non-Citizen Voting	Fair Election					
	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
1 (Strict ID Law)	.003 (.030)	.007 (.029)	-.004 (.017)	-.002 (.015)	-.009 (.023)	-.013 (.022)	-.020 (.024)	-.024 (.024)	.008 (.045)	.020 (.038)
Year & State FEs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓		✓		✓
Outcome Mean	.000	.000	.210	.210	.209	.209	.275	.275	.698	.698
N	42,600	42,385	42,488	42,277	30,534	30,424	30,533	30,423	11,396	11,396

Notes: Regressions in columns 1-4 are at the state-year level and their sample includes both even (i.e., general election) and odd years. The News21 and Heritage data cover, respectively, the 2004-2012 and 2004-2018 years. Preventable frauds include voter impersonation, duplicate voting, false registration, and ineligible voting. The outcome for columns 9-10, described in the text, is constructed by normalizing and aggregating SPAE responses used as outcomes in columns 11-16 and in Appendix Table A23. The outcomes for columns 11-16 are dummies for whether SPAE survey respondents perceive different types of fraud as happening frequently or occasionally. The outcome for columns 17-18 is a dummy for whether ANES survey respondents agree the last election was "very fair" or "fair" (ANES 2004) or whether they agree ballots were counted fairly "very often" or "fairly often" (ANES 2012), "all of the time" or "most of the time" (ANES 2016). Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

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Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel, 2008–2018

Online Appendix

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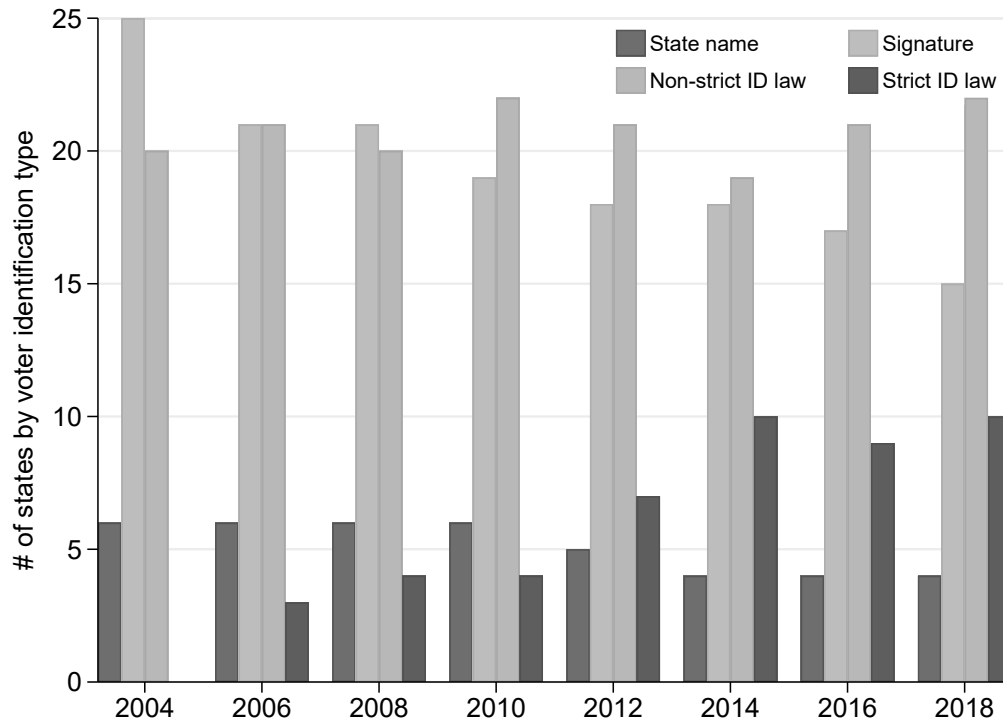
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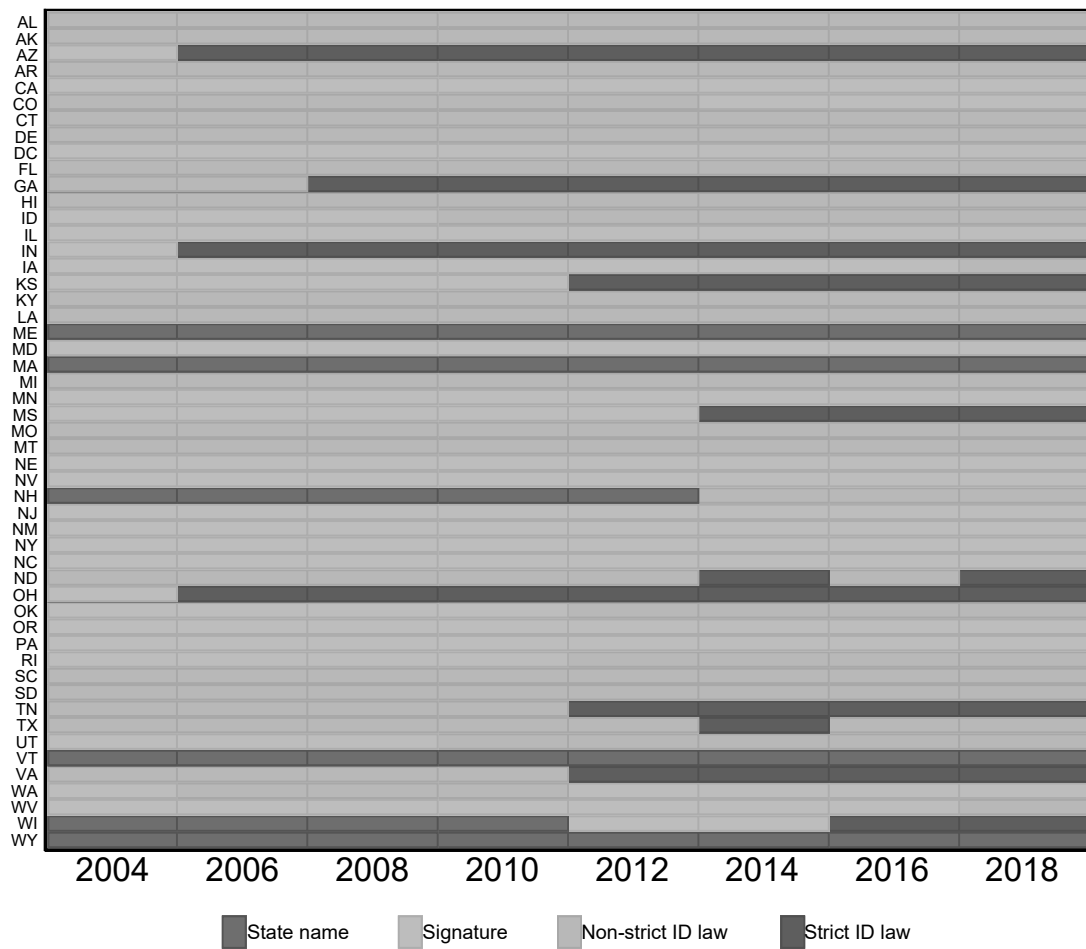
A.1 Voter Identification Requirements Across States and Over Time

Figure A1: Number of States by Type of Voter Identification Requirement and Year



Notes: The figure plots the number of states implementing different forms of voter identification requirements in each general election, 2004–2018.

Figure A2: Voter Identification Requirements by State and Year



Notes: The color of each cell represents the type of voter identification requirement implemented by a certain state (y-axis) in a given year (x-axis).

Table A1: Description of Strict ID Laws

State	Acceptable Forms of ID	Voters Without ID	Years	Changes Over Time
Arizona §16-579(A)	One of the following forms of photo or non-photo ID: valid AZ driver's license; valid AZ non-driver ID; tribal enrollment card or other form of tribal ID; valid U.S. federal, state, or local government-issued ID; utility bill dated within 90 days of the election; bank or credit union statement dated within 90 days of the election; valid AZ vehicle registration; Indian census card; property tax statement; vehicle insurance card; recorder's certificate	An elector who does not provide the required ID shall receive a provisional ballot. Provisional ballots are counted only if the elector provides ID to the county recorder by 5 pm on the fifth business day after a general election that includes an election for federal office, or by 5 pm on the third business day after any other election.	2006-2018	
Georgia §21-2-417	One of the following forms of photo ID (if the ID doesn't contain the voter's signature, an additional ID with the voter's signature is required): GA driver's license, even if expired; ID card issued by the state of GA of the federal government; free voter ID card issued by the state or county; U.S. passport; Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority or other entity of this state; valid U.S. military ID card; valid tribal photo ID	A voter without one of the acceptable forms of photo ID can vote on a provisional ballot. He or she will have up to three days after the election to present appropriate photo ID at the county registrar's office in order for the provisional ballot to be counted.	2008-2018	
Indiana §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25.1	Specific forms of ID are not listed in statute. Photo ID must be issued by the state of IN or the U.S. government and must show the following: name of individual to whom it was issued, which must conform to the individual's registration record; photo of the person to whom it was issued; expiration date (if it is expired, it must have an expiration date after the most recent general election; military IDs are exempted from the requirement that ID bear an expiration date); must be issued by the United States or the state of IN	Voters who are unable or decline to produce proof of ID may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of ID; or (B) executes an affidavit stating that the voter cannot obtain proof of ID, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.	2006-2018	
Kansas §25-2908, 25-1122, 25-3002, and 8-1324(g) (2)	One of the following forms of valid photo ID (expired documents are valid if the bearer is 65 or older): driver's license issued by KS or another state; state ID card; government-issued concealed carry handgun or weapon license; U.S. passport; employee badge or ID document issued by a government office or agency; military ID; student ID issued by an accredited post-secondary institution in KS; government-issued public assistance ID card	A voter who is unable or refuses to provide current and valid ID may vote a provisional ballot. To have his or her ballot counted, the voter must provide a valid form of ID to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers	2012-2018	
Mississippi §23-15-563	One of the following forms of photo ID: a driver's license; a photo ID card issued by a branch, department, or entity of the State of Mississippi; a U.S. passport; a government employee ID card; a firearms license; a student photo ID issued by an accredited MS university, college, or community/junior college; a U.S. military ID; a tribal photo ID; any other photo ID issued by any branch, department, agency, or entity of the U.S. government, or any state government; a MS voter ID card	An individual without ID can cast an affidavit ballot which will be counted if the individual returns to the appropriate circuit clerk within five days after the election and shows government-issued photo ID. Voters with a religious objection to being photographed may vote an affidavit ballot, which will be counted if the voter returns to the appropriate circuit clerk within five days after the election and executes an affidavit that the religious exemption applies.	2014-2018	
North Dakota §16.1-05-07	Photo or non-photo ID must include: legal name; current residential street address in ND; and date of birth. The following forms of ID are acceptable: a driver's license; ID card issued by the ND department of transportation; ID issued by tribal government to a tribal member residing in the state. If an individual's valid form of ID does not include the required information or the information is not current, the ID must be supplemented by one of the following that provides the missing or outdated information: current utility bill; current bank statement; check issued by a federal, state or local government; paycheck; or document issued by a federal, state or local government.	If an individual is not able to show a valid form of ID but asserts qualifications as an elector in the precinct in which the individual desires to vote, the individual may mark a ballot that must be securely set aside in a sealed envelope designed by the secretary of state. After the ballot is set aside, the individual may show a valid form of ID to either a polling place election board member if the individual returns to the polling place before the polls close, or to an employee of the office of the election official responsible for the administration of the election before the meeting of the canvassing board occurring on the sixth day after the election. Each ballot set aside under this subsection must be presented to the members of the canvassing board for proper inclusion or exclusion from the tally. The state's ID requirement has partial exemptions for residents of long-term care facilities, uniformed service member or immediate family member, state residents temporarily living outside the U.S., and individuals with a disability that prevents them from traveling away from home.	2014 and 2018	In 2016, a federal judge ordered that voters without ID be given the option to cast a regular ballot after signing an affidavit. In 2017, HB 1369 was enacted, bringing the state back to the strict category.

(Continues)

Table A1: Description of Strict ID Laws (cont.)

State	Acceptable Forms of ID	Voters Without ID	Years	Changes Over Time
Ohio §3503.16(B)(1) (a) and 3505.18(A)(1)	One of the following forms of photo or non-photo ID: current and valid photo ID, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of OH; current utility bill; current bank statement; current government check, paycheck or other government document.	A voter who has but declines to provide ID may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither ID nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.	2006-2018	
Tennessee §2-7-112(c)	One of the following forms of photo ID: TN driver's license; valid photo ID card issued by the state of TN; valid photo ID license issued by TN Dept. of Safety; valid U.S. passport; valid U.S. military ID with photo; TN handgun carry permit with photo.	Voters who cast a provisional ballot because they did not provide acceptable proof of identity must appear in person at the board of elections to provide such proof within the 10 days immediately following Election Day. If a voter is unable to present the proper evidence of ID, then the voter will be entitled to vote by provisional ballot. The provisional ballot will only be counted if the voter provides the proper evidence of ID to the administrator of elections or the administrator's designee by the close of business on the second business day after the election. However, "A voter who is indigent and unable to obtain proof of ID without payment of a fee or who has a religious objection to being photographed shall be required to execute an affidavit of identity on a form provided by the county election commission and then shall be allowed to vote." §2-7-112(f)	2012-2018	
Texas 2011 SB 14	One of the following forms of photo ID: a Texas driver's license or personal ID card; a Texas election ID certificate; a Texas concealed handgun permit; a U.S. military photo ID; a U.S. citizenship certificate containing the person's photograph; or a U.S. passport or passport card. Each form of ID had to be current or expired only within the last 60 days from presentation, with the exception of citizenship certificates (which do not expire).	If ID was not presented, the voter could vote a provisional ballot. For her or his provisional ballot to be counted, the voter had to return within 6 days to the county voting registrar to show ID or sign an affidavit attesting to a religious objection or that no ID is available due to a natural disaster.	2014	
Virginia §24.2-643(B)	One of the following forms of photo ID: valid United States passport; valid Virginia driver's license or ID card; valid Virginia DMV issued Veteran's ID card; valid tribal enrollment or other tribal ID issued by one of 11 tribes recognized by the Commonwealth of Virginia; valid student ID card from within Virginia if it includes a photo; any other ID card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; employee ID card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business	Any voter who does not show one of the forms of ID specified in this subsection shall be offered a provisional ballot marked ID-ONLY that requires no follow-up action by the registrar or electoral board other than matching submitted ID documents from the voter for the electoral board to make a determination on whether to count the ballot. In order to have his or her ballot counted, the voter must submit a copy of one of the forms of ID to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election.	2012-2018	In 2012, the VA requirement was strict, non-photo. 2013 HB 1337 created the strict-photo requirement. VA strict ID law was repealed in 2020.
Wisconsin §5.02(6m) and 6.79(2)(a)	One of the following forms of photo ID: WI driver's license; ID card issued by a U.S. uniformed service; WI non-driver ID; U.S. Passport; certificate of naturalization issued not more than 2 years before the election; ID card issued by a federally recognized -Indian tribe in WI; student ID card with a signature, an issue date, and an expiration date no later than 2 years after the election; a photo ID card provided by the Veteran's Health Administration. All of the above must include a photo and a name that conforms to the poll list. If the ID presented is not proof of residence, the elector shall also present proof of residence.	An elector who appears to vote at a polling place and does not have statutory ID shall be offered the opportunity to vote a provisional ballot. An elector who votes a provisional ballot may furnish statutory ID to the election inspectors before the polls close or to the municipal clerk no later than 4pm on the Friday following Election Day.	2016-2018	

Notes: This table describes every strict ID law enforced in at least one general election, 2004-2018. The main source of this table is the NCSL Voter ID Laws website (<https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>), which we accessed on January 26, 2017, and on November 5, 2018. We supplemented this information with a chronology of voter ID laws, 2000-2014, which we received from the NCSL on October 30, 2014, and with information on Texas 2014 strict voter ID law, which we obtained directly from the text of Texas 2011 SB 14. According to NCSL's chronology of voter ID laws, "Indiana (P.L. 109/SB 483) – created a strict photo ID requirement; implemented in 2008 after being cleared by U.S. Supreme Court)." However, Alvarez (2008), Alvarez (2011), and court documents (e.g., https://jenner.com/system/assets/assets/4162/original/Crawford_Merits.pdf?1319825362, accessed: January 18, 2021) indicate Indiana's strict ID requirement was already enforced in the 2006 election. We therefore deviate from the NCSL chronology of ID laws and consider 2006 (instead of 2008) the first general election in which Indiana's strict ID requirement was implemented.

A.2 Additional Details on the Catalist Data

Over time, Catalist continually updates its database to incorporate new state voter files as well as commercial data refreshes, and it identifies deceased voters based on the Social Security Death Master File (SSDMF) datasets. Catalist also identifies people changing addresses based on NCOA records and by systematically comparing voter lists and commercial records of different states. Catalist gives each person a unique ID, invariant across years and files. Data matching procedures are run to ascertain potential matches across files. For example, if a voter registered with the first name “Tom,” but commercial records include an individual called “Thomas” with the same last name, address, and sociodemographic characteristics, Catalist will recognize that it is the same individual and reconcile the two sources of information (Ansolabehere and Hersh, 2014).

The information Catalist shares with its clients usually stems from a cross-sectional “live file,” containing the present-day address and information and the full voter turnout history of every individual who ever appeared in its database. Since 2008, however, Catalist has also been saving “historical files”: snapshots of its live file as of the date of each biennial nationwide election.¹

We received six historical files, corresponding to the 2008, 2010, 2012, 2014, 2016, and 2018 nationwide elections, and matched them with the current live file. The live file constitutes our source of longitudinal information on voter turnout and the historical files our source of longitudinal information on voters’ residence.

For each election, the historical files we received from Catalist report voters’ state and county of residence at that time, a flag for whether the voter was deceased,² registration status,³ party affiliation (for voters registered in the 30 states in which it is available), an indicator for permanent absentee status, and a flag for “best state.”⁴ From the Catalist live file, we received the following variables: full turnout history, the state where the voter cast her ballot in each general election in our sample, if any, age, race, source of race information, and gender.

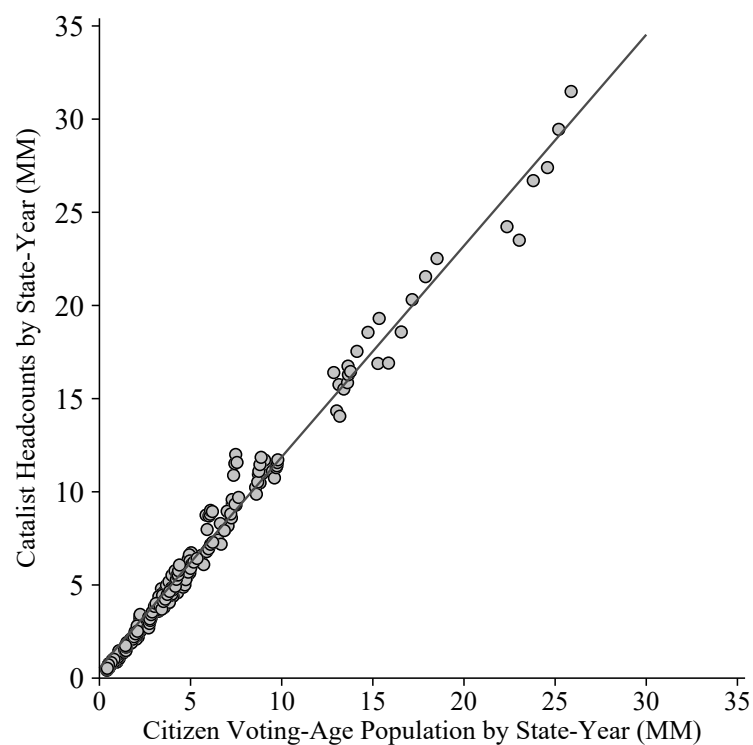
¹Since it takes two to five months after Election Day for election administrators to process and give Catalist individual-level voter turnout information, historical files are copies of the live file as of two to five months after the corresponding Election Day. For instance, the 2008 historical file was saved between January and March 2009.

²Voters are flagged as deceased when they appear in the SSDMF or are reported as deceased in commercial records.

³Voter registration features five possible values: A, I, D, M, or U. “A” and “I” denote voters appearing on a state registration file with “active” or “inactive” registration status, respectively. “D” flags “dropped” individuals who appeared on past state voter files, but not in the most recent one. “M” indicates “moved, unregistered” voters who, according to NCOA or commercial data, moved into the state, but did not re-register in that state. “U” are voters whose status is “unregistered”: they do not appear on current or past voter files but are known to reside in the state.

⁴When a voter is observed moving across states, Catalist creates a new record, and updates the original record (e.g., recoding the voter’s registration status from “active” to “dropped”) instead of erasing it. Consequently, the Catalist database is uniquely identified by voter ID *and* state. After using voter ID and state to match the historical files with the live file, we use the “best-state” flag to deduplicate on voter ID. Specifically, we deduplicate the matched historical files using the following lexicographic rules: we privilege the record corresponding to the state where a voter voted, if any; then records flagged as “best state”; then we use voter registration, privileging voter registration statuses in this order: “A”, “M”, “U”, “I”, and “D”; then we privilege the record with the oldest registration date; finally, among residual duplicates, we keep a reproducibly random record.

Figure A3: Catalist Headcounts vs. Citizen Voting-Age Population



Notes: The figure plots state-by-year headcounts in the Catalist data (y-axis) against estimates of the citizen voting-age population based on U.S. Census Data (x-axis). The red line represents the best linear fit, weighting by Catalist headcounts.

Table A2: Summary Statistics

	Control States		Treated States		All States	
	Catalist	Census	Catalist	Census	Catalist	Census
	(1)	(2)	(3)	(4)	(5)	(6)
Female	.527	.514	.530	.513	.528	.514
White	.740	.705	.741	.699	.740	.703
Hispanic	.093	.110	.095	.113	.093	.111
Black	.111	.116	.130	.147	.116	.124
Other race	.056	.070	.034	.041	.050	.062
Age:						
Missing values	.092	-	.109	-	.096	-
Mean	49.0	47.1	48.5	46.4	48.8	46.9
Std. dev.	18.3	-	18.0	-	18.2	-
Voted	.434	-	.410	-	.428	-
Registered	.688	-	.681	-	.686	-
Party registration:						
Living in a party registration state	.730	-	.105	-	.558	-
...and registered as Democrat	.213	-	.021	-	.160	-
...and registered as Republican	.147	-	.027	-	.114	-
...and registered as unaffiliated	.123	-	.019	-	.095	-
...and registered for a third party	.018	-	.005	-	.014	-
N	1,163,102,934	240	441,497,673	66	1,604,600,607	306

Notes: Treated states are defined as states that enforced a strict ID law in the sample years (2008-2018). State-years are the units of observations in columns 2, 4, and 6. Here, the proportion of females and age come from 2008, 2010, 2012, 2014, 2016, and 2018 "1-year" ACS data. In the same columns, state-by-year race shares for the adult population come from the National Cancer Institute (2008) and the United States Census Bureau (for all other years). These shares are then weighted by the estimated fraction of adult population holding U.S. citizenship in the corresponding race-year-state. Estimated citizenship ratios come from "1-year" ACS data.

A.3 Details on ANES, SPAE, and CCES Survey Outcomes

The survey questions used to construct the SPAE-based outcomes are as follows:

- Voter impersonation: q38 (SPAE 2008), q29c (2012), Q37C (2014), Q37C (2016).
- Multiple voting: q29a (2012), Q37A (2014), Q37A (2016).
- Non-citizen voting: q29d (2012), Q37D (2014), Q37D (2016).
- Absentee ballot fraud: q29e (2012), Q37E (2014), Q37E (2016).
- Officials changing vote tallies: q29f (2012), Q37F (2014), Q37F (2016).
- Votes stealing: q37 (2008), q29b (2012), Q37B (2014), Q37B (2016).

The SPAE survey was not administered in 2010. There were also no questions on multiple voting, non-citizen voting, absentee ballot fraud, and officials changing vote counts in 2008.

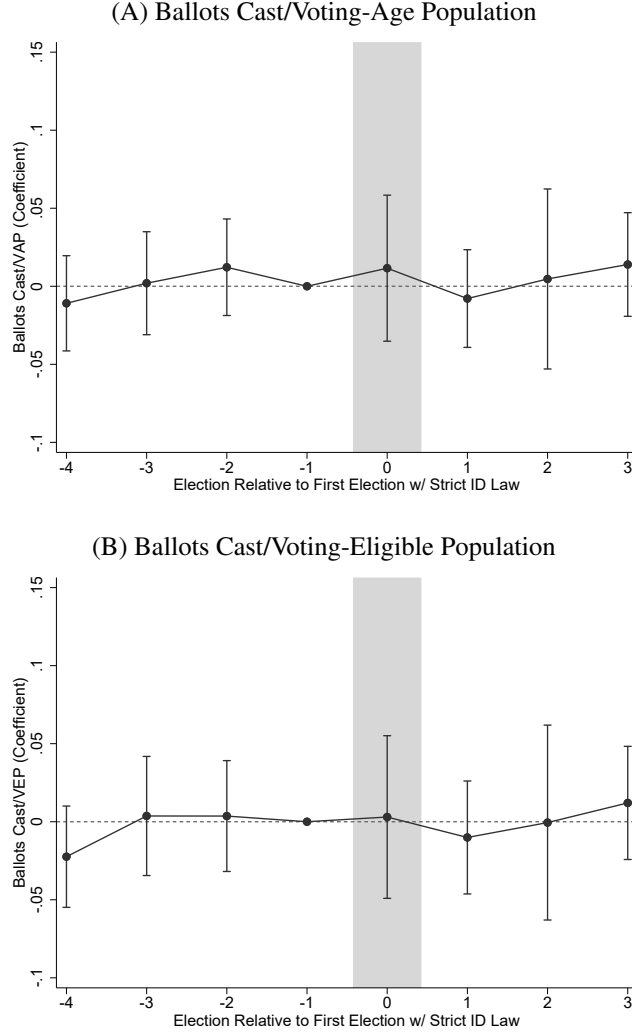
For the ANES-based outcome on whether the past election was fair, we use the following post-election survey waves and questions: V045042 (2004), electintpo_countfair (2012), V162219 (2016). The question wording changed slightly across years. In 2004, the question was generically whether the 2004 presidential election was fair. In 2012 and 2016, voters were asked whether votes were counted fairly.

CCES dummy outcomes are based on the following years and survey questions (omitted years correspond to years in which the relevant survey question was not asked):

- Voter was contacted by a campaign: v4065 (2006), CC425a (2010), CC425a (2012), CC425a (2014), CC16_425a (2016).
- Donated to a candidate or campaign: v4062 (2006), CC415_6 (2008), CC417a_4 (2010), CC417a_4 (2012), CC417a_4 (2014), CC16_417a_4 (2016), CC18_417a_6 (2018).
- Amount donated (equal to 0 for people who answered no to the “Donated to a candidate or campaign” question): CC416b (2008), CC417c (2010), CC417c (2012), CC417c (2014), CC16_417c (2016), CC18_417c (2018).
- Attended a local political meeting: CC415_1 (2008), CC417a_1 (2010), CC417a_1 (2012), CC417a_1 (2014), CC16_417a_1 (2016), CC18_417a_1 (2018).
- Posted a campaign sign: CC415_3 (2008), CC417a_2 (2010), CC417a_2 (2012), CC417a_2 (2014), CC16_417a_2 (2016), CC18_417a_2 (2018).
- Volunteered for a campaign: CC415_4 (2008), CC417a_3 (2010), CC417a_3 (2012), CC417a_3 (2014), CC16_417a_3 (2016), CC18_417a_3 (2018).

A.4 Additional Results

Figure A4: Event-Study Graphs of the Turnout Effects of Strict ID Laws – McDonald’s State Turnout Data



Notes: Each panel plots event-study estimates and 95-percent confidence intervals from a separate regression (in the form of equation [2]) run on McDonald’s state turnout data, 2008–2018. The outcomes for Panels A and B are total ballots cast divided by, respectively, the voting-age and voting-eligible population in the state-year. The underlying regressions include state controls and are weighted by voting-age (top panel) or voting-eligible (bottom panel) population. To avoid picking up variation from 2016 North Dakota, 2016 Texas, and 2018 Texas (which, unlike 2014 and 2018 North Dakota and 2014 Texas, did not enforce a strict law), we define $ID_{ND,2016}^{\tau=1} = ID_{TX,2016}^{\tau=1} = ID_{TX,2018}^{\tau=2} = 0$.

Table A3: Effects of Strict ID Laws on the Probability of Appearing in and Disappearing from the Catalist Data

	(1)	(2)	(3)	(4)
<u>Panel A. Appearing in the Sample</u>				
1(Strict ID Law)	.009 (.016)	.008 (.018)	.030 ** (.012)	.014 (.012)
Outcome Mean	.096	.096	.096	.096
<u>Panel B. Disappearing from the Sample</u>				
1(Strict ID Law)	.004 (.006)	-.001 (.005)	.002 (.004)	.002 (.009)
Outcome Mean	.062	.062	.062	.062
Year FEs	✓	✓	✓	✓
State FEs	✓	✓	✓	✓
State & Voter Controls		✓	✓	✓
State Linear Trends			✓	
Voter FEs				✓

Notes: The outcome for Panel A is a dummy indicating the first election in which a voter (previously not in the Catalist data) appears in the data. The outcome for Panel B is a dummy indicating the last election before a voter disappears from the data. The samples for panels A and B exclude, respectively, the 2008 and 2018 elections. N in the two panels is 1,358,011,387 and 1,309,155,919, respectively. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A4: Turnout Effects of Strict ID Laws – Adjacent County-Pair Estimates

	Outcome: 1(Voted)				
	All Races (1)	Whites (2)	Blacks (3)	Hispanics (4)	Other (5)
1(Strict ID Law)	.015 (.010)	.013 (.009)	.018 (.015)	.009 (.016)	.044 ** (.019)
Year FEs	✓	✓	✓	✓	✓
State FEs	✓	✓	✓	✓	✓
State & Voter Controls	✓	✓	✓	✓	✓
County-Pair-by-Year FEs	✓	✓	✓	✓	✓

Notes: The table restricts the sample to adjacent counties in neighboring states, in order to compare voters in contiguous county-pairs straddling a state border, following Dube et al. (2010)'s strategy. All specifications control for county-pair-by-year fixed effects. The sample consists of both registered and unregistered voters. The sample size is: 1,225,015,209 (column 1), 934,444,633 (column 2), 153,008,339 (column 3), 87,591,341 (column 4), and 49,970,896 (column 5). See notes to Table I for details on the controls. Standard errors are two-way clustered by states (all the 48 states of the continental U.S. plus D.C.) and border segments (1,233 border segments).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A5: Turnout Effects of Strict ID Laws – McDonald's State Turnout Data

	Outcome: Ballots Cast/VEP			Outcome: Ballots Cast/VAP				
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Panel A. 2004-2018 Elections								
1 (Strict ID Law)	.006 (.012)	.006 (.013)	.001 (.012)	.002 (.014)	.005 (.011)	.005 (.012)	.001 (.011)	.006 (.011)
Outcome Mean	.528	.528	.517	.517	.492	.492	.468	.468
N	408	408	408	408	408	408	408	408
Panel B. 2008-2018 Elections								
1 (Strict ID Law)	-.002 (.016)	-.004 (.017)	-.006 (.014)	-.007 (.020)	-.003 (.014)	-.004 (.015)	-.002 (.012)	.003 (.017)
Outcome Mean	.529	.529	.519	.519	.493	.493	.470	.470
N	306	306	306	306	306	306	306	306
Year FEs	✓	✓	✓	✓	✓	✓	✓	✓
State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State-Year Controls		✓	✓	✓		✓	✓	✓
VEP/VAP Weights			✓	✓			✓	✓
State Linear Trends				✓				✓

Notes: The table reports estimated turnout effects based on McDonald's state turnout data. Panels A and B include, respectively, election years 2004-2018 (2004 is the last year before strict ID laws were ever implemented) and 2008-2018 (i.e., matching the Catalyst years). VEP and VAP stand for Voting-Eligible and Voting-Age Population, respectively. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A6: Registration Effects of Strict ID Laws – McDonald’s Registration Denominators

	Outcome: Registered Voters/VEP			Outcome: Registered Voters/VAP				
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1(Strict ID Law)	-.015 (.012)	-.013 (.012)	-.012 (.012)	.002 (.005)	-.015 (.011)	-.013 (.011)	-.013 (.011)	.0002 (.0058)
Outcome Mean	.834	.834	.835	.835	.777	.777	.755	.755
N	306	306	306	306	306	306	306	306
Year FEs	✓	✓	✓	✓	✓	✓	✓	✓
State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State-Year Controls		✓	✓	✓		✓	✓	✓
VEP/VAP Weights			✓	✓			✓	✓
State Linear Trends				✓				✓

Notes: The table reports impact estimates on voter registration. The unit of observation is a state-year, 2008-2018. For each state-year, we compute registration rates as counts of registered voters in the Catalist data divided by the voting-eligible (VEP, columns 1-4) or voting-age population (VAP, columns 5-8), which we obtain from McDonald’s state turnout data. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A7: Robustness of Two-Way Fixed Effects (TWFE) Estimates to Alternative Estimators

	Outcome: 1 (Voted)			
	First Election with Strict Voter ID Law		All Elections with Strict Voter ID Law	
	No Controls (1)	Controls (2)	No Controls (3)	Controls (4)
<u>Panel A. All Voters</u>				
TWFE estimate	-.002 (.022)	-.003 (.022)	-.007 (.015)	-.009 (.015)
TWFE estimate w/ staggered design and dropping always-treated states	-.003 (.022)	-.005 (.022)	.003 (.013)	-.0003 (.013)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	-.0003 (.027)	-.002 (.027)	.010 (.019)	.009 (.018)
Estimate w/ Abraham and Sun (forthcoming)'s method	-.001 (.022)	-.002 (.021)	-	-
<u>Panel B. Whites</u>				
TWFE estimate	-.005 (.024)	-.007 (.024)	-.006 (.015)	-.009 (.015)
TWFE estimate w/ staggered design and dropping always-treated states	-.007 (.025)	-.009 (.025)	-.002 (.013)	-.005 (.013)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	-.002 (.027)	-.003 (.027)	.008 (.020)	.007 (.019)
Estimate w/ Abraham and Sun (forthcoming)'s method	-.004 (.024)	-.005 (.024)	-	-
<u>Panel C. Hispanics</u>				
TWFE estimate	.033 *** (.010)	.033 *** (.009)	.025 * (.015)	.021 ** (.009)
TWFE estimate w/ staggered design and dropping always-treated states	.034 *** (.010)	.033 *** (.009)	.026 * (.014)	.020 ** (.008)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	.028 (.032)	.022 (.030)	.027 (.027)	.024 (.020)
Estimate w/ Abraham and Sun (forthcoming)'s method	.035 *** (.009)	.035 *** (.008)	-	-
<u>Panel D. Blacks</u>				
TWFE estimate	.001 (.019)	.002 (.021)	-.009 (.014)	-.009 (.016)
TWFE estimate w/ staggered design and dropping always-treated states	.001 (.019)	.002 (.022)	-.005 (.012)	-.002 (.014)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	.004 (.025)	.002 (.028)	.005 (.016)	.015 (.021)
Estimate w/ Abraham and Sun (forthcoming)'s method	.002 (.020)	.005 (.023)	-	-
<u>Panel E. Other Races</u>				
TWFE estimate	.027 (.034)	.021 (.031)	.013 (.028)	-.003 (.021)
TWFE estimate w/ staggered design and dropping always-treated states	.028 (.034)	.021 (.031)	.032 * (.019)	.017 (.013)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	.025 (.047)	.014 (.048)	.044 (.035)	.045 (.036)
Estimate w/ Abraham and Sun (forthcoming)'s method	.030 (.033)	.024 (.029)	-	-

Notes: The table explores robustness of our turnout estimates to alternative estimators. Each panel corresponds to a different sample of voters. Each cell reports estimates from a different method and specification. In columns 1 and 2 (resp. 3 and 4), "TWFE estimate" refers to estimates of $\beta_{t=0}$ from equation [2] (resp. estimates of β from equation [1]). "TWFE estimate w/ staggered design and dropping always-treated states" refers to analogous estimates obtained after dropping the four states that have strict ID laws throughout the sample period (i.e., AZ, GA, IN, OH) and transforming strict ID laws into an absorbing state (i.e., we assign positive treatment to 2016 ND and to 2016 and 2018 TX). In columns 1 and 2, "Estimate w/ Abraham and Sun (forthcoming)'s method" refers to the estimated $\beta_{t=0}$ from Interacted Weighted (IW) specifications suggested by Abraham and Sun (forthcoming). To compute estimates based on Abraham and Sun (forthcoming)'s method in columns 1 and 2 and those based on De Chaisemartin and D'Haultfoeuille (2020)'s method in columns 3 and 4, we drop always-treated states and make strict ID laws an absorbing state. The controls used in columns 2 and 4 are the state-level controls described in the notes to Table I. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A8: Robustness of Two-Way Fixed Effects (TWFE) Estimates to Alternative Estimators – Aggregate Turnout Data

	Outcome: 1(Voted)			
	First Election with Strict Voter ID Law		All Elections with Strict Voter ID Law	
	No Controls (1)	Controls (2)	No Controls (3)	Controls (4)
<u>Panel A. McDonald's Turnout (Ballots Cast/VEP)</u>				
TWFE estimate	.003 (.025)	.003 (.026)	-.003 (.013)	-.006 (.014)
TWFE estimate w/ staggered design and dropping always-treated states	.002 (.026)	.002 (.026)	.009 (.013)	.007 (.014)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	.009 (.028)	.009 (.028)	.014 (.022)	.014 (.019)
Estimate w/ Abraham and Sun (forthcoming)'s method	.004 (.022)	.004 (.022)	-	-
<u>Panel B. Whites (Ballots Cast/Citizen Population 18+)</u>				
TWFE estimate	-.003 (.030)	-.004 (.031)	-.007 (.015)	-.009 (.016)
TWFE estimate w/ staggered design and dropping always-treated states	-.004 (.031)	-.006 (.031)	.007 (.015)	.004 (.015)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	-.001 (.031)	-.002 (.031)	.013 (.022)	.010 (.019)
Estimate w/ Abraham and Sun (forthcoming)'s method	-.002 (.027)	-.003 (.028)	-	-
<u>Panel C. Hispanics (Ballots Cast/Citizen Population 18+)</u>				
TWFE estimate	.039 *** (.014)	.039 *** (.014)	.026 (.016)	.023 * (.013)
TWFE estimate w/ staggered design and dropping always-treated states	.040 *** (.014)	.041 *** (.014)	.038 *** (.008)	.036 *** (.008)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	.019 (.034)	.016 (.033)	.037 (.027)	.036 (.026)
Estimate w/ Abraham and Sun (forthcoming)'s method	.044 *** (.013)	.045 *** (.013)	-	-
<u>Panel D. Blacks (Ballots Cast/Citizen Population 18+)</u>				
TWFE estimate	.008 (.022)	.011 (.023)	-.003 (.017)	-.001 (.018)
TWFE estimate w/ staggered design and dropping always-treated states	.007 (.023)	.011 (.023)	-.0001 (.0150)	.007 (.018)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	.015 (.031)	.018 (.029)	.010 (.028)	.022 (.029)
Estimate w/ Abraham and Sun (forthcoming)'s method	.008 (.019)	.013 (.019)	-	-
<u>Panel E. Other Races (Ballots Cast/Citizen Population 18+)</u>				
TWFE estimate	-.003 (.056)	-.004 (.057)	-.021 (.028)	-.026 (.027)
TWFE estimate w/ staggered design and dropping always-treated states	-.002 (.055)	-.003 (.056)	.010 (.012)	.007 (.013)
Estimate w/ De Chaisemartin and D'Haultfoeuille (2020)'s method	-.023 (.065)	-.026 (.071)	.021 (.037)	.025 (.037)
Estimate w/ Abraham and Sun (forthcoming)'s method	.002 (.043)	.003 (.044)	-	-

Notes: The table replicates Appendix Table A7 using alternative outcomes and race-by-state-level data. The outcome for Panel A is estimated turnout based on McDonald's data, 2008-2018, using VEP as denominator. In Panels B-E, the outcome is counts of voters of a given race who turned out in a state-year divided by counts of citizens 18 or older in the same race-state-year. See notes to Appendix Table A9 for details on the construction of this outcome. Regressions in Panel A (resp. Panels B-E) are weighted by VEP (resp. total citizen population 18+ in a race-state-year). Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A9: Turnout Effects of Strict ID Laws by Race – Race-by-State-Level Analyses

	Votes Cast/Citizen Population 18+				Ln(Votes Cast)			
	Outcome	Impact			Outcome	Impact		
	Mean	Estimates			Mean	Estimates		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<u>Panel A. Whites vs. Non-Whites</u>								
1(Strict ID Law)×White	.585 (.110)	-.007 (.015)	-.009 (.016)		13.95 (1.01)	-.019 (.037)	-.026 (.038)	
1(Strict ID Law)×non-White	.271 (.143)	.005 (.014)	.003 (.013)		10.35 (1.96)	-.003 (.051)	-.012 (.048)	
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$		.012 (.012)	.012 (.012)	.004 (.012)		.016 (.027)	.014 (.024)	.013 (.026)
<u>Panel B. By Detailed Race</u>								
1(Strict ID Law)×White	.585 (.110)	-.007 (.015)	-.009 (.016)		13.95 (1.01)	-.019 (.037)	-.026 (.039)	
1(Strict ID Law)×Hispanic	.220 (.112)	.026 (.016)	.024 (.013)	*	10.10 (1.88)	.044 (.065)	.033 (.055)	
1(Strict ID Law)×Black	.348 (.141)	-.003 (.017)	-.004 (.018)		10.84 (2.25)	-.041 (.046)	-.047 (.047)	
1(Strict ID Law)×Other Race	.246 (.141)	-.021 (.028)	-.026 (.027)		10.12 (1.61)	.008 (.106)	-.010 (.102)	
$\beta^{\text{hispanic}} - \beta^{\text{white}}$		.033 (.016)	** .033 (.015)	** .021 (.010)		.063 (.045)	.059 (.039)	.073 (.032)
$\beta^{\text{black}} - \beta^{\text{white}}$		.004 (.015)	.004 (.015)	.002 (.017)		-.022 (.029)	-.021 (.028)	-.021 (.032)
$\beta^{\text{other}} - \beta^{\text{white}}$		-.015 (.019)	-.017 (.018)	-.030 (.016)	*	.027 (.073)	.016 (.068)	-.009 (.055)
Population Weights		✓	✓	✓		✓	✓	✓
Race-by-Year FEs		✓	✓	✓		✓	✓	✓
Race-by-State FEs		✓	✓	✓		✓	✓	✓
State Controls			✓	✓		✓	✓	✓
State-by-Year FEs				✓			✓	

Notes: This table reports estimates from regressions run at the race-by-state level. Columns 1 and 5 report mean outcomes in the interacting category. In columns 1-4, the outcome is counts of voters of a given race who turned out in a state-year divided by counts of citizens 18 or older in the same race-state-year. Headcounts by state, year, age, and race are from the National Cancer Institute (for 2008) and the United States Census Bureau (for all other years). These headcounts are then multiplied by the share of adult population holding citizenship in the corresponding state-year-race cell, which we estimate using "1-year" ACS data. The outcome for columns 5-8 is the natural logarithm of voters who turned out in a given race-state-year. In each regression, the total number of observations is 1,224; that is, four races (i.e., non-Hispanic white, Hispanic, non-Hispanic Black, other race) times six elections times 50 states plus DC. All regressions are weighted by total citizen population 18+ in a race-state-year. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A10: Registration Effects of Strict ID Laws by Race – Race-by-State-Level Analyses

	Registered Voters/Citizen Population 18+				Ln(Registered Voters)			
	Outcome	Impact			Outcome	Impact		
	Mean	Estimates			Mean	Estimates		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<u>Panel A. Whites vs. Non-Whites</u>								
1(Strict ID Law)×White	.885 (.082)	-.012 (.012)	-.012 (.012)		14.38 (1.01)	-.011 (.016)	-.012 (.016)	
1(Strict ID Law)×non-White	.533 (.211)	-.011 (.012)	-.012 (.012)		11.09 (1.93)	-.012 (.021)	-.016 (.020)	
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$		.001 (.007)	.0002 (.0070)	-.007 (.009)		-.001 (.012)	-.004 (.011)	-.012 (.018)
<u>Panel B. By Detailed Race</u>								
1(Strict ID Law)×White	.885 (.082)	-.012 (.012)	-.012 (.012)		14.38 (1.01)	-.011 (.016)	-.012 (.016)	
1(Strict ID Law)×Hispanic	.466 (.173)	.0001 (.0059)	-.001 (.006)		10.92 (1.85)	.008 (.019)	.003 (.019)	
1(Strict ID Law)×Black	.652 (.183)	-.016 (.021)	-.017 (.021)		11.51 (2.23)	-.031 (.029)	-.034 (.030)	
1(Strict ID Law)×Other Race	.480 (.222)	-.023 (.010)	-.023 (.009)	**	10.84 (1.58)	.001 (.030)	-.004 (.027)	
$\beta^{\text{hispanic}} - \beta^{\text{white}}$		.012 (.009)	.011 (.009)	.002 (.004)		.019 (.017)	.015 (.017)	.007 (.023)
$\beta^{\text{black}} - \beta^{\text{white}}$		-.004 (.016)	-.005 (.016)	-.011 (.018)		-.020 (.022)	-.022 (.022)	-.027 (.027)
$\beta^{\text{other}} - \beta^{\text{white}}$		-.011 (.011)	-.010 (.011)	-.016 (.010)		.011 (.017)	.008 (.015)	-.005 (.019)
Population Weights		✓	✓	✓		✓	✓	✓
Race-by-Year FEs		✓	✓	✓		✓	✓	✓
Race-by-State FEs		✓	✓	✓		✓	✓	✓
State Controls			✓	✓		✓	✓	✓
State-by-Year FEs				✓			✓	

Notes: This table reports estimates from regressions run at the race-by-state level. Columns 1 and 5 report mean outcomes in the interacting category. In columns 1-4, the outcome is counts of voters of a given race who were registered in a state-year divided by counts of citizens 18 or older in the same race-state-year. Headcounts by state, year, age, and race are from the National Cancer Institute (for 2008) and the United States Census Bureau (for all other years). These headcounts are then multiplied by the share of adult population holding citizenship in the corresponding state-year-race cell, which we estimate using "1-year" ACS data. The outcome for columns 5-8 is the natural logarithm of voters who were registered in a given race-state-year. In each regression, the total number of observations is 1,224; that is, four races (i.e., non-Hispanic white, Hispanic, non-Hispanic Black, other race) times six elections times 50 states plus DC. All regressions are weighted by total citizen population 18+ in a race-state-year. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A11: Turnout Effects of Strict ID Laws by Race – Voters Whose Race is Estimated with Highest Confidence

	Outcome: 1(Voted)				
	Outcome Mean	Impact Estimates			
	(1)	(2)	(3)	(4)	(5)
<u>Panel A. Whites vs. Non-Whites</u>					
1(Strict ID Law)×White	.479	-.009 (.013)	-.003 (.012)		-.005 (.014)
1(Strict ID Law)×non-White	.354	-.001 (.011)	.002 (.010)		.006 (.011)
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$		.007 (.011)	.005 (.011)	.008 (.011)	.011 (.015)
<u>Panel B. By Detailed Race</u>					
1(Strict ID Law)×White	.479	-.009 (.013)	-.003 (.012)		-.005 (.014)
1(Strict ID Law)×Hispanic	.264	.020 ** (.009)	.019 * (.010)		.027 ** (.012)
1(Strict ID Law)×Black	.412	-.018 (.013)	-.011 (.012)		-.009 (.013)
1(Strict ID Law)×Other Race	.313	.029 (.022)	.026 * (.014)		.023 (.018)
$\beta^{\text{hispanic}} - \beta^{\text{white}}$		.028 ** (.012)	.022 (.015)	.030 * (.016)	.032 * (.018)
$\beta^{\text{black}} - \beta^{\text{white}}$		-.009 (.010)	-.008 (.009)	-.006 (.007)	-.004 (.010)
$\beta^{\text{other}} - \beta^{\text{white}}$		.038 ** (.015)	.029 *** (.010)	.018 (.016)	.028 ** (.013)
Race-by-Year FEs		✓	✓	✓	✓
Race-by-State FEs		✓	✓	✓	✓
State & Voter Controls			✓	✓	✓
State-by-Year FEs				✓	
Voter FEs					✓

Notes: The table replicates Table III restricting the sample to voters whose race is estimated by Catalist with highest confidence. N = 1,049,125,957. Column 1 reports mean turnout in the interacting category. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A12: Turnout Effects of Strict ID Laws by Race – Registered Voters Only

	Outcome: 1(Voted)				
	Outcome Mean	Impact Estimates			
	(1)	(2)	(3)	(4)	(5)
<u>Panel A. Whites vs. Non-Whites</u>					
1(Strict ID Law)×White	.654	-.002 (.012)	-.006 (.012)		-.014 (.019)
1(Strict ID Law)×non-White	.517	.016 (.014)	.015 (.011)		.011 (.016)
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$		.019 (.013)	.021 (.013)	.015 (.010)	.025 (.015)
<u>Panel B. By Detailed Race</u>					
1(Strict ID Law)×White	.654	-.002 (.012)	-.006 (.012)		-.014 (.019)
1(Strict ID Law)×Hispanic	.478	.051 ** (.022)	.050 *** (.017)		.044 ** (.019)
1(Strict ID Law)×Black	.542	-.006 (.010)	-.007 (.010)		-.010 (.017)
1(Strict ID Law)×Other Race	.523	.019 (.028)	.014 (.025)		.008 (.032)
$\beta^{\text{hispanic}} - \beta^{\text{white}}$		.054 ** (.020)	.056 *** (.019)	.048 *** (.008)	.058 ** (.023)
$\beta^{\text{black}} - \beta^{\text{white}}$		-.004 (.008)	-.001 (.007)	-.001 (.008)	.004 (.010)
$\beta^{\text{other}} - \beta^{\text{white}}$		.021 (.018)	.020 (.015)	.006 (.009)	.022 (.018)
Race-by-Year FEs		✓	✓	✓	✓
Race-by-State FEs		✓	✓	✓	✓
State & Voter Controls			✓	✓	✓
State-by-Year FEs				✓	
Voter FEs					✓

Notes: The table replicates Table III restricting the sample to registered voters. **N** = 1,100,864,728. Column 1 reports mean turnout in the interacting category. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A13: Turnout Effects of Strict ID Laws – CCES Self-Reported Turnout

	Outcome: 1(Voted)		
	(1)	(2)	(3)
1(Strict ID Law)	.004 (.009)	.002 (.008)	.001 (.009)
Outcome Mean	.880	.880	.880
N	282,650	282,650	282,650
Year FEs	✓	✓	✓
State FEs	✓	✓	✓
State & Voter Controls		✓	✓
State Linear Trends			✓

Notes: This table reports impact estimates on CCES self-reported turnout, 2006-2018. For a description of state controls, see the notes to Table I. Voter controls are education, gender, income, and race-by-year and race-by-state fixed effects. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A14: Turnout Effects of Strict ID Laws by Race – CCES Self-Reported Turnout

	Outcome: 1(Voted)		
	(1)	(2)	(3)
<u>Panel A: Whites vs. Non-Whites</u>			
1(Strict ID Law)×White	.006 (.009)	.002 (.008)	
1(Strict ID Law)×non-White	.006 (.012)	.005 (.011)	
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$	.0003 (.0090)	.004 (.008)	-.003 (.007)
<u>Panel B: By Detailed Race</u>			
1(Strict ID Law)×White	.006 (.009)	.002 (.008)	
1(Strict ID Law)×Hispanic	.002 (.014)	-.002 (.014)	
1(Strict ID Law)×Black	-.001 (.018)	-.001 (.017)	
1(Strict ID Law)×Other Race	.025 * (.015)	.027 * (.014)	
$\beta^{\text{hispanic}} - \beta^{\text{white}}$	-.004 (.012)	-.004 (.011)	-.005 (.012)
$\beta^{\text{black}} - \beta^{\text{white}}$	-.007 (.017)	-.003 (.016)	-.013 (.013)
$\beta^{\text{other}} - \beta^{\text{white}}$	.019 * (.011)	.025 ** (.012)	.021 * (.012)
Outcome Mean	.880	.880	.880
N	282,650	282,650	282,650
Race-by-Year FEs	✓	✓	✓
Race-by-State FEs	✓	✓	✓
State & Voter Controls		✓	✓
State-by-Year FEs			✓

Notes: This table reports race-specific impact estimates on CCES self-reported turnout, 2006-2018. For a description of state controls, see the notes to Table I. Voter controls are education, gender, income, and race-by-year and race-by-state fixed effects. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A15: Turnout Effects of Strict ID Laws by Gender, Age, and Party Affiliation

	Outcome: 1(Voted)				
	Outcome Mean	Impact Estimates			
	(1)	(2)	(3)	(4)	(5)
<u>Panel A. By Gender</u>					
1(Strict ID Law)×Male	.431	-.005 (.014)	.0004 (.0123)	-.007 (.014)	.0001 (.0142)
1(Strict ID Law)×Female	.437	-.008 (.015)	-.003 (.013)	-.009 (.015)	-.002 (.015)
<u>Panel B. By Age</u>					
1(Strict ID Law)×1(age < 35)	.347	-.001 (.017)	.0001 (.0169)	-.007 (.019)	.012 (.017)
1(Strict ID Law)×1(35 ≤ age < 60)	.475	-.003 (.016)	-.003 (.016)	-.009 (.018)	-.003 (.016)
1(Strict ID Law)×1(60 ≤ age)	.587	-.0003 (.0137)	-.001 (.013)	-.006 (.014)	-.003 (.014)
<u>Panel C. By Party</u>					
1(Strict ID Law)×Republican	.705	-.004 (.011)	-.001 (.008)	.018 ** (.009)	.009 (.010)
1(Strict ID Law)×Democrat	.640	.021 * (.012)	.021 ** (.009)	.039 ** (.009)	.019 * (.010)
1(Strict ID Law)×Other	.204	-.008 (.009)	-.003 (.007)	.015 * (.008)	.007 (.008)
Group-Specific Year FEs		✓	✓	✓	✓
Group-Specific State FEs		✓	✓	✓	✓
State & Voter Controls			✓	✓	✓
State Linear Trends				✓	
Voter FEs					✓

Notes: The table reports estimated heterogeneous effects by gender, age, and party affiliation. All samples include both registered and unregistered voters. Samples for Panels A and B exclude voters with missing gender and age, respectively. The sample in Panel C is restricted to the 30 states that record voters' partisan affiliation. Every regression includes year- and state-specific fixed effects for the interacting characteristic (e.g., female in Panel A). Column 1 reports mean turnout in the interacting category. Standard errors clustered at the state level are reported in parentheses (51 clusters in Panels A and B and 30 clusters in Panel C).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A16: Effects of Strict ID Laws on Democratic 2-Party Vote Share

	Outcome: Democratic 2-Party Vote Share			
	(1)	(2)	(3)	(4)
Panel A. U.S. House of Representatives Elections				
1 (Strict ID Law)	.0003 (.0203)	.009 (.018)	.005 (.011)	.011 (.019)
Outcome Mean	.522	.522	.522	.522
N	3,480	3,480	3,480	3,480
Panel B. U.S. Presidential Elections				
1 (Strict ID Law)	-.002 (.011)	.001 (.012)	-.007 (.022)	- -
Outcome Mean	.493	.493	.493	
N	204	204	204	
Year FEs	✓	✓	✓	✓
State FEs	✓	✓	✓	✓
State-Year Controls		✓	✓	✓
State Linear Trends			✓	
District FEs				✓

Notes: The table reports estimated effects on the Democratic 2-party vote share based on constituency-level election results collected by the MIT Election Data and Science Lab. The data cover the 2004-2018 general elections, 2004 being the last year before strict ID laws were ever implemented. Panels A and B explore, respectively, effects on U.S. House of Representatives and Presidential elections. In each year, units of observations in Panels A and B are, respectively, the 435 congressional districts and the 50 states plus DC. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A17: Turnout Effects of Other Forms of Voter Identification Requirements

	Outcome: 1(Voted)			
	(1)	(2)	(3)	(4)
<u>Panel A. Average Effects</u>				
1(State Name)	.007 (.013)	-.004 (.012)	-.015 (.034)	.004 (.013)
1(Signature)	.030 * (.015)	.023 (.014)	.028 (.017)	.021 (.017)
1(Non-Strict ID Law)	-.002 (.014)	-.006 (.013)	.001 (.014)	-.006 (.014)
<u>Panel B. Whites vs. Non-Whites</u>				
1(State Name)×White	.004 (.013)	-.004 (.013)	-.013 (.034)	.005 (.014)
1(State Name)×non-White	.004 (.015)	-.001 (.013)	-.007 (.036)	.008 (.014)
1(Signature)×White	.027 * (.015)	.024 * (.014)	.030 (.018)	.023 (.018)
1(Signature)×non-White	.021 (.013)	.017 (.014)	.023 (.018)	.015 (.017)
1(Non-Strict ID Law)×White	-.003 (.015)	-.004 (.014)	.003 (.017)	-.003 (.016)
1(Non-Strict ID Law)×non-White	-.013 (.014)	-.011 (.011)	-.005 (.010)	-.014 (.012)
$\beta^{\text{state name/non-white}} - \beta^{\text{state name/white}}$	.0004 (.0101)	.003 (.009)	.006 (.006)	.003 (.008)
$\beta^{\text{signature/non-white}} - \beta^{\text{signature/white}}$	-.006 (.007)	-.007 (.008)	-.007 (.008)	-.008 (.009)
$\beta^{\text{non-strict/non-white}} - \beta^{\text{non-strict/white}}$	-.011 (.008)	-.008 (.007)	-.008 (.010)	-.012 (.009)
Outcome Mean	.428	.428	.428	.428
Race-by-Year FEs	✓	✓	✓	✓
Race-by-State FEs	✓	✓	✓	✓
State & Voter Controls		✓	✓	✓
State-by-Year FEs			✓	
Voter FEs				✓

Notes: The table reports estimated turnout effects based on the Catalist data ($N = 1,604,600,472$), where the treatments are different, mutually exclusive ways in which states identify voters at the polls. Strict ID laws are the omitted category. Panel A reports average effects. Panel B explores treatment heterogeneity across white and non-white voters. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A18: Turnout Effects of Other Forms of Voter Identification Requirements – McDonald's State Turnout Data

	Outcome: Ballots Cast/VEP			Outcome: Ballots Cast/VAP				
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Panel A. 2004-2018 Elections								
1(State Name)	-.025 ** (.012)	-.020 (.013)	-.008 (.013)	-.047 * (.027)	-.021 * (.011)	-.018 (.012)	-.006 (.012)	-.045 * (.023)
1(Signature)	.005 (.011)	.006 (.012)	.016 (.012)	.006 (.017)	.006 (.011)	.006 (.011)	.017 (.011)	.005 (.014)
1(Non-Strict ID Law)	-.013 (.013)	-.012 (.014)	-.008 (.014)	-.008 (.014)	-.011 (.012)	-.010 (.012)	-.009 (.012)	-.013 (.010)
Outcome Mean	.528 408	.528 408	.517 408	.517 408	.492 408	.492 408	.468 408	.468 408
N								
Panel B. 2008-2018 Elections								
1(State Name)	-.016 (.013)	-.008 (.014)	-.008 (.013)	-.013 (.052)	-.012 (.012)	-.006 (.012)	-.007 (.012)	-.025 (.045)
1(Signature)	.014 (.016)	.018 (.017)	.031 * (.016)	.037 (.024)	.014 (.014)	.018 (.016)	.029 * (.015)	.027 (.020)
1(Non-Strict ID Law)	-.003 (.015)	-.003 (.015)	-.0004 (.0120)	-.002 (.018)	-.003 (.013)	-.003 (.013)	-.005 (.010)	-.011 (.014)
Outcome Mean	.529 306	.529 306	.519 306	.519 306	.493 306	.493 306	.470 306	.470 306
N								
Year FEs	✓	✓	✓	✓	✓	✓	✓	✓
State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State-Year Controls		✓	✓	✓		✓	✓	✓
VEP/VAP Weights			✓	✓			✓	✓
State Linear Trends				✓				✓

Notes: The table reports estimated turnout effects based on McDonald's state turnout data, where the treatments are different, mutually exclusive ways in which states identify voters at the polls. Strict ID laws are the omitted category. Panels A and B include, respectively, election years 2004-2018 (2004 is the last year before strict ID laws were ever implemented) and 2008-2018 (i.e., matching the Catalyst years). VEP and VAP stand for Voting-Eligible and Voting-Age Population, respectively. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A19: Turnout Effects of Strict ID Laws by Election Timing

	Outcome: 1(Voted)				
	Outcome Mean	Impact Estimates			
	(1)	(2)	(3)	(4)	(5)
<u>Panel A. Presidential vs. Midterm</u>					
1(Strict Law)×Presidential	.498	.002 (.017)	.009 (.015)	-.001 (.015)	.006 (.018)
1(Strict Law)×Midterm	.358	-.012 (.014)	-.006 (.011)	-.012 (.013)	-.005 (.013)
<u>Panel B. First Election vs. Following Ones</u>					
1(Strict Law)×Following Elections	.414	-.007 (.014)	.002 (.011)	-.019 (.019)	.002 (.012)
1(Strict Law)×First Election	.360	-.007 (.015)	-.003 (.013)	-.008 (.014)	-.003 (.016)
Year FEs		✓	✓	✓	✓
State FEs		✓	✓	✓	✓
State & Voter Controls			✓	✓	✓
State Linear Trends				✓	
Voter FEs					✓

Notes: The sample includes registered and unregistered voters. Panel A explores heterogeneous effects in presidential vs. midterm elections, while Panel B compares effects in the election that immediately follows the laws' implementation and in following elections. Column 1 reports mean turnout in the interacting category. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A20: Effects of Strict ID Laws on CCES Voter Activities

	Donated to a Candidate or Campaign (1)	(2)	Amount Donated (3)	(4)	Attended Political Meetings (5)	(6)	Posted a Campaign Sign (7)	(8)	Volunteered for a Campaign (9)	(10)
					<u>Panel A. Average Effect</u>					
1(Strict Law)	.007 (.010)	-.0001 (.00099)	4.6 (22.5)	5.1 (22.1)	-.005 (.005)	-.008 * (.004)	-.013 (.016)	-.017 (.015)	.005 (.008)	.002 (.008)
Year and State FEs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓		✓		✓
					<u>Panel B. Whites vs. Non-Whites</u>					
1(Strict ID Law)×White	.006 (.011)	-.001 (.011)	7.7 (20.1)	6.0 (19.9)	-.005 (.005)	-.009 * (.005)	-.016 (.016)	-.019 (.016)	.003 (.009)	-.0007 (.0082)
1(Strict ID Law)×non-White	.007 (.015)	.004 (.014)	1.4 (56.3)	2.2 (54.5)	-.007 (.010)	-.007 (.009)	-.007 (.013)	-.007 (.013)	.013 * (.007)	.012 (.007)
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$	.001 (.015)	.006 (.014)	-6.3 (53.3)	-3.8 (52.6)	-.002 (.010)	.002 (.010)	.009 (.008)	.012 (.008)	.010 * (.005)	.012 ** (.005)
Race-by-Year FEs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Race-by-State FEs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓		✓		✓
Outcome Mean	.270	.270	116.937	116.937	.147	.147	.209	.209	.082	.082
N	302,496	302,496	272,283	272,283	272,283	272,283	272,283	272,283	272,283	272,283

Notes: The table reports estimated effects on the CCES campaign engagement variables used to construct the summary index of voter activity used as outcome in Table IV, columns 3 and 4. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A21: Effects of Strict ID Laws on Campaign Expenditures

	Total Expenditures ln(\$1/100k residents)		Campaign-Related Expenditures ln(\$1/100k residents)		TV Ad Expenditures ln(\$1/100k residents)	
	(1)	(2)	(3)	(4)	(5)	(6)
1 (Strict ID Law)	.045 (.100)	.061 (.098)	.107 (.146)	.043 (.137)	-.067 (.390)	.106 (.381)
Year & State FEs	✓	✓	✓	✓	✓	✓
State Controls		✓		✓		✓
Outcome Mean	12.489	12.489	9.946	9.946	13.280	13.280
N	408	408	408	408	357	357

Notes: The table reports estimates from state-level regressions. Regressions in columns 1-4 are based on expenditures data for candidates to the House of Representatives from the Center of Responsive Politics for 2004-2018. Regressions in columns 5-6 are based on data from the Wisconsin Advertising Project and the Wesleyan Media Project and cover all elections, 2004-2018, but 2006. The outcome for columns 1-2 is the log of total expenditures of candidates running to the House of Representatives, per 100k residents. The outcome for columns 3-4 is the log of campaign-related expenditures of candidates running to the House of Representatives, per 100k residents. The outcome for columns 5-6 is the estimated total in-state TV ad expenditures across down-ballot, gubernatorial, congressional, and presidential candidates. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A22: Effects of Strict ID Laws on CCES Campaign Contact and CCES Voter Activity by Detailed Race

	Was Contacted by Campaign		Index of Voter Activity	
	(1)	(2)	(3)	(4)
<u>Panel A. Whites vs. Non-Whites</u>				
1(Strict ID Law)×White	.006 (.021)	.0038 (.0195)	-.003 (.017)	-.011 (.016)
1(Strict ID Law)×non-White	.047 ** (.019)	.046 *** (.016)	.002 (.015)	.001 (.014)
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$	.041 ** (.016)	.042 *** (.015)	.005 (.011)	.011 (.010)
<u>Panel B. By Detailed Race</u>				
1(Strict ID Law)×White	.006 (.021)	.004 (.020)	-.003 (.017)	-.011 (.016)
1(Strict ID Law)×Hispanic	.049 *** (.017)	.047 *** (.015)	-.017 (.024)	-.025 (.025)
1(Strict ID Law)×Black	.033 (.026)	.030 (.026)	.028 * (.016)	.026 (.017)
1(Strict ID Law)×Other Race	.072 *** (.026)	.079 *** (.025)	-.032 (.033)	-.027 (.028)
$\beta^{\text{hispanic}} - \beta^{\text{white}}$	.044 ** (.020)	.043 ** (.020)	-.014 (.024)	-.015 (.023)
$\beta^{\text{black}} - \beta^{\text{white}}$	.028 (.022)	.026 (.020)	.031 * (.015)	.037 ** (.017)
$\beta^{\text{other}} - \beta^{\text{white}}$	.067 ** (.026)	.075 *** (.027)	-.029 (.026)	-.017 (.021)
Race-by- Year FEs	✓	✓	✓	✓
Race-by-State FEs	✓	✓	✓	✓
State & Voter Controls		✓		✓
Outcome Mean	.640	.640	.000	.000
N	221,926	221,926	308,704	308,704

Notes: This table reports impact estimates on CCES campaign contact and CCES voter activities across white and non-white voters (Panel A) and separately by detailed race (Panel B). Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A23: Effects of Strict ID Laws on Non-Preventable Frauds

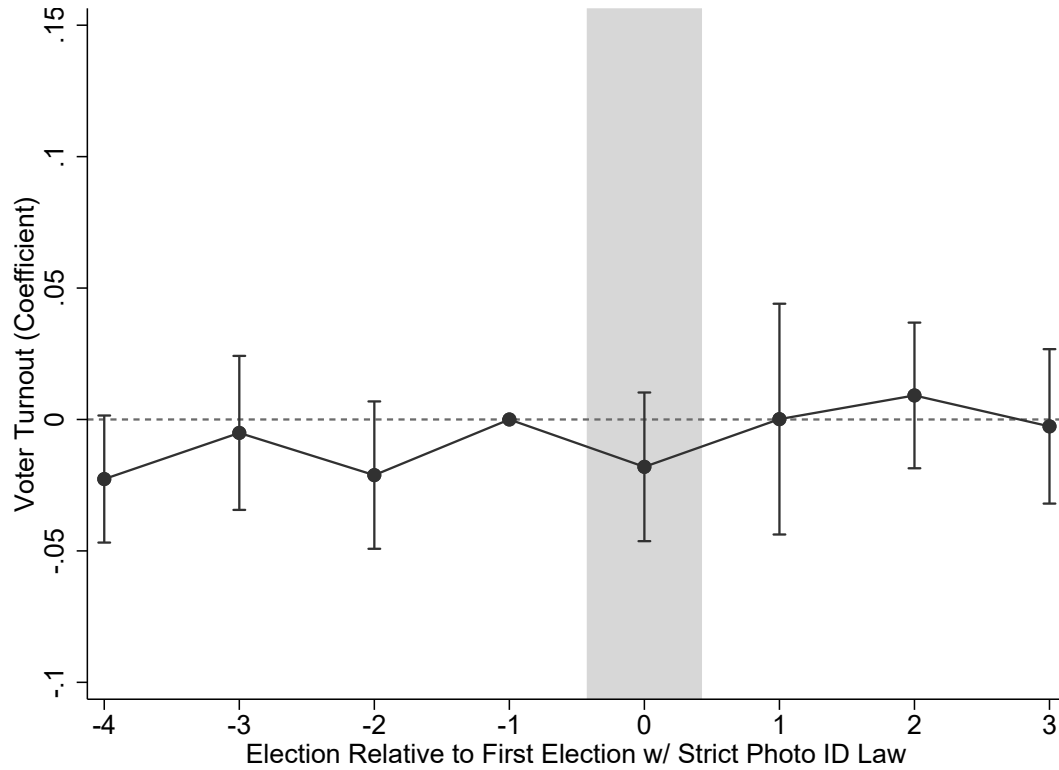
	People Cast Other	Officials Change	People Steal/Tamper			
	Voters' Absentee Ballots	Vote Counts	with Ballots			
	(1)	(2)	(3)	(4)	(5)	(6)
1 (Strict ID Law)	.008 (.023)	.003 (.023)	.014 (.014)	.012 (.014)	.001 (.015)	.005 (.015)
Year & State FEs	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓
Outcome Mean	.261	.261	.190	.190	.188	.189
N	30,535	30,424	30,539	30,429	42,518	42,307

Notes: The table reports estimated effects on the SPAE measures of perceived electoral integrity used to construct the summary index of perceived fraud used as outcome in Table V, columns 9 and 10, and not already reported as outcomes in that table. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

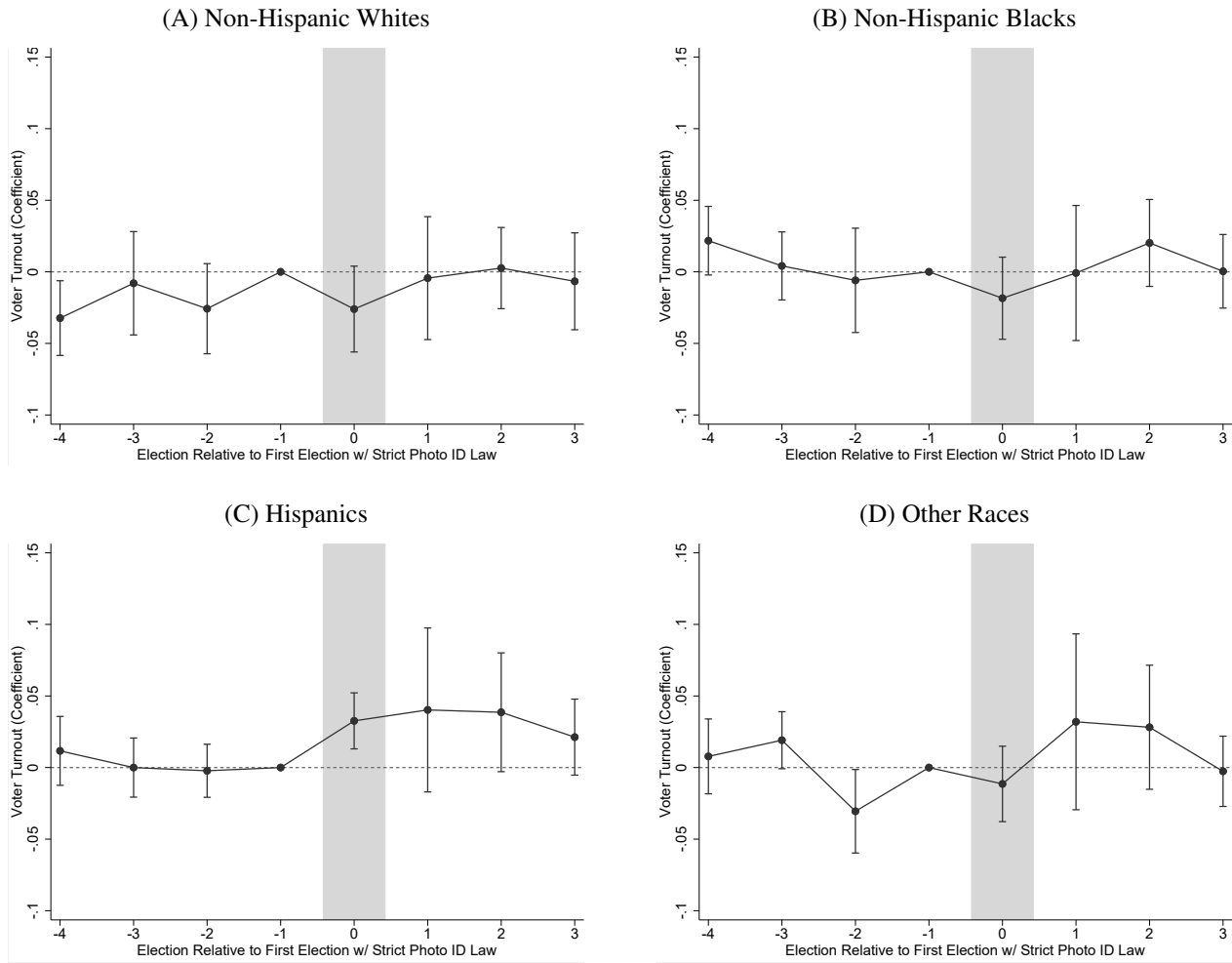
A.5 Effects of Strict Photo ID Laws

Figure A5: Event-Study Graph of the Turnout Effects of Strict Photo ID Laws



Notes: The figure replicates Figure I using strict photo (instead of strict) ID laws as treatment. The underlying regression controls for a dummy identifying state-years with strict, non-photo ID laws.

Figure A6: Event-Study Graphs of the Turnout Effects of Strict Photo ID Laws by Race



Notes: The figure replicates Figure II using strict photo (instead of strict) ID laws as treatment. The underlying regressions control for a dummy identifying state-years with strict, non-photo ID laws.

Table A24: Turnout and Registration Effects of Strict Photo ID Laws

	Outcome:							
	1 (Voted)				1 (Registered)			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Panel A. Only Registered Voters								
1 (Strict Photo ID Law)	-.004 (.011)	-.004 (.009)	-.021 (.017)	-.013 (.015)	-	-	-	-
Outcome Mean	.620	.620	.620	.620				
Panel B. Registered and Unregistered Voters								
1 (Strict Photo ID Law)	-.010 (.013)	-.004 (.011)	-.017 (.011)	-.004 (.012)	-.016 (.012)	-.005 (.011)	-.011 * (.006)	-.001 (.011)
Outcome Mean	.428	.428	.428	.428	.686	.686	.686	.686
Year FEs	✓	✓	✓	✓	✓	✓	✓	✓
State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓	✓	✓		✓	✓	✓
State Linear Trends			✓				✓	
Voter FEs				✓				✓

Notes: This table replicates Table I using strict photo (instead of strict) ID laws as treatment. To avoid pooling together control states and state-years with strict, non-photo laws, all regressions in this table control for a dummy identifying state-years with strict, non-photo ID laws. These state-years are 2012 Virginia, 2014 and 2018 North Dakota, as well as 2008-2018 Arizona and Ohio, which implemented a strict, non-photo ID law throughout the sample period. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A25: Effects of Strict Photo ID Laws on Aggregate Outcomes

	(1)	(2)	(3)	(4)
<u>Panel A. Ballots Cast/VEP (McDonald's Data)</u>				
1 (Strict Photo ID Law)	-.001 (.012)	-.002 (.014)	-.002 (.013)	-.010 (.014)
Outcome Mean	.528	.528	.517	.517
N	408	408	408	408
Year FEs	✓	✓	✓	✓
State FEs	✓	✓	✓	✓
State-Year Controls		✓	✓	✓
VEP Weights			✓	✓
State Linear Trends				✓
<u>Panel B. Democratic 2-Party Vote Share</u>				
1 (Strict Photo ID Law)	.00015 (.02095)	.008 (.019)	.0003 (.0129)	- -
Outcome Mean	.520	.520	.520	-
N	3,684	3,684	3,684	-
Year FEs	✓	✓	✓	
State FEs	✓	✓	✓	
State-Year Controls		✓	✓	
State Linear Trends			✓	

Notes: This table replicates Table II using strict photo (instead of strict) ID laws as treatment. Similarly to Appendix Table A24, all regressions control for a dummy identifying state-years with strict non-photo ID laws. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A26: Turnout Effects of Strict Photo ID Laws by Race

	Outcome: 1(Voted)				
	Outcome Mean	Impact Estimates			
	(1)	(2)	(3)	(4)	(5)
Panel A. Whites vs. Non-Whites					
1(Strict Photo ID Law)×White	.458	-.010 (.014)	-.007 (.012)		-.008 (.014)
1(Strict Photo ID Law)×non-White	.340	.004 (.013)	.004 (.009)		.006 (.010)
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$		.014 * (.008)	.010 (.008)	.007 (.007)	.015 (.010)
Panel B. By Detailed Race					
1(Strict Photo ID Law)×White	.458	-.010 (.014)	-.006 (.012)		-.008 (.014)
1(Strict Photo ID Law)×Hispanic	.295	.024 * (.014)	.022 *** (.008)		.025 ** (.010)
1(Strict Photo ID Law)×Black	.380	-.012 (.013)	-.009 (.011)		-.007 (.011)
1(Strict Photo ID Law)×Other Race	.330	.008 (.026)	.003 (.019)		.003 (.020)
$\beta^{\text{hispanic}} - \beta^{\text{white}}$		.034 *** (.011)	.028 *** (.010)	.026 *** (.006)	.033 ** (.013)
$\beta^{\text{black}} - \beta^{\text{white}}$		-.002 (.008)	-.002 (.006)	-.003 (.006)	.001 (.007)
$\beta^{\text{other}} - \beta^{\text{white}}$		.018 (.015)	.009 (.009)	-.002 (.006)	.011 (.010)
Race-by- Year FEs		✓	✓	✓	✓
Race-by-State FEs		✓	✓	✓	✓
State & Voter Controls			✓	✓	✓
State-by- Year FEs				✓	
Voter FEs					✓

Notes: This table replicates Table III using strict photo (instead of strict) ID laws as treatment.

Column 1 reports mean turnout in the interacting category. Similarly to Appendix Table A24, all regressions control for a dummy identifying state-years with strict non-photo ID laws, along with its interactions with a non-white voter dummy (Panel A) or with dummies for detailed race categories (Panel B). Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A27: Effects of Strict Photo ID Laws on CCES Campaign Contact, Voter Activity, and DIME Campaign Contributions

	Was Contacted by Campaign		Index of Voter Activity		Contributions ln(\$1k/100k residents)	
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Panel A. Average Effect</u>						
1(Strict Photo ID Law)	.008 (.019)	.007 (.018)	-.005 (.016)	-.011 (.016)	.001 (.126)	.014 (.125)
Year & State FEs	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓
<u>Panel B. Whites vs. Non-Whites</u>						
1(Strict Photo ID Law)×White	-.002 (.020)	-.004 (.019)	-.006 (.018)	-.013 (.017)		
1(Strict Photo ID Law)×non-White	.040 ** (.017)	.039 ** (.015)	-.0002 (.0151)	-.002 (.014)		
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$	.042 ** (.017)	.042 *** (.015)	.006 (.012)	.012 (.011)		
Race-by-Year FEs	✓	✓	✓	✓	✓	✓
Race-by-State FEs	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓
Outcome Mean	.640	.640	.000	.000	14.682	14.682
N	221,926	221,926	308,704	308,704	408	408

Notes: This table replicates Table IV using strict photo (instead of strict) ID laws as treatment. Similarly to Appendix Table A24, all regressions control for a dummy identifying state-years with strict non-photo ID laws, along with its interaction with a non-white voter dummy (in Panel B). Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

Table A28: Effects of Strict Photo ID Laws on Reported and Perceived Frequency of Voter Fraud

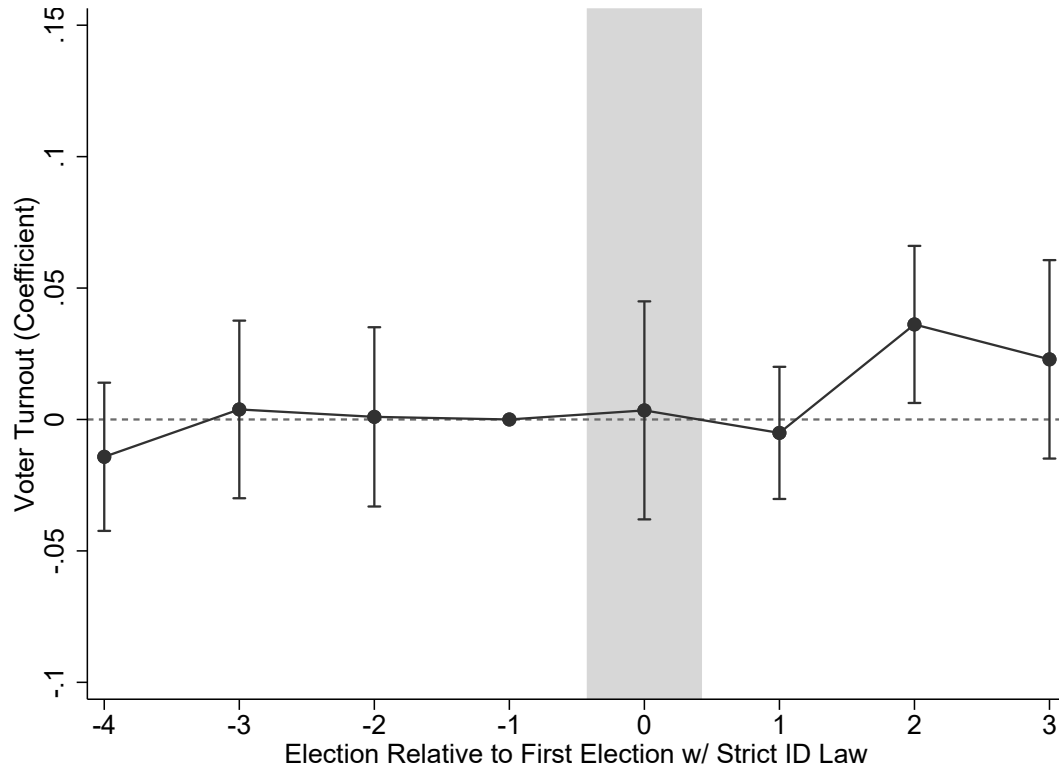
	News21		News21 Preventable		Heritage		Heritage Preventable	
	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 (Strict Photo ID Law)	.070 (.182)	.049 (.176)	.025 (.074)	.011 (.079)	.005 (.009)	.001 (.008)	.011 (.007)	.007 (.008)
Year & State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓		✓
Outcome Mean	.078	.078	.033	.033	.020	.020	.013	.013
N	459	459	459	459	765	765	765	765
	SPAE		SPAE		SPAE		SPAE	
	Perceived Fraud Index	Voter Impersonation	Multiple Voting	Non-Citizen Voting	Fair Election			
	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
1 (Strict Photo ID Law)	.003 (.034)	.008 (.033)	-.005 (.019)	-.003 (.017)	-.008 (.026)	-.009 (.026)	-.026 (.024)	-.030 (.024)
Year & State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓		✓
Outcome Mean	.000	.000	.210	.210	.209	.209	.275	.275
N	42,600	42,385	42,488	42,277	30,534	30,424	30,533	30,423

Notes: This table replicates Table V using strict photo (instead of strict) ID laws as treatment. As in Appendix Table A24, all regressions in this table control for a dummy identifying state-years with strict non-photo ID laws. Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

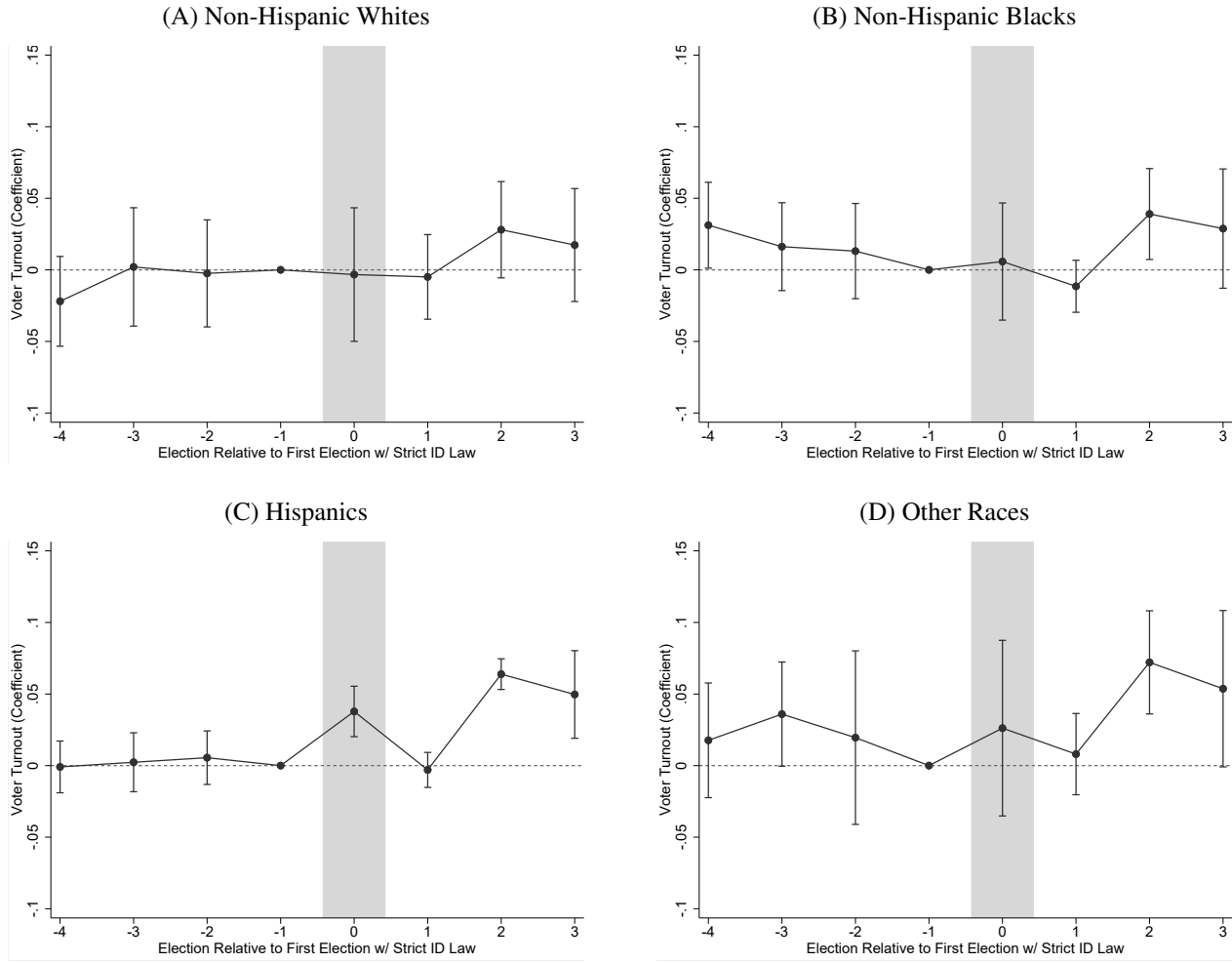
A.6 Effects of Strict ID Laws After Transforming Into a Staggered Design

Figure A7: Event-Study Graph of the Turnout Effects of Strict ID Laws – Staggered Design



Notes: The figure replicates Figure I leaving $ID_{ND,2016}^{\tau=1} = ID_{TX,2016}^{\tau=1} = ID_{TX,2018}^{\tau=2} = 1$, instead of setting them equal to 0.

Figure A8: Event-Study Graphs of the Turnout Effects of Strict ID Laws by Race – Staggered Design



Notes: The figure replicates Figure II leaving $ID_{ND,2016}^{\tau=1} = ID_{TX,2016}^{\tau=1} = ID_{TX,2018}^{\tau=2} = 1$, instead of setting them equal to 0.

Table A29: Turnout and Registration Effects of Strict ID Laws – Staggered Design

	Outcome:							
	1 (Voted)				1 (Registered)			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Panel A. Only Registered Voters								
1 (Strict ID Law)	.013 (.009)	.014 (.010)	-.018 (.027)	.015 (.018)	-	-	-	-
Outcome Mean	.620	.620	.620	.620				
Panel B. Registered and Unregistered Voters								
1 (Strict ID Law)	.006 (.013)	.010 (.010)	-.010 (.020)	.012 (.013)	-.011 (.011)	-.002 (.009)	.002 (.007)	.004 (.009)
Outcome Mean	.428	.428	.428	.427	.686	.686	.686	.686
Year FEs	✓	✓	✓	✓	✓	✓	✓	✓
State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓	✓	✓		✓	✓	✓
State Linear Trends			✓				✓	
Voter FEs				✓				✓

Notes: The table replicates Table I after transforming strict ID laws into an absorbing state (i.e., we assign positive treatment to 2016 ND and to 2016 and 2018 TX). Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A30: Effects of Strict ID Laws on Aggregate Outcomes – Staggered Design

	(1)	(2)	(3)	(4)
Panel A. Ballots Cast/VEP (McDonald's Data)				
1(Strict ID Law)	.008 (.011)	.009 (.012)	.009 (.011)	.011 (.015)
Outcome Mean	.528	.528	.517	.517
N	408	408	408	408
Year FEs	✓	✓	✓	✓
State FEs	✓	✓	✓	✓
State-Year Controls		✓	✓	✓
VEP Weights			✓	✓
State Linear Trends				✓
Panel B. Democratic 2-Party Vote Share				
1(Strict ID Law)	.006 (.019)	.013 (.016)	.015 (.017)	- -
Outcome Mean	.520	.520	.520	-
N	3,684	3,684	3,684	-
Year FEs	✓	✓	✓	
State FEs	✓	✓	✓	
State-Year Controls		✓	✓	
State Linear Trends			✓	

Notes: The table replicates Table II after transforming strict ID laws into an absorbing state (i.e., we assign positive treatment to 2016 ND and to 2016 and 2018 TX). Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$

Table A31: Turnout Effects of Strict ID Laws by Race – Staggered Design

	Outcome: 1(Voted)					
	Outcome Mean	Impact Estimates				
	(1)	(2)	(3)	(4)	(5)	
<u>Panel A. Whites vs. Non-Whites</u>						
1(Strict ID Law)×White	.458	.001	.006			.007
		(.013)	(.011)			(.013)
1(Strict ID Law)×non-White	.340	.014	.019			.025 **
		(.012)	(.008)			(.011)
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$		.012 *	.012 **	.006		.018 **
		(.007)	(.006)	(.005)		(.008)
<u>Panel B. By Detailed Race</u>						
1(Strict ID Law)×White	.458	.001	.007			.007
		(.013)	(.011)			(.013)
1(Strict ID Law)×Hispanic	.295	.026 *	.035 ***			.044 ***
		(.013)	(.006)			(.007)
1(Strict ID Law)×Black	.380	-.004	.001			.005
		(.012)	(.010)			(.012)
1(Strict ID Law)×Other Race	.330	.030	.027 **			.031 **
		(.019)	(.011)			(.013)
$\beta^{\text{hispanic}} - \beta^{\text{white}}$		.025 **	.028 ***	.019 ***		.037 ***
		(.011)	(.008)	(.004)		(.010)
$\beta^{\text{black}} - \beta^{\text{white}}$		-.006	-.006	-.005		-.002
		(.006)	(.005)	(.005)		(.006)
$\beta^{\text{other}} - \beta^{\text{white}}$		.028 **	.020 ***	.005		.024 ***
		(.012)	(.005)	(.004)		(.006)
Race-by-Year FEs		✓	✓	✓		✓
Race-by-State FEs		✓	✓	✓		✓
State & Voter Controls			✓	✓		✓
State-by-Year FEs				✓		
Voter FEs						✓

Notes: The table replicates Table III after transforming strict ID laws into an absorbing state (i.e., we assign positive treatment to 2016 ND and to 2016 and 2018 TX). Standard errors clustered at the state level are reported in parentheses (51 clusters: all 50 states plus D.C.).

*** p < 0.01, ** p < 0.05, * p < 0.10

A.7 Wild Bootstrap P-Values

Table A32: Turnout and Registration Effects of Strict ID Laws: Asymptotic vs. Wild Bootstrap P-Values

	Outcome:							
	1 (Voted)				1 (Registered)			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Panel A. Only Registered Voters								
1 (Strict ID Law)	-.001 [.942] {.950}	-.001 [.928] {.934}	-.011 [.580] {.674}	-.008 [.654] {.683}	-	-	-	-
Outcome Mean	.620	.620	.620	.620				
Panel B. Registered and Unregistered Voters								
1 (Strict ID Law)	-.007 [.628] {.690}	-.001 [.941] {.945}	-.008 [.565] {.693}	-.001 [.931] {.931}	-.015 [.215] {.293}	-.004 [.692] {.721}	-.008 [.248] {.543}	-.001 [.939] {.922}
Outcome Mean	.428	.428	.428	.428	.686	.686	.686	.686
Year FEs	✓	✓	✓	✓	✓	✓	✓	✓
State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓	✓	✓		✓	✓	✓
State Linear Trends			✓				✓	
Voter FEs				✓				✓

Notes: This table reports the same point estimates as Table I. State-clustered asymptotic p-values are reported in brackets. Wild bootstrap state-clustered p-values are reported in braces. Bootstrap p-values are based on Webb weights and 999 repetitions, where this number was chosen following Davidson and MacKinnon (2000) to ensure that the significance level times the sum of the number of bootstraps and one is an integer. To account for the possibility of having too few treated clusters, we follow MacKinnon and Webb (2018) and assign bootstrap weights at a finer level (i.e., by counties) than the level of clustering of the standard errors (i.e., by states). Bootstrap p-values are computed using the Stata `BOOTTEST` command (Roodman et al., 2018). For computational reasons, bootstrap p-values in voter FEs specifications rely on the Frisch-Waugh-Lovell theorem. From both the treatment and the outcome, we first partial out voter FEs and the full set of controls used in columns 2 and 6. We then compute bootstrap p-values using the residualized outcome and treatment.

Table A33: Effects of Strict ID Laws on Aggregate Outcomes: Asymptotic vs. Wild Bootstrap P-Values

	(1)	(2)	(3)	(4)
Panel A. Ballots Cast/VEP (McDonald's Data)				
1 (Strict ID Law)	.006 [.599] {.598}	.006 [.649] {.664}	.001 [.965] {.964}	.002 [.902] {.896}
Outcome Mean	.528	.528	.517	.517
N	408	408	408	408
Year FEs	✓	✓	✓	✓
State FEs	✓	✓	✓	✓
State-Year Controls		✓	✓	✓
VEP Weights			✓	✓
State Linear Trends				✓
Panel B. Democratic 2-Party Vote Share				
1 (Strict ID Law)	.001 [.978] {.977}	.009 [.626] {.619}	.005 [.626] {.657}	- - -
Outcome Mean	.520	.520	.520	-
N	3,684	3,684	3,684	-
Year FEs	✓	✓	✓	
State FEs	✓	✓	✓	
State-Year Controls		✓	✓	
State Linear Trends			✓	

Notes: This table reports the same point estimates as Table II. State-clustered asymptotic p-values are reported in brackets. Wild bootstrap state-clustered p-values are reported in braces. Bootstrap p-values are based on Webb weights and 999 repetitions, where this number was chosen following Davidson and MacKinnon (2000) to ensure that the significance level times the sum of the number of bootstraps and one is an integer. Bootstrap p-values are computed using the Stata `BOOTTEST` command (Roodman et al., 2018).

Table A34: Turnout Effects of Strict ID Laws by Race: Asymptotic vs. Wild Bootstrap P-Values

	Outcome: 1(Voted)				
	Outcome Mean	Impact Estimates			
	(1)	(2)	(3)	(4)	(5)
Panel A. Whites vs. Non-Whites					
1(Strict ID Law)×White	.458	-.006 [.664] {.719}	-.003 [.807] {.849}		-.005 [.768] {.784}
1(Strict ID Law)×non-White	.340	.006 [.653] {.697}	.006 [.554] {.598}		.009 [.450] {.397}
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$		.013 [.108] {.202}	.010 [.202] {.320}	.007 [.353] {.432}	.014 [.152] {.124}
Panel B. By Detailed Race					
1(Strict ID Law)×White	.458	-.006 [.664] {.719}	-.003 [.808] {.849}		-.005 [.768] {.784}
1(Strict ID Law)×Hispanic	.295	.025 [.091] {.260}	.022 [.006] {.077}		.026 [.014] {.009}
1(Strict ID Law)×Black	.380	-.009 [.524] {.548}	-.006 [.639] {.636}		-.004 [.798] {.804}
1(Strict ID Law)×Other	.330	.013 [.653] {.820}	.007 [.750] {.868}		.008 [.746] {.841}
$\beta^{\text{hispanic}} - \beta^{\text{white}}$		.032 [.007] {.075}	.026 [.021] {.167}	.026 [.000] {.038}	.030 [.034] {.075}
$\beta^{\text{black}} - \beta^{\text{white}}$		-.003 [.745] {.770}	-.003 [.682] {.683}	-.003 [.614] {.656}	.001 [.868] {.861}
$\beta^{\text{other}} - \beta^{\text{white}}$		.019 [.237] {.424}	.010 [.314] {.495}	-.001 [.805] {.859}	.013 [.267] {.298}
Race-by- Year FEs		✓	✓	✓	✓
Race-by-State FEs		✓	✓	✓	✓
State & Voter Controls			✓	✓	✓
State-by- Year FEs				✓	
Voter FEs					✓

Notes: This table reports the same point estimates as Table III. State-clustered asymptotic p-values are reported in brackets. Wild bootstrap state-clustered p-values are reported in braces. See notes to Appendix Table A32 for details on the bootstrap procedure. Column 1 reports mean turnout in the interacting category.

Table A35: Effects of Strict ID Laws on CCES Campaign Contact, Voter Activity, and DIME Campaign Contributions: Asymptotic vs. Wild Bootstrap P-Values

	Was Contacted by Campaign		Index of Voter Activity		Contributions ln(\$1k/100k residents)	
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Panel A. Average Effect</u>						
1(Strict ID Law)	.015 [.457] {.482}	.014 [.456] {.526}	-.002 [.911] {.951}	-.008 [.602] {.835}	.024 [.818] {.807}	.031 [.767] {.759}
Year & State FEs	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓
<u>Panel B. Whites vs. Non-Whites</u>						
1(Strict ID Law)×White	.006 [.781] {.791}	.004 [.845] {.836}	-.003 [.853] {.932}	-.011 [.515] {.773}		
1(Strict ID Law)×non-White	.047 [.016] {.133}	.046 [.007] {.110}	.002 [.895] {.919}	.001 [.967] {.986}		
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$	.041 [.014] {.039}	.042 [.007] {.030}	.005 [.646] {.653}	.011 [.268] {.324}		
Race-by-Year FEs	✓	✓	✓	✓	✓	✓
Race-by-State FEs	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓
Outcome Mean	.640	.640	.000	.000	14.682	14.682
N	221,926	221,926	308,704	308,704	408	408

Notes: This table reports the same point estimates as Table IV. State-clustered asymptotic p-values are reported in brackets. Wild bootstrap state-clustered p-values are reported in braces. Bootstrap p-values are based on Webb weights and 999 repetitions, where this number was chosen following Davidson and MacKinnon (2000) to ensure that the significance level times the sum of the number of bootstraps and one is an integer. Bootstrap p-values are computed using the Stata `BOOTTEST` command (Roodman et al., 2018).

Table A36: Effects of Strict ID Laws on Reported and Perceived Frequency of Voter Fraud: Asymptotic vs. Wild Bootstrap P-Values

	News21		News21 Preventable		Heritage		Heritage Preventable	
	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents	Frauds/100k Residents
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 (Strict ID Law)	.045 [.688] {.614}	.025 [.818] {.736}	.014 [.760] {.647}	.001 [.978] {.966}	.009 [.215] {.234}	.006 [.437] {.411}	.013 [.046] {.052}	.011 [.156] {.165}
Year and State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State Controls		✓		✓		✓		✓
Outcome Mean	.078	.078	.033	.033	.020	.020	.013	.013
N	459	459	459	459	765	765	765	765
	SPAE		SPAE		SPAE		SPAE	
	Perceived Fraud Index	Perceived Fraud Index	Voter Impersonation	Voter Impersonation	Multiple Voting	Multiple Voting	Non-Citizen Voting	Non-Citizen Voting
	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
1 (Strict ID Law)	.003 [.917] {.926}	.007 [.822] {.838}	-.004 [.811] {.830}	-.002 [.881] {.881}	-.009 [.699] {.732}	-.013 [.550] {.614}	-.020 [.418] {.473}	-.024 [.335] {.432}
Year & State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓		✓
Outcome Mean	.000	.000	.210	.210	.209	.209	.275	.275
N	42,600	42,385	42,488	42,277	30,534	30,424	30,533	30,423
							11,396	11,396

Notes: This table reports the same point estimates as Table V. State-clustered asymptotic p-values are reported in brackets. Wild bootstrap state-clustered p-values are reported in braces. Bootstrap p-values are based on Webb weights and 999 repetitions, where this number was chosen following Davidson and MacKinnon (2000) to ensure that the significance level times the sum of the number of bootstraps and one is an integer. Bootstrap p-values are computed using the Stata `BOOTTEST` command (Roodman et al., 2018).

A.8 Randomization Inference P-Values

Table A37: Turnout and Registration Effects of Strict ID Laws: Asymptotic vs. Randomization Inference P-Values

	Outcome:							
	1(Voted)				1(Registered)			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Panel A. Only Registered Voters								
1(Strict ID Law)	-.001 [.942] {.965} <.969>	-.001 [.928] {.953} <.965>	-.011 [.580] {.713} <.732>	-.008 [.661] {.731} <.695>	-	-	-	-
Outcome Mean	.620	.620	.620	.620				
Panel B. Registered and Unregistered Voters								
1(Strict ID Law)	-.007 [.628] {.731} <.691>	-.001 [.941] {.955} <.947>	-.008 [.565] {.704} <.706>	-.001 [.923] {.934} <.919>	-.015 [.215] {.355} <.339>	-.004 [.692] {.773} <.755>	-.008 [.248] {.392} <.319>	-.001 [.907] {.920} <.910>
Outcome Mean	.428	.428	.428	.428	.686	.686	.686	.686
Year FEs	✓	✓	✓	✓	✓	✓	✓	✓
State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓	✓	✓		✓	✓	✓
State Linear Trends			✓				✓	
Voter FEs				✓				✓

Notes: This table reports the same point estimates as Table I, except for voter fixed effects impact estimates (columns 4 and 8) that, for computational reasons, come from regressions run on a random 1 percent sample of voters from the Catalist data. State-clustered asymptotic p-values are reported in brackets. Randomization inference (RI) p-values based on t-statistics and regression coefficients are reported in braces and angle brackets, respectively. RI p-values are based on 999 permutations of the treatment and are computed using the Stata `RITEST` command (Hess, 2017).

Table A38: Effects of Strict ID Laws on Aggregate Outcomes: Asymptotic vs. Randomization Inference P-Values

	(1)	(2)	(3)	(4)
Panel A. Ballots Cast/VEP (McDonald's Data)				
1 (Strict ID Law)	.006 [.599] {.606} <.526>	.006 [.649] {.661} <.547>	.001 [.965] {.967} <.962>	.002 [.902] {.912} <.918>
Outcome Mean	.528	.528	.517	.517
N	408	408	408	408
Year FEs	✓	✓	✓	✓
State FEs	✓	✓	✓	✓
State-Year Controls		✓	✓	✓
VEP Weights			✓	✓
State Linear Trends				✓
Panel B. Democratic 2-Party Vote Share				
1 (Strict ID Law)	.001 [.978] {.980} <.973>	.009 [.626] {.664} <.586>	.005 [.626] {.693} <.759>	- - - -
Outcome Mean	.520	.520	.520	-
N	3,684	3,684	3,684	-
Year FEs	✓	✓	✓	
State FEs	✓	✓	✓	
State-Year Controls		✓	✓	
State Linear Trends			✓	

Notes: This table reports the same point estimates as Table II. State-clustered asymptotic p-values are reported in brackets. Randomization inference (RI) p-values based on t-statistics and regression coefficients are reported in braces and angle brackets, respectively. RI p-values are based on 999 permutations of the treatment and are computed using the `Stata RITEST` command (Hess, 2017).

Table A39: Turnout Effects of Strict ID Laws by Race: Asymptotic vs. Randomization Inference P-Values

		Outcome: 1(Voted)			
	Outcome Mean	Impact Estimates			
	(1)	(2)	(3)	(4)	(5)
Panel A. Whites vs. Non-Whites					
1(Strict ID Law)×White	.458	-.006 [.664] {.769} <.703>	-.003 [.807] {.877} <.829>		-.005 [.767] {.803} <.740>
1(Strict ID Law)×non-White	.340	.006 [.653] {.795} <.791>	.006 [.554] {.730} <.745>		.009 [.452] {.622} <.663>
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$		.013 [.108] {.262} <.277>	.010 [.202] {.334} <.330>	.007 [.353] {.520} <.312>	.013 [.176] {.274} <.212>
Panel B. By Detailed Race					
1(Strict ID Law)×White	.458	-.006 [.664] {.769} <.703>	-.003 [.808] {.877} <.829>		-.005 [.767] {.803} <.742>
1(Strict ID Law)×Hispanic	.295	.025 [.091] {.350} <.404>	.022 [.006] {.169} <.349>		.027 [.008] {.119} <.284>
1(Strict ID Law)×Black	.380	-.009 [.524] {.670} <.623>	-.006 [.639] {.740} <.717>		-.005 [.737] {.780} <.773>
1(Strict ID Law)×Other	.330	.013 [.653] {.853} <.783>	.007 [.750] {.867} <.754>		.007 [.776] {.852} <.754>
$\beta^{\text{hispanic}} - \beta^{\text{white}}$		.032 [.007] {.118} <.141>	.026 [.021] {.122} <.102>	.026 [.000] {.045} <.024>	.032 [.037] {.122} <.059>
$\beta^{\text{black}} - \beta^{\text{white}}$		-.003 [.745] {.810} <.815>	-.003 [.682] {.751} <.795>	-.003 [.614] {.704} <.687>	.0001 [.987] {.992} <.992>
$\beta^{\text{other}} - \beta^{\text{white}}$		.019 [.237] {.577} <.499>	.010 [.314] {.504} <.452>	-.001 [.805] {.866} <.874>	.012 [.323] {.418} <.354>
Race-by- Year FEs		✓	✓	✓	✓
Race-by-State FEs		✓	✓	✓	✓
State & Voter Controls			✓	✓	✓
State-by- Year FEs				✓	
Voter FEs					✓

Notes: This table reports the same point estimates as Table III, except for voter fixed effects impact estimates (column 5) that, for computational reasons, come from regressions run on a random 1 percent sample of voters from the Catalist data. State-clustered asymptotic p-values are reported in brackets. Randomization inference (RI) p-values based on t-statistics and regression coefficients are reported in braces and angle brackets, respectively. RI p-values are based on 999 permutations of the treatment and are computed using the Stata `ritest` command (Hess, 2017). Column 1 reports mean turnout in the interacting category.

Table A40: Effects of Strict ID Laws on CCES Campaign Contact, Voter Activity, and DIME Campaign Contributions: Asymptotic vs. Randomization Inference P-Values

	Was Contacted by Campaign		Index of Voter Activity		Contributions ln(\$1k/100k residents)	
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Panel A. Average Effect</u>						
1(Strict ID Law)	.015 [.457] {.578} <.478>	.014 [.456] {.583} <.499>	-.002 [.911] {.931} <.891>	-.008 [.602] {.696} <.509>	.024 [.818] {.809} <.788>	.031 [.767] {.777} <.746>
Year & State FEs	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓
<u>Panel B. Whites vs. Non-Whites</u>						
1(Strict ID Law)×White	.006 [.781] {.835} <.776>	.004 [.845] {.883} <.857>	-.003 [.853] {.869} <.803>	-.011 [.515] {.592} <.408>		
1(Strict ID Law)×non-White	.047 [.016] {.138} <.138>	.046 [.007] {.097} <.132>	.002 [.895] {.916} <.914>	.001 [.967] {.967} <.967>		
$\beta^{\text{nonwhite}} - \beta^{\text{white}}$	.041 [.014] {.094} <.068>	.042 [.007] {.079} <.056>	.005 [.646] {.687} <.770>	.011 [.268] {.387} <.541>		
Race-by-Year FEs	✓	✓	✓	✓	✓	✓
Race-by-State FEs	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓
Outcome Mean	.640	.640	.000	.000	14.682	14.682
N	221,926	221,926	308,704	308,704	408	408

Notes: This table reports the same point estimates as Table IV. State-clustered asymptotic p-values are reported in brackets. Randomization inference (RI) p-values based on t-statistics and regression coefficients are reported in braces and angle brackets, respectively. RI p-values are based on 999 permutations of the treatment and are computed using the Stata `RITEST` command (Hess, 2017).

Table A41: Effects of Strict ID Laws on Reported and Perceived Frequency of Voter Fraud: Asymptotic vs. Randomization Inference P-Values

	News21		News21 Preventable		Heritage		Heritage Preventable	
	Frauds/100k Residents	(2)	Frauds/100k Residents	(3)	Frauds/100k Residents	(4)	Frauds/100k Residents	(5)
1 (Strict ID Law)	.045 [.688] {.786} <.521>	.025 [.818] {.859} <.706>	.014 [.760] {.861} <.720>	.001 [.978] {.983} <.964>	.009 [.215] {.232} <.337>	.006 [.437] {.466} <.538>	.013 [.046] {.084} <.090>	.011 [.156] {.211} <.156>
Year and State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State Controls		✓		✓		✓		✓
Outcome Mean	.078	.078	.033	.033	.020	.020	.013	.013
N	459	459	459	459	765	765	765	765
	SPAE		SPAE		SPAE		SPAE	
	Perceived Fraud Index	(10)	Voter Impersonation	(11)	Multiple Voting	(12)	Non-Citizen Voting	(13)
1 (Strict ID Law)	.003 [.917] {.920} <.925>	.007 [.822] {.831} <.820>	-.004 [.811] {.832} <.804>	-.002 [.881] {.902} <.888>	-.009 [.699] {.766} <.653>	-.013 [.550] {.666} <.515>	-.020 [.418] {.525} <.322>	-.024 [.335] {.481} <.245>
Year & State FEs	✓	✓	✓	✓	✓	✓	✓	✓
State & Voter Controls		✓		✓		✓		✓
Outcome Mean	.000	.000	.210	.210	.209	.209	.275	.275
N	42,600	42,385	42,488	42,277	30,534	30,424	30,533	30,423
							11,396	11,396

Notes: This table reports the same point estimates as Table V. State-clustered asymptotic p-values are reported in brackets. Randomization inference (RI) p-values based on t-statistics and regression coefficients are reported in braces and angle brackets, respectively. RI p-values are based on 999 permutations of the treatment and are computed using the Stata `RIEST` command (Hess, 2017).

Exhibit 1-9

2019 WL 105239

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The Hill

House Dems signal possible probe of disputed North Carolina election

January 05, 2019

John Bowden

Democrats in the House are discussing preparations to launch investigations into election fraud allegations in North Carolina's 9th Congressional District as the state's investigation into the race between Mark Harris (R) and Dan McCready (D) stretches into the new year.

Politico reports that Rep. Marcia Fudge (D-Ohio), who chairs the House subcommittee on elections, says she has met with other committee and subcommittee chairs to discuss Democrats' response to the potential of a North Carolina court ordering the election be certified before a state investigation into the claims concludes.

"It is our hope that the courts in North Carolina would do the right thing," Fudge told Politico. "If they chose not to the right thing, or if for some reason he brings a certification here, we would challenge the propriety of seating him at that point until such time as there was a proper investigation done by the House."

North Carolina's 9th District has been rocked by accusations for months that a Harris staffer, Leslie McCrae Dowless Jr., conducted an illegal absentee ballot-harvesting operation in two counties in the state with the intention of swinging the absentee ballot vote in Harris's favor.

Were a judge to end the investigation into Harris's campaign before state officials determine whether a new election is needed, Fudge says, she is "confident that the House would bring an action against the state of North Carolina."

Harris holds a slim lead over McCready in the vote totals for the disputed race, which has come under investigation by the North Carolina state Board of Elections.

House leaders including newly elected Speaker Nancy Pelosi (D-Calif.) raised the possibility of the House refusing to seat Harris last month.

"The House still retains the right to decide who is seated," Pelosi said in December. "Any member-elect can object to the seating or the swearing-in of another member-elect, and we'll see how that goes."

McCready withdrew his initial concession last month in a video message calling on Harris to "tell us exactly what he knew and when he knew it" about fraud allegations in the district.

The fight over the congressional seat could drag on for months, as the state board of elections faces its own questions about the board's constitutionality. Harris has called for a new election if the state board is able to find evidence of fraud "on either side."

"The integrity of our electoral process is the heart of our democracy and we must protect it," Harris said last month in a video statement. "I'm hopeful that this process will ultimately result in the certification of my election to Congress before the next House session begins."

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Exhibit 1-10

2019 WL 826314

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The Hill

North Carolina board calls for new election in contested House race

February 21, 2019

Max Greenwood

The North Carolina State Board of Elections voted unanimously Thursday to call a new election in the state's 9th Congressional District after days of hearing evidence of alleged ballot fraud.

The decision came after Republican Mark Harris, one of the candidates in the race, expressed support for a new election, saying that allegations of a ballot-tampering scheme marred the current results.

Harris's request for a new election was a stunning reversal for the Republican House candidate.

Initial results showed Harris leading Democrat Dan McCready by 905 votes. But state election officials refused to certify the Republican hopeful as the winner after they received accounts of a ballot-harvesting operation.

"I believe a new election should be called," Harris said Thursday. "It's become clear to me that public confidence in the 9th District has been undermined to an extent that a new election is warranted."

The vote capped off four days of witness testimonies detailing an alleged scheme by Leslie McCrae Dowless, a political operative hired by Harris's campaign, to pay workers to collect absentee ballots from voters in rural Bladen County.

Under North Carolina state law, only a voter or a close relative can turn in or mail an absentee ballot.

The allegations have left the fate of the race for North Carolina's 9th District in limbo for months.

Since then, Democrats have called for a new election in the district, arguing that the alleged scheme had undermined confidence in the results. Republicans, meanwhile, asserted that not enough ballots were affected by Dowless's alleged operation to change the race's outcome.

But the Republican Party reversed its position on the matter Thursday, after Harris said the evidence presented during the hearing showed that a new election was warranted.

"Through the testimony I've listened to over the last three days, I believe a new election should be called," Harris said at the hearing on Thursday. "It has become clear to me that the public's confidence in the 9th District seat general election has been undermined to an extent that a new election is warranted."

The board's vote to order a new election drew unanimous support from its two Republican and three Democratic members. In order for the panel to call a new election, at least four of its five members were required to vote for it.

The board's decision to declare a new election sets up a new round of primary elections in North Carolina's 9th District, meaning that Harris and McCready will have to vie for their parties' nominations once again.

It was not immediately clear whether Harris will run in the new election. Former Rep. Robert Pittenger (R-N.C.), whom Harris vanquished in a primary last year, said last month that he would not run again if a new election were to be called.

Exactly when a new election will be held remains unclear. Josh Lawson, the general counsel for the elections board, said members will have to meet again to vote on new election dates.

Harris has said repeatedly that he was not aware that Dowless's absentee ballot operation may have been illegal. He reiterated that point on Thursday in his call for a new election.

"Neither I nor any of the leadership in my campaign were aware of or condone the improper activities that have been testified to in this hearing," he said.

But throughout the hearing, witnesses have described lax oversight by Harris's campaign over Dowless's activities.

Andy Yates, a co-founder of consulting firm Red Dome and the top consultant for Harris's campaign, told the board this week that he reimbursed Dowless for his campaign-related work without requiring invoices or receipts.

Harris's son, John Harris, also testified in the hearing on Wednesday that he told his father in 2017 he suspected that Dowless's absentee ballot work may have been unlawful. Despite those warnings, the elder Harris directed Dowless's hiring.

"I thought what he was doing was illegal, and I was right," John Harris told the elections board on Wednesday.

In a tweet on Thursday, McCready called the election board's decision "a great step forward for democracy in North Carolina."

"From the moment the first vote was stolen in North Carolina, from the moment the first voice was silenced by election fraud, the people have deserved justice," he wrote. "Today was a great step forward for democracy in North Carolina."

Less than an hour after the board voted, McCready began fundraising for a new election, suggesting that he is planning to run for the seat once again. His campaign sent an email to supporters on Thursday afternoon directing them to ActBlue, the Democratic Party's online fundraising platform.

—Updated at 4:47 p.m.

Exhibit 1-11



MAGAZINE

POLITICS

'This Smacks of Something Gone Awry': A True Tale of Absentee Vote Fraud

In North Carolina, a few hundred fraudulent ballots changed the outcome of a race. It had nothing to do with Donald Trump.



Mark Harris fights back tears as his son, John, testifies at a public hearing before the North Carolina State Board of Elections on Feb. 20, 2019. The hearing was part of an investigation into voting irregularities during the 9th Congressional District election, in which Harris was the GOP candidate. | Travis Long-Pool/Redux Pictures

By MICHAEL GRAFF and NICK OCHSNER
11/29/2021 04:30 AM EST



*Michael Graff is a reporter at Axios Charlotte. Nick Ochsner is chief investigative reporter at WBTV in Charlotte. They are the authors of **The Vote Collectors: The True Story of the Scammers, Politicians, and Preachers behind the Nation's Greatest Electoral Fraud**, from which this is excerpted.*

On April 6, 2017, Mark Harris swung open the door to Ray's Furniture Liquidators, a discount furniture store in a small town in eastern North Carolina, ready to meet the man who he hoped could help him win a seat in Congress.

A year earlier, Harris had lost the 2016 Republican primary for North Carolina's 9th Congressional District by a mere 134 votes. A handful of absentee votes in Bladen County had made all the difference.

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Now a powerful judge had arranged the furniture store meeting with three local Republican power players — a Realtor whose family founded the famous hamburger joint in town, the county GOP chair and the county commissioner who owned the furniture store, Ray Britt. They wanted to introduce Harris to the person who steered those handful of absentee ballots, McCrae Dowless.

Harris and Dowless bonded quickly. Dowless couldn't even wait until the next morning to call Harris to follow up on the meeting. That night he called Harris at 11:25 p.m. The two talked for seven minutes and 20 seconds. Over the next 18 months, they'd contact each other hundreds of times, according to phone records we obtained during the course of our reporting. And those conversations would result in a congressional election being overturned because of election fraud, the only time that's happened in modern U.S.

history, with Harris giving up a seat in Congress he believed he'd won on election night.

All of this happened long before this past tumultuous year, during which Donald Trump and his followers have alleged vast conspiracies of fraud to cast doubt on Joe Biden's election as president. The consequences have been dire: from the riot of Jan. 6 that nearly stymied the certification of Biden's victory to the widespread and wholly unsupported belief by large segments of the electorate that the election was stolen.

None of those allegations have been substantiated. Multiple court cases and recounts and audits have disproven the claims of absentee ballot manipulation in multiple states involving hundreds, even thousands of alleged conspirators.

But fraud involving absentee ballots is a real thing. It just looks nothing like the lurid tales spun by people like Rudy Giuliani and Sidney Powell. The story of what happened in the race for North Carolina's 9th District shows just how rare and also how basic and local election fraud really is. What happened in Bladen County in 2018 wasn't carried out by sophisticated computers from a foreign land, but by low-level operatives with handwritten lists and spreadsheets in a forgotten stretch of eastern North Carolina where the median household income is \$36,000 a year, where the most prominent employer is a hog-slaughtering plant and where folks were desperate enough to knock on doors and ask for people's votes for candidates they didn't know.

From the beginning, Mark Harris couldn't get enough of the relationship with Dowless.



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Dowless, a man in his mid-60s who only recently quit a several-packs-of-Newports-a-day habit, is easy to like. He carries himself like a humble Bladen County tour guide. Understated, soft-spoken, aware of every turn in the road. If you didn't know about his past — he was convicted of insurance fraud in the early 1990s, and had been the subject of a 2016 state board of elections investigation into election fraud — you might think his plan for boosting Republican votes was fool-proof. And lawful.

CHECK THIS OUT. I have obtained a photo of McCrae Dowless and Mark Harris together at a campaign dinner in Bladen County in March. The person who took the photo asking me not to identify. @wectnews #ncpol #NC09 pic.twitter.com/SKp5hFJtwy — Chelsea Donovan (@ChelseaDReports) December 12, 2018

Harris woke up the next morning still turning their first date over in his head. The Baptist preacher had heard the speculation of foul play in eastern North Carolina elections, sure. To this day he swears that the last thing he'd want to do is sign on with someone who was breaking the law. The morning after the meeting, he called a trusted advisor, his son John, a lawyer who worked in the U.S. Attorney's office, to talk about it. John was on his way to work in Raleigh.

An idealist with a straight jaw and classic haircut, John wouldn't know how to get in trouble if he was dropped into a bucket of it. As a high schooler at the century-old McCallie School in Tennessee, he was president of the student senate, an honor council designed to regulate truth and fairness among

students. He was also president of the Young Republicans. From there, he went to UNC and Duke as a Robertson Scholar.

It was John who first thought his father had a shot to win the 9th District. When the congressional maps were redrawn before the 2016 primary, John saw a district that was more rural and less affluent, and those were the kinds of folks his dad connected with. The new 9th was set up nicely for a pastor who in 2010 led a campaign to ban same-sex marriage that rural, conservative voters overwhelmingly favored. The incumbent, Robert Pittenger, had few friends in the rural reaches of the district. He lived in the district's wealthier western end, in a 13,898-square-foot mansion valued at \$7 million — not exactly a lifestyle familiar to the majority of voters in Bladen County.

John Harris had been a law clerk in Washington during that 2016 campaign. He wasn't involved day to day in his father's run but he supported from afar by analyzing data and giving his parents advice.

On the night of the June 2016 primary, as Mark Harris conceded victory to Pittenger, John clicked through the results: Out of 26,606 cast his dad had lost by a margin of one half of 1 percent. It was late, 11 p.m., when he shot both of his parents an email: "I mentioned by text that things looked strange coming out of Bladen County. I've taken another look, and can confirm that the absentee by mail votes look very strange."



Supporters of President Donald Trump stormed the U.S. Capitol based on false claims of voter fraud. Trump campaigned for Harris, a candidate at the center of one of the only U.S. elections decided by proven fraud, just three years earlier. | Matthew Rodier/Sipa USA via AP and Sean Rayford/Getty Images

The results were close enough that Harris and his campaign team considered calling for a recount. Any wrongdoing they could find, they figured, would only bolster their argument. In his email, John Harris highlighted the wild mail-in ballot numbers in Bladen, which ran completely counter to the overall results:

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An advertisement banner for Oracle NetSuite. The background is dark with a subtle pattern. On the left, the text 'ORACLE NETSUITE' is in white. Below it, 'Strong CFOs Practice These 7 Habits' is written in a large, bold, white font. At the bottom left, there is a white button with the text 'Download Guide'. On the right side, there is a circular inset image showing a man in a suit and glasses, looking down. Below the circular image is a white rectangular box.

- 221 votes for Todd Johnson, who finished third overall in the district
- 4 votes for Mark Harris, who nearly won the election
- 1 (one) vote for Robert Pittenger, the sitting congressman

“The irregularity suggests perhaps there is a more systemic error, and given that you outperformed Pittenger in both early voting and on Election Day in Bladen County, it may be worth investigating,” John went on in his email. “This smacks of something gone awry.”

John had a hunch that the man behind the margin, McCrae Dowless, had helped Johnson amass all those votes by collecting absentee ballots and bringing them to the board of elections. That would be a crime. Still, in a move that was either polite or weak or both, the Harris campaign didn’t mount a challenge and Pittenger won reelection easily in November.



McCrae Dowless outside his home in Bladenboro, N.C. on Dec. 7, 2018. | Veasey Conway/The New York Times/Redux Pictures

Now in the spring of 2017, a more motivated Mark Harris considered a second challenge. And this time he meant to hire the same Bladen County operative who had appeared to be the secret weapon in his defeat.

██████████

That morning after the meeting at Ray Britt's furniture store, Mark Harris walked John through what Dowless had told him about his two-step process. How Dowless sent workers to collect the absentee ballot request forms, which is legal, but not the absentee ballots themselves, which is illegal. How Dowless sent a team of two people to witness absentee ballots but not collect them, which is legal so long as both people who sign as witnesses actually watched the voter cast their ballot. How Dowless swore to him he wouldn't take a 90-year-old woman's ballot to the mailbox even if she asked.

Based on Dowless's presentation the day before, the elder Harris said, the operation seemed to be legal.

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John didn't believe it.

He tried to convince his father to stay away. Their conversation stretched on through John's 20-minute drive into downtown Raleigh, as he sat in his car in the parking garage and as he walked across the street and sat on a bench outside of his office. John told his dad that Dowless was a convicted felon. The young man who was president of his high school honors council said he worried Dowless would do something illegal. And even if he didn't, he still might do something that would stain the victory.

"You better believe that Robert Pittenger, if it's a close race, he's going to send everything after you to determine, you know, whether or not anything had gone on," John told his dad.



Rep. Robert Pittenger smiles at Vice President Mike Pence after a tax policy event in Charlotte, N.C. on Friday, April 20, 2018. | AP Photo/Chuck Burton

John, by now pacing outside his office, said he had to go to work. But the conversation continued via email. The first note from John simply quoted the North Carolina statute that made it a felony to collect someone's absentee ballot.

Mark responded a half hour later. "So you found no problem in handling 'request forms?' I am certain they have them mailed in then!"

John replied right away in an email that began with a cold admonition: "This is not legal advice." It was as though he was talking to a would-be client whose case he knew was bad, a case he didn't want to take. It was also as if he knew that one day his emails would be made public.

"The key thing that I am fairly certain they do that is illegal is that they collect the completed absentee ballots and mail them at once," John wrote. "The way they pop up in batches at the board of elections makes me believe that. But if

they simply leave the ballot with the voter and say be sure to mail this in, then that's not illegal."

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Mark's response to his scholar son's well-reasoned, well-researched advice was hypothetical. "Mom brought up a good point," Mark wrote, speaking of his wife, Beth. "Maybe they just go with the person to their personal mailbox and put it in, and raise the flag for the mailman to pick up. Since the ballot is already sealed and signed over the seal, they don't pick them up, to my understanding, but rather encourage them to mail it that day by putting it in their mailbox and raising the flag."

John, in disbelief, flung back one last reply. "Good test is if you're comfortable with the full process he uses being broadcast on the news."

Mark Harris didn't respond. His answer came two weeks later when he started writing checks to Dowless to secure his services for the 2018 election.

██████████

On May 8, 2018, a year and change after the first meeting between Harris and Dowless, the primary election day broke sunny with temperatures in the upper 70s. A great day for people to show up to the polls. That is, if they hadn't already voted.

By then, Dowless had introduced Harris to everyone he could find in Bladen County. He'd taken the candidate to the Beast Fest, Bladen's fall festival named in honor of a mythical predator from the 1950s that supposedly was killing people's pets, and to the peanut festival. Mark had eaten muscadine slushies and collard sandwiches, hyper-local delicacies, in his efforts to connect with the rural voters.

Harris and his campaign were on their way to paying Dowless about \$130,000 to work three counties — Bladen, Robeson and Cumberland — over the course of the 2018 election. Dowless used the cash on various campaign expenses, including payments to workers on the ground. Dowless could have worked for Pittenger but he told us he liked Harris more, and he paid better. "I knew Pittenger wouldn't have paid that much," Dowless told us. "He'd have said \$3,000 or \$4,000. You can't do three damn counties for \$3,000 or \$4,000. You can't do it. And I said, 'Hey, I'm not gonna do it.'"

His playbook was as it ever was. Dowless sent a small army of people to knock on doors, convince people to fill out an absentee ballot request form, and then follow up after the ballots arrived to make sure they actually voted. The workers drove down dirt roads and knocked on doors, not out of a love of politics or a sense of civic engagement. They did it for the cash. Dowless paid roughly \$200 per stack of request forms.

By 2018, the opioid crisis was part of the fabric of Bladen County. The rate of unintentional deaths due to drugs was about 29 percent higher than anywhere else in North Carolina. Dowless and many of his non-user friends have a name for these addicts. Harkening back to the days when people who worked in cotton mills were called "lintheads," he calls them "pillheads." People like that were looking for quick work for cash, and Dowless had stacks of it.

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He was willing to hire them, but he gave them no leeway: payment upon receipt of the ballot request forms. No exceptions. “These people, if you don’t pay them to do something,” Dowless told us, “if you pay them an hourly rate, they’ll go sit under a tree.”

So these “pillheads,” as Dowless called them, collected the request forms and brought them back to him. They would either return them to his house, where he’d look them over sitting in his swivel chair at his kitchen table, or to his office a few miles away, where he’d hold court from a different swivel chair behind an old desk with a full ashtray.

He’d look over the forms, then put the initials of the person who collected it in the top right corner. That way, if the board of elections had any questions about the ballot request form, he knew which worker to call. He made a copy of each form before turning it in. This way, he’d have the voters’ information when the actual ballots went out, and he could send workers back to their houses to make sure they voted.



Josh Lawson (left), chief counsel for the North Carolina Board of Elections and Ethics Enforcement, and Coy Mitchell Edwards (right), a Bladen County poll worker look over early voting results during the second day of the hearing in Raleigh, N.C. on Tuesday, Feb. 19, 2019. | Travis Long-Pool via AP

Bladen County saw 647 absentee ballots cast in the 2018 primary. Dowless couldn't claim credit for all of them, but many came from people in and around Bladenboro, near his house. These were votes from people he knew, and people he was certain would bubble in the circle he wanted them to bubble. There wasn't any single way folks knew who Dowless wanted them to vote for. It was a combination of techniques: who he talked about when he was hanging around the convenience store and the local barbecue restaurant; who he put campaign signs out for; whose sticker was on the back of his car.

The primary ended with Harris taking the Republican nomination that had eluded him two years earlier. In Bladen County, he won nearly 70 percent of the votes overall. And in absentees, the number was staggering: Harris received 437 absentee votes; Pittenger got 17. It's a difference of 420. But if you take into account that had Dowless been working for Pittenger, nearly all of them would've gone to the incumbent, it was an 840-vote flip.

Harris's overall margin, after all the votes in the 9th District were counted from Charlotte to Bladenboro, was 828 votes. Bladen County was the difference. And once again McCrae Dowless was the difference in Bladen County.

The general-election ballot harvest season runs along the same timeline as beans in eastern North Carolina. Planting starts in late July but mostly in August and early September, in order to have a crop by the first frost in early November.

In early August 2018, a woman working for the Bladen County Improvement Association PAC, a Democratic-leaning group that works to get out the vote for candidates most of whom are Black, dropped off 184 request forms at the county board of elections. This, perhaps more than any other event, marked the unofficial start of the 2018 general election between Mark Harris and Dan McCready, a Democrat and Marine Corps veteran who had the support of some of the wealthiest left-leaning donors in the district, as well as the national Democratic Party.

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A few weeks later, on Aug. 22, another big batch of ballot request forms showed up, filled out and signed, more than 100 in all. Dowless's signature is hard to miss: a big 'M,' then an underlined small 'c,' then the uppercase 'C,' followed by

some squiggles. Then a big, loopy 'D,' followed by an 'o,' and one clear cursive 'I' that gives way to more squiggles. That signature was next to a line declaring those 128 ballot request forms had been dropped off. The first seeds of the 2018 general election harvest were planted, and the rains from Hurricane Florence were on their way.

In mid-October, weeks after Florence struck, eastern North Carolina was still in shambles, with people's moldy belongings piled up on the country roads. But Dowless kept working. He prepared another list of folks who'd requested absentee ballots. It was time to make sure they voted. Now he needed the same workers to go out and nudge people. Or, if needed, maybe something a little more than a nudge.

As Election Day and that first frost grew near, farmers rushed to harvest the last of the bean crops, and the vote collectors did the same.

Meanwhile, investigators and attorneys with the state board of elections were watching closely. They'd grown increasingly impatient since they sent to the U.S. Attorney's office a 300-page report about the 2016 shenanigans in the district. The report included details not only of Dowless's operation, but also his rivals at the Bladen County Improvement Association. But the U.S. attorney, Robert Higdon, did nothing with the file, instead focusing his attention on a handful of immigrants he thought were voting illegally. Most of those immigrants wound up having the proper paperwork.

So in the fall of 2018, the state board's investigators continued to do the work the Justice Department hadn't done. On Oct. 3, they went to the Bladen elections board office to inquire about the high number of absentee ballots that were pouring in. There they met Valeria McKoy, a Black woman and the deputy director, and asked if she'd noticed anything strange.

Yes, McKoy told the investigators, she'd noticed that several of the containers were signed by the same name. Actually, a lot of the containers were signed by the same names. The investigators asked to see the ballot request forms in

question, but McKoy hesitated. “You’re getting me in trouble,” she said quietly, then turned away to go get them, according to the investigators’ report.

Dowless was by now convinced his candidate would win. Never more so than the afternoon he saw a new mailer for McCready. Most people would see an image that couldn’t be more wholesome: a young man with his pregnant wife and three young kids — a girl and two boys — and two curly-haired labradoodles, one white and one black, all looking at the camera. The only thing you could fault them for was being perfect.

That was the problem. Dowless pulled his phone from his breast pocket and called Harris.

“Mark, we got that McCready mailer down here in Bladen today,” he said. “That dog’s been to *a groomer*. That ain’t gonna fly in Bladen County. You’re gonna win.”

██████████

Late on election night, Dowless was steadily on his phone, calling friends and other people interested in small-town politics, crunching the data, while Mark Harris and his campaign partied at a country club in Monroe, about 120 miles west.

The congressional contest wasn’t even close in Bladen, with Harris collecting 5,413 votes to McCready’s 3,856. Of those who voted for Harris, 420 were by absentee ballot. That was a pretty healthy return on the 572 request forms Dowless’s team planted and picked up earlier in the election season.



Harris speaks to the media during a press conference in Matthews, N.C. on Wednesday, Nov. 7, 2018. | AP Photo/Chuck Burton

Just before midnight, former Arkansas governor Mike Huckabee sent a video message that was played on the big screen at the Harris rally. “I can’t wait for you to represent all of us,” Huckabee said, as it looked more and more like Harris would win.

The crowd started chanting, “MARK, MARK, MARK,” and soon Mark Harris walked out to greet his supporters wearing the uniform of a Republican member of Congress: dark navy suit, white shirt and red-and-blue striped tie. His white hair was, as always, neatly shaped, with a stark part on the left side. An American flag pin was on his right lapel.

AD

Nearly 280,000 people cast votes throughout the district that year, and Harris was on his way to what would eventually be called a 905-vote edge. Less than half a percent — roughly the same margin by which he had lost to Pittenger some two years before. While Dowless sat at home with a satisfied smoke, and while Dan McCready stayed in a Charlotte Marriott room with his campaign team instead of talking to his supporters, Harris took the stage next to his wife, Beth, in front of a blue and white backdrop that read “MarkHarrisForCongress.com” to claim victory.

Harris looked back and forth across the room, his voice projecting excitement. He held a microphone in his left hand, and with his right, he waved and pointed his index finger to emphasize his points, as if he were giving a Sunday sermon.

As he looked into the crowd, the previous 19 months flashed before him. He knew which places had propelled him to victory. He believed that the meeting at the furniture store, the hundreds of calls and texts to McCrae Dowless, the Beast Fest and the peanut festival, the muscadine slushies and the collard sandwiches, they were all wrapped up in those 900 or so votes that separated him from McCready. They were the reason this room at the country club was full and McCready’s room at the Marriott was empty.

As he continued with his victory speech, the pastor with the good hair made sure to mention the places that made the difference and to praise the Lord for them.

“And I have to say, as I look at that map tonight,” Harris said, “thank God for Bladen and Union counties!”

Meanwhile, across the state, Dowless was sitting at his kitchen table chain-smoking and calling people to ask if they'd seen what he'd done. He'd not only licked a sitting congressman in the primary that spring, now he'd done it again to the rich Democrat and his longtime Bladen Improvement PAC rivals in the general. On top of that, he did it for someone he genuinely liked in Harris.

At 2:04 in the morning, Dowless sent Harris a text. They exchanged several messages over the next few minutes.

Dowless called Harris again at 3:49 a.m., and Harris answered. They talked for about two minutes. Dowless had a suggestion: Maybe Harris should come to Bladen County for a celebration? Dowless would organize something.

"I have to go to Washington," Harris said, laughing. New-member orientation for the 116th Congress was the following week.



Harris is handed a document during the investigatory hearing in Raleigh, N.C. on Feb. 21, 2019. | Travis Long-Pool/Redux Pictures

Maybe it was the feeling of not being in the room. Maybe it was his excitement. Maybe it was just his chatty nature. Whatever the case, Dowless called Harris four more times: 3:52 a.m., twice in a row at 4:33 a.m. and again at 5:51 a.m.

Each of those went unanswered. Then, with less than an hour before sunrise, he finally went to sleep.

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A few weeks later, on Nov. 27, 2018, the state board of elections met to certify the results of all the contests in the state. It was a ho-hum meeting with little coverage. But then Vice Chair Josh Malcolm, a Democrat from Robeson County, Bladen's neighbor, spoke up.

"So, um," he cleared his throat, "It's my request that the 9th Congressional District, to be clear, the 9th Congressional District, will not be part of this motion."

“I’m very familiar with unfortunate activities that have been happening down in my part of the state,” Malcolm said. “And I am not going to turn a blind eye to what took place ...”

Hours later, five Democrats and four Republicans returned from a closed session and voted unanimously to certify the election results throughout the state with a fairly big exception: the 9th District.



John Harris, Mark Harris' son, testified during the hearing that he had warned his father in April 2017 about his misgivings over McCrae Dowless. | Travis Long-Pool/Redux Pictures

As national media rented cars to descend on Bladen County that December, McCrae Dowless and Mark Harris were painted as the faces of election fraud in America. They both still deny any wrongdoing. But eventually, the state board of elections set a February 2019 date for an evidentiary hearing into fraud in the 9th District.

Dowless declined to take the stand. Harris held firm in his denial that he knew anything improper was going on with Dowless's operation. But the state board of elections had a star witness who was willing to say he had, in fact, been warned: Harris's own son.

While his father wept in the audience, John Harris told the story of how he'd warned Mark about Dowless's operation. Not only that, John produced the emails, which Mark's own lawyers had kept from the board's investigators.

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The next day, Mark Harris said he believed there should be a new election. The crowd gasped. Harris quickly left the stand and avoided a reporters' questions as he got in a vehicle to be carried away.

A few days later, Harris's phone rang with a number he didn't recognize. The caller left a voicemail. When Harris checked it, he heard the voice of his opponent, Dan McCready. The Democrat wanted to know if Harris was going to run again in the special election.

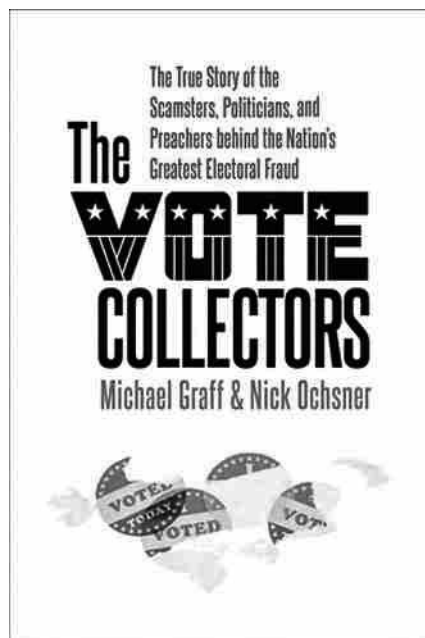
Harris did not run. McCready did.

In May 2019, Dan Bishop, a Republican who leans much farther right than Mark Harris and who would later support the "big lie" in the 2020 election of Donald Trump, won the GOP nomination for the 9th Congressional District special election.

That summer, Bishop would stand on stage in eastern North Carolina with Trump. It was the same night supporters chanted “send her back,” referring to Minnesota Rep. Ilhan Omar, a U.S. citizen who was born in Somalia.

The election was set for September 2019, some 28 months after McCready first announced his candidacy. That night, McCready’s supporters again gathered in a Charlotte hotel, expecting victory. But the evening ended with Bishop standing on stage smiling, taking a call from Trump during his victory speech and putting the president on speakerphone for the room to hear. Bishop had won by nearly 4,000 votes out of 188,000 cast — a margin much larger than the number of absentee ballots from Bladen County.

Meanwhile, Dowless, who maintains his innocence as he awaits trial in August 2022 on election fraud charges, sat at home while Bishop celebrated, calling friends to see if they had any numbers or stats from the first election he hadn’t worked in decades.



Excerpted from *The Vote Collectors: The True Story of the Scamsters, Politicians, and Preachers behind the Nation's Greatest Electoral Fraud*, by Michael Graff and Nick Ochsner.

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Huddle

A play-by-play preview of the day's congressional news



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Exhibit 1-12



MONTANA SECRETARY OF STATE COREY STAPLETON

2018 STATEWIDE GENERAL ELECTION CANVASS

	Voting Information			
	Number of Precincts	Registered Voters	Votes Cast	Voter Turnout
Beaverhead	16	6823	4957	72.65 %
Big Horn	19	7973	4713	59.11 %
Blaine	8	4192	3042	72.57 %
Broadwater	5	4365	3284	75.23 %
Carbon	13	8014	6115	76.30 %
Carter	4	1005	779	77.51 %
Cascade	23	49571	34297	69.19 %
Chouteau	9	3544	2689	75.87 %
Custer	14	7072	4945	69.92 %
Daniels	4	1231	958	77.82 %
Dawson	7	5924	4111	69.40 %
Deer Lodge	14	5531	4238	76.62 %
Fallon	1	1831	1309	71.49 %
Fergus	16	7866	5843	74.28 %
Flathead	42	69658	48656	69.85 %
Gallatin	32	79960	56336	70.46 %
Garfield	4	877	700	79.82 %
Glacier	16	8318	5024	60.40 %
Golden Valley	2	594	468	78.79 %
Granite	4	2343	1818	77.59 %
Hill	17	9313	6448	69.24 %
Jefferson	10	8842	6896	77.99 %
Judith Basin	4	1473	1200	81.47 %
Lake	22	19286	13875	71.94 %
Lewis & Clark	37	47509	35818	75.39 %
Liberty	4	1189	992	83.43 %
Lincoln	14	13475	9398	69.74 %
Madison	8	6613	5011	75.77 %
McCone	3	1263	1042	82.50 %
Meagher	1	1297	985	75.94 %
Mineral	6	3281	2092	63.76 %
Missoula	52	86357	62054	71.86 %
Musselshell	6	3278	2458	74.98 %
Park	11	13491	9804	72.67 %
Petroleum	1	422	315	74.64 %
Phillips	2	2755	2108	76.52 %
Pondera	8	3659	2719	74.31 %
Powder River	7	1297	984	75.87 %
Powell	13	3647	2789	76.47 %
Prairie	4	874	666	76.20 %
Ravalli	24	31287	23571	75.34 %
Richland	13	7270	4379	60.23 %
Roosevelt	12	5974	3474	58.15 %
Rosebud	12	5018	3402	67.80 %
Sanders	9	8624	6203	71.93 %
Sheridan	6	2459	1850	75.23 %
Silver Bow	31	22931	16447	71.72 %
Stillwater	8	6342	4911	77.44 %
Sweet Grass	5	2798	2167	77.45 %
Teton	5	4033	3179	78.82 %
Toole	5	2614	1921	73.49 %
Treasure	3	557	419	75.22 %
Valley	3	4921	3925	79.76 %
Wheatland	5	1356	946	69.76 %
Wibaux	1	725	558	76.97 %
Yellowstone	44	98922	69925	70.69 %
Total	669	711844	509213	71.53 %



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

	UNITED STATES SENATOR		
	JON TESTER Democrat	RICK BRECKENRIDGE Libertarian	MATT ROSENDALE Republican
Beaverhead	1876	155	2866
Big Horn	3027	91	1558
Blaine	1961	76	982
Broadwater	1071	104	2086
Carbon	2680	178	3209
Carter	128	22	602
Cascade	17435	1008	15566
Chouteau	1275	70	1312
Custer	1942	179	2762
Daniels	281	29	631
Dawson	1233	140	2700
Deer Lodge	2892	136	1208
Fallon	281	57	951
Fergus	1964	189	3640
Flathead	19652	1349	26759
Gallatin	33251	1434	21248
Garfield	81	30	571
Glacier	3754	89	1153
Golden Valley	130	21	303
Granite	695	52	1046
Hill	3729	227	2434
Jefferson	2954	226	3653
Judith Basin	388	51	752
Lake	6916	365	6491
Lewis & Clark	20506	927	14106
Liberty	365	30	586
Lincoln	2902	298	6137
Madison	1890	171	2898
McCone	227	29	773
Meagher	319	28	629
Mineral	785	92	1181
Missoula	41688	1332	18631
Musselshell	573	116	1743
Park	5114	253	4357
Petroleum	58	6	248
Phillips	577	79	1426
Pondera	1176	96	1413
Powder River	203	22	748
Powell	1026	93	1641
Prairie	177	26	450
Ravalli	9156	623	13622
Richland	1136	179	3017
Roosevelt	2013	88	1346
Rosebud	1511	91	1765
Sanders	2071	227	3856
Sheridan	712	83	1017
Silver Bow	11672	394	4246
Stillwater	1501	157	3206
Sweet Grass	652	74	1372
Teton	1290	83	1784
Toole	626	69	1208
Treasure	129	6	279
Valley	1545	200	2137
Wheatland	315	32	586
Wibaux	140	12	390
Yellowstone	32225	2351	34682
Total	253876	14545	235963



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

	UNITED STATES REPRESENTATIVE		
	KATHLEEN WILLIAMS Democrat	ELINOR SWANSON Libertarian	GREG GIANFORTE Republican
Beaverhead	1681	122	3113
Big Horn	2865	106	1705
Blaine	1742	87	1173
Broadwater	897	105	2249
Carbon	2442	184	3450
Carter	100	12	636
Cascade	15826	925	17219
Chouteau	1071	66	1515
Custer	1638	168	3085
Daniels	240	20	684
Dawson	1128	125	2811
Deer Lodge	2693	155	1379
Fallon	226	24	1025
Fergus	1752	139	3915
Flathead	18051	1277	28450
Gallatin	31297	1523	23157
Garfield	55	20	606
Glacier	3564	111	1307
Golden Valley	108	22	323
Granite	609	62	1133
Hill	3315	231	2834
Jefferson	2621	200	4016
Judith Basin	311	34	849
Lake	6416	355	7013
Lewis & Clark	18798	1046	15686
Liberty	299	24	653
Lincoln	2628	245	6453
Madison	1667	145	3159
McCone	194	21	813
Meagher	264	38	680
Mineral	702	69	1286
Missoula	39416	1622	20567
Musselshell	502	92	1833
Park	4741	277	4711
Petroleum	46	8	259
Phillips	451	52	1588
Pondera	1004	84	1607
Powder River	172	18	785
Powell	859	92	1806
Prairie	149	22	484
Ravalli	8289	598	14495
Richland	962	120	3260
Roosevelt	1865	95	1476
Rosebud	1349	90	1918
Sanders	1853	210	4077
Sheridan	661	52	1087
Silver Bow	10822	442	5032
Stillwater	1350	157	3373
Sweet Grass	580	61	1475
Teton	1117	76	1959
Toole	542	56	1310
Treasure	95	12	308
Valley	1256	178	2442
Wheatland	277	22	631
Wibaux	114	18	402
Yellowstone	29612	2361	37399
Total	233284	14476	256661



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

	CLERK OF THE SUPREME COURT		
	REX RENK Democrat	ROGER ROOTS Libertarian	BOWEN GREENWOOD Republican
Beaverhead	1393	277	2989
Big Horn	2741	203	1588
Blaine	1672	151	1034
Broadwater	706	173	2210
Carbon	2107	331	3348
Carter	89	20	587
Cascade	13855	1845	16513
Chouteau	905	125	1451
Custer	1449	293	2961
Daniels	215	33	619
Dawson	1037	183	2633
Deer Lodge	2477	231	1361
Fallon	205	43	948
Fergus	1482	283	3716
Flathead	15021	2693	27770
Gallatin	26771	3654	22489
Garfield	42	36	557
Glacier	3404	203	1223
Golden Valley	85	28	319
Granite	557	81	1072
Hill	2975	416	2622
Jefferson	2373	397	3790
Judith Basin	289	66	773
Lake	5559	756	6837
Lewis & Clark	17165	1934	14967
Liberty	265	36	599
Lincoln	2240	465	6277
Madison	1337	351	3048
McCone	175	40	761
Meagher	211	66	651
Mineral	597	119	1223
Missoula	34977	3801	19838
Musselshell	409	140	1759
Park	4165	619	4494
Petroleum	46	10	234
Phillips	415	107	1422
Pondera	872	141	1521
Powder River	122	36	740
Powell	729	137	1768
Prairie	115	38	461
Ravalli	6874	1223	14167
Richland	916	212	3061
Roosevelt	1730	189	1368
Rosebud	1315	146	1791
Sanders	1503	373	3969
Sheridan	515	117	1015
Silver Bow	9720	959	4794
Stillwater	1144	242	3312
Sweet Grass	446	155	1429
Teton	983	140	1865
Toole	431	115	1230
Treasure	105	16	276
Valley	1132	212	2246
Wheatland	206	46	611
Wibaux	99	26	372
Yellowstone	26043	4028	36451
Total	204411	28760	247130



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

PUBLIC SERVICE COMMISSIONER
DISTRICT 1

	DOUG KAERCHER Democrat	RANDY PINOCCI Republican
--	---------------------------	-----------------------------

Blaine	1853	1043
Cascade	14400	18204
Chouteau	1000	1527
Daniels	203	665
Dawson	1045	2802
Fergus	1555	3970
Garfield	52	577
Hill	4060	2231
Judith Basin	275	863
Liberty	301	607
McCone	188	794
Petroleum	40	258
Phillips	451	1514
Richland	871	3308
Roosevelt	1805	1469
Sheridan	546	1106
Toole	514	1271
Valley	1211	2375
Wibaux	93	406
Total	30463	44990

PUBLIC SERVICE COMMISSIONER
DISTRICT 5

	ANDY SHIRTLIFF Democrat	BRAD JOHNSON Republican
--	----------------------------	----------------------------

Flathead	16211	30024
Glacier	3368	1487
Lake	5767	7559
Lewis & Clark	17011	17497
Pondera	843	1756
Teton	903	2111
Total	44103	60434



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

	Shall Judge BETH BAKER of the Supreme Court of the state of Montana be retained in office for another term?	
	YES	NO
Beaverhead	3756	627
Big Horn	3213	1097
Blaine	2282	472
Broadwater	2334	556
Carbon	4524	850
Carter	485	126
Cascade	26031	4398
Chouteau	1940	355
Custer	3730	672
Daniels	665	108
Dawson	3020	608
Deer Lodge	3401	568
Fallon	896	186
Fergus	4167	860
Flathead	32750	7589
Gallatin	40352	6486
Garfield	448	106
Glacier	3679	963
Golden Valley	325	82
Granite	1293	284
Hill	4887	854
Jefferson	5055	1045
Judith Basin	884	163
Lake	9844	2272
Lewis & Clark	27429	4629
Liberty	735	111
Lincoln	6335	1870
Madison	3699	649
McCone	705	199
Meagher	738	130
Mineral	1422	365
Missoula	44687	7948
Musselshell	1672	526
Park	7050	1440
Petroleum	220	46
Phillips	1509	266
Pondera	2055	419
Powder River	603	140
Powell	2018	428
Prairie	476	93
Ravalli	15981	3984
Richland	3179	648
Roosevelt	2558	590
Rosebud	2445	582
Sanders	4237	1127
Sheridan	1335	213
Silver Bow	13066	1713
Stillwater	3618	806
Sweet Grass	1503	355
Teton	2366	397
Toole	1376	294
Treasure	300	62
Valley	2856	511
Wheatland	677	121
Wibaux	365	102
Yellowstone	52701	9360
Total	369877	71451



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

	Shall Judge INGRID GUSTAFSON of the Supreme Court of the state of Montana be retained in office for another term?	
	YES	NO
Beaverhead	3708	651
Big Horn	3155	1148
Blaine	2144	585
Broadwater	2286	577
Carbon	4520	870
Carter	462	140
Cascade	25592	4616
Chouteau	1912	363
Custer	3687	682
Daniels	673	94
Dawson	3002	600
Deer Lodge	3376	561
Fallon	900	181
Fergus	4123	883
Flathead	32298	7620
Gallatin	39779	6674
Garfield	448	107
Glacier	3642	1012
Golden Valley	322	86
Granite	1266	293
Hill	4775	936
Jefferson	4951	1095
Judith Basin	883	162
Lake	9647	2384
Lewis & Clark	26720	4976
Liberty	721	118
Lincoln	6209	1887
Madison	3656	662
McCone	703	187
Meagher	731	127
Mineral	1364	403
Missoula	43970	8233
Musselshell	1710	497
Park	7041	1424
Petroleum	218	47
Phillips	1483	279
Pondera	2049	423
Powder River	596	144
Powell	1997	427
Prairie	467	99
Ravalli	15516	4180
Richland	3168	638
Roosevelt	2533	614
Rosebud	2449	600
Sanders	4128	1166
Sheridan	1318	230
Silver Bow	12785	1843
Stillwater	3640	788
Sweet Grass	1558	313
Teton	2336	416
Toole	1369	307
Treasure	295	69
Valley	2859	504
Wheatland	683	120
Wibaux	360	105
Yellowstone	53612	9980
Total	365795	74126



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

**Shall Judge LUKE MICHAEL
BERGER of DISTRICT 5 DEPT 1 of
the state of Montana be retained
in office for another term?**

	YES	NO
Beaverhead	4029	454
Jefferson	5092	903
Madison	3833	514
Total	12954	1871

**Shall Judge MIKE MENAHAN of
DISTRICT 1 DEPT 1 of the state of
Montana be retained in office for
another term?**

	YES	NO
Broadwater	2429	494
Lewis & Clark	27864	4417
Total	30293	4911

**Shall Judge MICHAEL F.
MCMAHON of DISTRICT 1 DEPT 2
of the state of Montana be
retained in office for another
term?**

	YES	NO
Broadwater	2483	405
Lewis & Clark	28048	3940
Total	30531	4345

**Shall Judge MICHAEL HAYWORTH
of DISTRICT 16 DEPT 1 of the
state of Montana be retained in
office for another term?**

	YES	NO
Carter	521	83
Custer	3950	550
Fallon	933	138
Garfield	479	88
Powder River	694	91
Rosebud	2497	616
Treasure	312	57
Total	9386	1623

**Shall Judge NICKOLAS C.
MURNION of DISTRICT 16 DEPT 2
of the state of Montana be
retained in office for another
term?**

	YES	NO
Carter	555	112
Custer	4040	478
Fallon	945	228
Garfield	484	172
Powder River	692	82
Rosebud	2598	521
Treasure	333	45
Total	9647	1638

**Shall Judge GREG PINSKI of
DISTRICT 8 DEPT 1 FULL TERM
of the state of Montana be
retained in office for another
term?**

	YES	NO
Cascade	27870	3920
Total	27870	3920



**MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS**

**Shall Judge ELIZABETH A. BEST of
DISTRICT 8 DEPT 2 FULL TERM
of the state of Montana be
retained in office for another
term?**

	YES	NO
Cascade	26423	4852
Total	26423	4852

**Shall Judge JOHN A. KUTZMAN of
DISTRICT 8 DEPT 3 FULL TERM
of the state of Montana be
retained in office for another
term?**

	YES	NO
Cascade	25740	4343
Total	25740	4343

**Shall Judge JOHN W. PARKER of
DISTRICT 8 DEPT 4 UNEXPIRED
TERM of the state of Montana be
retained in office for another
term?**

	YES	NO
Cascade	25643	4956
Total	25643	4956

**Shall Judge DANIEL A. BOUCHER
of DISTRICT 12 DEPT 1 of the
state of Montana be retained in
office for another term?**

	YES	NO
Chouteau	1821	424
Hill	3820	1870
Liberty	703	144
Total	6344	2438

**Shall Judge DAVID J. CYBULSKI
of DISTRICT 15 DEPT 1 of the
state of Montana be retained in
office for another term?**

	YES	NO
Daniels	730	123
Roosevelt	2408	820
Sheridan	1151	560
Total	4289	1503

**Shall Judge OLIVIA RIEGER of
DISTRICT 7 DEPT 1 of the state of
Montana be retained in office for
another term?**

	YES	NO
Dawson	3299	502
McCone	717	177
Prairie	493	78
Richland	3170	590
Wibaux	399	70
Total	8078	1417

**Shall Judge RAY J. DAYTON of
DISTRICT 3 DEPT 1 of the state of
Montana be retained in office for
another term?**

	YES	NO
Deer Lodge	3585	492
Granite	1345	291
Powell	2050	475
Total	6980	1258



**MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS**

**Shall Judge JON A. OLDENBURG
of DISTRICT 10 DEPT 1 of the
state of Montana be retained in
office for another term?**

	YES	NO
Fergus	4850	619
Judith Basin	969	117
Petroleum	250	28
Total	6069	764

**Shall Judge AMY EDDY of
DISTRICT 11 DEPT 1 of the state
of Montana be retained in office
for another term?**

	YES	NO
Flathead	33115	7471
Total	33115	7471

**Shall Judge ROBERT B. ALLISON
of DISTRICT 11 DEPT 2 of the
state of Montana be retained in
office for another term?**

	YES	NO
Flathead	34326	6049
Total	34326	6049

**Shall Judge HEIDI J. ULBRICHT of
DISTRICT 11 DEPT 3 of the state
of Montana be retained in office
for another term?**

	YES	NO
Flathead	34738	6382
Total	34738	6382

**Shall Judge HOLLY BROWN of
DISTRICT 18 DEPT 1 FULL TERM
of the state of Montana be
retained in office for another
term?**

	YES	NO
Gallatin	41472	6571
Total	41472	6571

**Shall Judge JOHN C BROWN of
DISTRICT 18 DEPT 3 FULL TERM
of the state of Montana be
retained in office for another
term?**

	YES	NO
Gallatin	40129	6397
Total	40129	6397

**Shall Judge RIENNE H. MCELYEA
of DISTRICT 18 DEPT 2
UNEXPIRED TERM of the state of
Montana be retained in office for
another term?**

	YES	NO
Gallatin	39236	6211
Total	39236	6211



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

Shall Judge ROBERT G. OLSON of DISTRICT 9 DEPT 1 of the state of Montana be retained in office for another term?

	YES	NO
Glacier	3755	976
Pondera	2177	333
Teton	2416	377
Toole	1556	214
Total	9904	1900

Shall Judge RANDAL I. SPAULDING of DISTRICT 14 DEPT 1 of the state of Montana be retained in office for another term?

	YES	NO
Golden Valley	371	56
Meagher	767	124
Musselshell	1942	366
Wheatland	693	166
Total	3773	712

Shall Judge LESLIE HALLIGAN of DISTRICT 4 DEPT 1 of the state of Montana be retained in office for another term?

	YES	NO
Mineral	1354	408
Missoula	44155	8425
Total	45509	8833

Shall Judge ROBERT "DUSTY" DESCHAMPS of DISTRICT 4 DEPT 2 of the state of Montana be retained in office for another term?

	YES	NO
Mineral	1378	462
Missoula	40266	13555
Total	41644	14017

Shall Judge JOHN W LARSON of DISTRICT 4 DEPT 3 of the state of Montana be retained in office for another term?

	YES	NO
Mineral	1457	351
Missoula	43506	8771
Total	44963	9122

Shall Judge BRENDA R. GILBERT of DISTRICT 6 DEPT 1 of the state of Montana be retained in office for another term?

	YES	NO
Park	7546	1244
Sweet Grass	1708	273
Total	9254	1517

Shall Judge KURT KRUEGER of DISTRICT 2 DEPT 1 of the state of Montana be retained in office for another term?

	YES	NO
Silver Bow	13750	1754
Total	13750	1754



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

**Shall Judge JESSICA T. FEHR of
DISTRICT 13 DEPT 1 of the state
of Montana be retained in office
for another term?**

YES NO

Yellowstone	52116	9133
Total	52116	9133

**Shall Judge DONALD L. HARRIS of
DISTRICT 13 DEPT 2 of the state
of Montana be retained in office
for another term?**

YES NO

Yellowstone	51153	9767
Total	51153	9767

**Shall Judge MICHAEL G MOSES of
DISTRICT 13 DEPT 3 of the state
of Montana be retained in office
for another term?**

YES NO

Yellowstone	53051	9043
Total	53051	9043

**DISTRICT COURT JUDGE
DISTRICT 2 DEPT 2**

SAMM COX
Non-Partisan

ROBERT J. "BOB"
WHELAN
Non-Partisan

Silver Bow	7139	8306
Total	7139	8306

**DISTRICT COURT JUDGE
DISTRICT 13 DEPT 7**

COLETTE B.
DAVIES
Non-Partisan

THOMAS PARDY
Non-Partisan

Yellowstone	34803	26954
Total	34803	26954

**DISTRICT COURT JUDGE
DISTRICT 13 DEPT 8**

ASHLEY HARADA
Non-Partisan

JULI M. PIERCE
Non-Partisan

Yellowstone	30249	30130
Total	30249	30130

**DISTRICT COURT JUDGE
DISTRICT 17 DEPT 1**

PETER L.
HELLAND
Non-Partisan

YVONNE LAIRD
Non-Partisan

Blaine	901	1931
Phillips	722	1121
Valley	2180	1550
Total	3803	4602

**DISTRICT COURT JUDGE
DISTRICT 20 DEPT 2**

DEBORAH "KIM"
CHRISTOPHER
Non-Partisan

ASHLEY D
MORIGEAU
Non-Partisan

Lake	8056	4560
Sanders	3734	1805
Total	11790	6365



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

DISTRICT COURT JUDGE DISTRICT 22 DEPT 1		
	RAYMOND G. KUNTZ Non-Partisan	MATTHEW J. WALD Non-Partisan
Big Horn	1015	3403
Carbon	3550	1903
Stillwater	2068	2099
Total	6633	7405



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

LEGISLATIVE REFERENDUM NO. 128 - 6 MILL LEVY FOR MONTANA UNIVERSITY SYSTEM		
	YES on LEGISLATIVE REFERENDUM NO. 128	NO on LEGISLATIVE REFERENDUM NO. 128
Beaverhead	3006	1791
Big Horn	3027	1292
Blaine	2165	834
Broadwater	1507	1631
Carbon	3730	2175
Carter	345	388
Cascade	21388	11590
Chouteau	1736	849
Custer	2875	1910
Daniels	511	393
Dawson	2171	1823
Deer Lodge	2775	1393
Fallon	665	565
Fergus	3339	2221
Flathead	26888	18977
Gallatin	38473	15660
Garfield	284	365
Glacier	3590	1170
Golden Valley	217	223
Granite	958	802
Hill	4248	1982
Jefferson	3974	2736
Judith Basin	713	444
Lake	8047	5306
Lewis & Clark	22251	12520
Liberty	585	344
Lincoln	4198	4893
Madison	2806	2021
McCone	435	570
Meagher	519	421
Mineral	951	1068
Missoula	41125	18650
Musselshell	1181	1188
Park	5812	3622
Petroleum	165	140
Phillips	1072	923
Pondera	1727	892
Powder River	486	431
Powell	1393	1273
Prairie	283	363
Ravalli	11686	10736
Richland	2143	2038
Roosevelt	2148	1169
Rosebud	2049	1236
Sanders	2713	3312
Sheridan	1026	689
Silver Bow	11495	4531
Stillwater	2651	2111
Sweet Grass	1161	896
Teton	1823	1242
Toole	1047	799
Treasure	226	182
Valley	2003	1716
Wheatland	555	356
Wibaux	275	245
Yellowstone	43082	24074
Total	307704	181171



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

LEGISLATIVE REFERENDUM NO. 129 - PROHIBITION OF BALLOT COLLECTION BY CERTAIN INDIVIDUALS		
	YES on LEGISLATIVE REFERENDUM NO. 129	NO on LEGISLATIVE REFERENDUM NO. 129
Beaverhead	2917	1768
Big Horn	2461	1807
Blaine	1673	1202
Broadwater	2010	1097
Carbon	3780	1998
Carter	448	266
Cascade	21938	10474
Chouteau	1639	864
Custer	3013	1697
Daniels	548	321
Dawson	2483	1449
Deer Lodge	2630	1465
Fallon	747	444
Fergus	3643	1796
Flathead	30697	14215
Gallatin	31245	21556
Garfield	367	255
Glacier	2575	2145
Golden Valley	261	169
Granite	1120	584
Hill	3819	2284
Jefferson	4284	2308
Judith Basin	740	394
Lake	8362	4754
Lewis & Clark	20201	14100
Liberty	589	316
Lincoln	5620	3329
Madison	2965	1712
McCone	578	411
Meagher	580	337
Mineral	1214	759
Missoula	32222	26171
Musselshell	1480	851
Park	5727	3554
Petroleum	168	130
Phillips	1213	750
Pondera	1662	921
Powder River	563	329
Powell	1601	988
Prairie	411	218
Ravalli	14492	7602
Richland	2654	1456
Roosevelt	1954	1296
Rosebud	2023	1223
Sanders	4004	1936
Sheridan	1020	627
Silver Bow	9735	5975
Stillwater	3175	1508
Sweet Grass	1283	724
Teton	1980	1037
Toole	1176	626
Treasure	225	168
Valley	2212	1460
Wheatland	561	316
Wibaux	304	196
Yellowstone	44180	21986
Total	301172	178324



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

	INITIATIVE NO. 185 - RAISE TOBACCO TAXES TO FUND HEALTH CARE PROGRAMS	
	YES on INITIATIVE NO. 185	NO on INITIATIVE NO. 185
Beaverhead	1826	3066
Big Horn	2104	2297
Blaine	1374	1577
Broadwater	991	2220
Carbon	2655	3341
Carter	290	459
Cascade	14563	19279
Chouteau	1108	1525
Custer	1647	3227
Daniels	355	570
Dawson	1267	2784
Deer Lodge	2083	2151
Fallon	467	802
Fergus	1944	3812
Flathead	22051	25527
Gallatin	32771	22872
Garfield	127	549
Glacier	2619	2240
Golden Valley	120	322
Granite	646	1150
Hill	2799	3506
Jefferson	2771	4070
Judith Basin	360	820
Lake	6690	7005
Lewis & Clark	17950	17536
Liberty	371	584
Lincoln	3578	5665
Madison	1969	2959
McCone	326	691
Meagher	277	690
Mineral	799	1256
Missoula	37633	23647
Musselshell	563	1859
Park	4595	5064
Petroleum	72	242
Phillips	453	1619
Pondera	905	1759
Powder River	268	699
Powell	839	1875
Prairie	155	500
Ravalli	9253	13905
Richland	1425	2858
Roosevelt	1576	1788
Rosebud	1209	2109
Sanders	2250	3878
Sheridan	732	1020
Silver Bow	8573	7655
Stillwater	1540	3315
Sweet Grass	624	1480
Teton	1183	1941
Toole	581	1307
Treasure	118	291
Valley	1321	2476
Wheatland	300	625
Wibaux	184	353
Yellowstone	31740	37270
Total	236990	264087



MONTANA SECRETARY OF STATE COREY STAPLETON
2018 STATEWIDE GENERAL ELECTION CANVASS

INITIATIVE NO. 186 - DENY A HARDROCK MINE PERMIT FOR PERPETUAL TREATMENT OF WATER		
	YES on INITIATIVE NO. 186	NO on INITIATIVE NO. 186
Beaverhead	1372	3508
Big Horn	1823	2524
Blaine	1328	1582
Broadwater	845	2347
Carbon	2266	3693
Carter	142	595
Cascade	14779	18765
Chouteau	877	1718
Custer	1398	3418
Daniels	224	669
Dawson	1025	2950
Deer Lodge	1319	2880
Fallon	296	908
Fergus	1524	4198
Flathead	21365	25792
Gallatin	34309	20782
Garfield	62	602
Glacier	2411	2373
Golden Valley	96	349
Granite	482	1313
Hill	2671	3568
Jefferson	2383	4390
Judith Basin	248	920
Lake	6397	7167
Lewis & Clark	17035	18197
Liberty	254	680
Lincoln	2450	6763
Madison	1678	3230
McCone	189	825
Meagher	159	805
Mineral	669	1372
Missoula	38170	22443
Musselshell	478	1937
Park	4905	4699
Petroleum	45	265
Phillips	309	1749
Pondera	823	1820
Powder River	185	766
Powell	615	2083
Prairie	118	524
Ravalli	9285	13697
Richland	1002	3238
Roosevelt	1461	1820
Rosebud	868	2447
Sanders	1882	4209
Sheridan	569	1141
Silver Bow	4510	11679
Stillwater	1086	3752
Sweet Grass	442	1660
Teton	996	2103
Toole	477	1387
Treasure	78	331
Valley	1040	2694
Wheatland	228	691
Wibaux	116	404
Yellowstone	28502	39810
Total	220266	276232

Exhibit 1-13

BALLOT LANGUAGE FOR LEGISLATIVE REFERENDUM NO. 129 (LR-129)

LEGISLATIVE REFERENDUM NO. 129

AN ACT REFERRED BY THE LEGISLATURE

AN ACT ESTABLISHING THE MONTANA BALLOT INTERFERENCE PREVENTION ACT; PROHIBITING THE COLLECTION OF ANOTHER INDIVIDUAL'S BALLOT; PROVIDING EXCEPTIONS; REQUIRING CERTAIN INDIVIDUALS WHO ARE AUTHORIZED TO COLLECT BALLOTS TO PROVIDE CERTAIN INFORMATION WHEN DELIVERING THE BALLOT TO A POLLING PLACE OR ELECTION ADMINISTRATOR'S OFFICE; PROVIDING PENALTIES AND DEFINITIONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

The 2017 Legislature has submitted this proposal for a vote. LR-129 prohibits a person from collecting another voter's ballot, with certain exceptions. The prohibition would not apply to an election official, postal worker, caregiver, family member, household member, or an acquaintance. Any such individuals that are caregivers, family members, household members or acquaintances would be required to sign a registry at the polling place or the election administrator's office when delivering the ballot and are required to provide the following information: the individual's name, address, and phone number; the voter's name and address; and the individual's relationship to the voter. An individual who violates any provision within LR-129 could be fined \$500 for each ballot unlawfully collected.

☐ YES on Legislative Referendum LR-129

☐ NO on Legislative Referendum LR-129

THE COMPLETE TEXT OF SENATE BILL NO. 352, REFERRED BY LR-129

AN ACT ESTABLISHING THE MONTANA BALLOT INTERFERENCE PREVENTION ACT; PROHIBITING THE COLLECTION OF ANOTHER INDIVIDUAL'S BALLOT; PROVIDING EXCEPTIONS; REQUIRING CERTAIN INDIVIDUALS WHO ARE AUTHORIZED TO COLLECT BALLOTS TO PROVIDE CERTAIN INFORMATION WHEN DELIVERING THE BALLOT TO A POLLING PLACE OR ELECTION ADMINISTRATOR'S OFFICE; PROVIDING PENALTIES AND DEFINITIONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [Sections 1 through 5] may be cited as the "Montana Ballot Interference Prevention Act".

Section 2. Definitions. As used in [sections 1 through 5], the following definitions apply:

- (1) "Acquaintance" means an individual known by the voter.
- (2) "Caregiver" means an individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home.
- (3) "Collect" means to gain possession or control of a ballot.
- (4) "Family member" means an individual who is related to the voter by blood, marriage, adoption, or legal guardianship.
- (5) "Household member" means an individual who resides at the same residence as the voter.

Section 3. Ballot collection prohibited -- exceptions. (1) Except as provided in subsection (2), a person may not knowingly collect a voter's voted or unvoted ballot.

- (2) This section does not apply to:
 - (a) an election official;
 - (b) a United States postal service worker or other individual specifically authorized by law to transmit United States mail;
 - (c) a caregiver;
 - (d) a family member;
 - (e) a household member; or
 - (f) an acquaintance.
- (3) An individual authorized to collect a voter's ballot pursuant to subsection (2)(c) through (2)(f) may not collect and convey more than six ballots.

Section 4. Record of delivery. An individual permitted to collect and convey a ballot under [section 3(2)(c) through (2)(f)] shall sign a registry when delivering the ballot to the polling place or the election administrator's office. In addition to the signature

requirement, the individual collecting and conveying the ballot must provide the following information:

- (1) the individual's name, address, and phone number;
- (2) the voter's name and address; and
- (3) the individual's relationship to the voter required to collect and convey a ballot pursuant to [section 3(2)(c) through (2)(f)].

Section 5. Penalty. A violation of a provision of [sections 1 through 5] is punishable by a fine of \$500 for each ballot unlawfully collected.

Section 6. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 13, chapter 35, and the provisions of Title 13, chapter 35, apply to [sections 1 through 5].

Section 7. Effective date. [This act] is effective upon approval by the electorate.

Section 8. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2018 by printing on the ballot the full title of [this act] and the following:

- ☐ YES on Legislative Referendum ____.
- ☐ NO on Legislative Referendum ____.

- END -

Exhibit 1-14

https://helenair.com/news/state-and-regional/govt-and-politics/2-phillips-county-residents-charged-with-falsifying-voter-registrations/article_f388ec04-aa90-5892-b889-9dc27cdd00a4.html

EDITOR'S PICK

TOPICAL

TOP STORY

2 Phillips County residents charged with falsifying voter registrations

Sam Wilson

Feb 7, 2022



In this file photo, poll worker Rebecca Johnson drops a ballot in the box on Oct. 30, 2020, at a Lewis and Clark County drive-up ballot drop-off location outside the City-County Building.

THOM BRIDGE, Independent Record

Sam Wilson

Two foreign residents working in Phillips County on temporary visas were recently cited with falsifying their voter registration information prior to the 2021 Dodson municipal election.

Grace O. Albia and Jannet Benitez Zeta, both Philippine citizens, were cited Jan. 11 and both have pleaded not guilty in Phillips County Justice Court, the county attorney's office stated in a press release. The investigation began after the county clerk and recorder's office asked the sheriff to investigate a pair of potentially invalid voter registrations and ballots submitted in the municipal election, Sheriff Jerry Lytle said in an interview Monday.

After reaching out to the U.S. Border Patrol, Lytle said his office confirmed that neither Albia nor Zeta were U.S. citizens and were ineligible to vote in the election. Several other county residents also raised the issue with local election officials, the press release stated.

Albia and Zeta were each cited for deceptive election practices and for violating the state's law requiring U.S. citizenship to register to vote.

People are also reading...

- 1 Officer dies on duty at Montana State Prison**
 - 2 Omicron continues to surge in Montana**
 - 3 Gianforte's love of cooking centers on wild game**
 - 4 Montage Big Sky hotel opens, taking Big Sky to a new level**
-

Phillips County Clerk and Recorder Lynnel LaBrie, who oversees the county's elections, confirmed Monday afternoon that the two votes in question were counted in the municipal race. Incumbent mayor Angel Arocha won by 21-19 over Glenn Dolphay, according to the county's official canvass of the results.

Both of the allegedly falsified registrations have been canceled, according to a public list of voters in the municipal election provided by LaBrie's office. But the voting list also shows that both ballots were among those that were accepted. It does not indicate how voters cast their ballots. Dodson is a town of 125.

Reached by phone on Monday afternoon, Dolphay said he plans to ask for a recount if the two women are found guilty.

"This is a bad situation," Dolphay said.

LaBrie said she's unsure what the next steps would be if the ballots are determined to be fraudulent, including whether a recount could be conducted or what the procedure would be in the event of a tie.

It's also unclear why the ballots were counted in the race.

Voters in Montana are required to submit documentation to prove their identity when they register to vote, which can include the last four digits of their Social Security number, photo identification or a driver's license number. If they are unable to provide the required documentation when they register, election officials can register them on a provisional basis, which flags their registration in the system until they provide that documentation.

Regina Plettenberg, legislative chair of the Montana Association of Clerk and Recorders, said Monday that provisionally registered voters can still receive a provisional mail-in ballot. But, she said, those voters and their ballots are typically flagged by election administrators and not counted toward the final vote until the required documentation is provided.

Montana Secretary of State Christi Jacobsen's office did not respond Monday to questions left by phone message and email. Her office sent a press release announcing the case at the end of the business day Friday. It did not include any

information on how the registrations were processed, whether the ballots were submitted on a provisional basis or whether they had been counted toward the municipal election outcome.

Lytle declined to elaborate on whether Albia and Zeta knew they were ineligible to vote at the time they cast their ballots, citing the ongoing case.

Albia and Zeta are both first-year teachers at Dodson Public Schools, superintendent Gary Weitz confirmed Monday. The two women were not immediately available for comment, he said. No attorney has been appointed to represent them, according to the county attorney's office.

Their cases are scheduled for omnibus hearings on Feb. 23, Lytle said. Each of the charges is a misdemeanor and carries a maximum penalty of \$500 in fines and up to six months in jail.


Instances of voter fraud are exceedingly rare in Montana. Lytle said Phillips County is no exception.

“I’ve been here 18 years, and this is the first Title 13 citation I’ve ever written,” he said, referring to the section of Montana statutes dealing with election law.

Despite a proliferation of conspiracy theories alleging coordinated attempts to commit voter fraud during the 2020 elections, no evidence to support those claims has surfaced to date.

In early 2020, a Gallatin County man **used his driver’s license number** to submit a phony voter registration under a different name. Michael Winters didn’t attempt to vote either ballot, according to prosecutors, but was caught after allegedly talking about how easy it would be to commit voter fraud. He was found guilty of falsifying information on a voter registration application and sentenced last year to a six-month suspended jail sentence.



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By Sam Wilson
State Bureau Reporter

Exhibit 1-15

COURT COPY

NOTICE TO APPEAR AND COMPLAINT ISSUED BY **PHILLIPS COUNTY SHERIFF'S OFFICE C11A 16553**

☒ STATE OF MONTANA
☐ CITY OF _____ VS

THE DEFENDANT IS HEREBY GIVEN NOTICE TO APPEAR IN

☒ JUSTICE ☐ CITY ☐ YOUTH ☐

COURT OF **STAHL** DEPT. **660**

COUNTY OF **PHILLIPS**

LOCATED AT **314 S 2nd Ave W PO Box 566**
Malta, MONTANA

OR BEFORE **10am to 3pm** HOURS AM/PM

3 DAY OF **February** 20 **22**

ANSWER THIS CHARGE. FAILURE TO APPEAR IN COURT OR PAY ASSESSED FINES, COST OR RESTITUTION MAY RESULT IN THE SUSPENSION OF YOUR DRIVER'S LICENSE OR A WARRANT ISSUED.

PERSONAL APPEARANCE IN COURT REQUIRED
☒ BOX IS CHECKED.

☐ Crash
☐ Aircraft
☐ Arrested
☐ B/A Test Given
☐ B/A Test Refused

Primary Reason For Traffic Stop: **N/A**

ID# **11-1**

DEFENDANT NAME
 FIRST **Jannet** MIDDLE **Beritez** LAST **Zeta**

STREET _____

CITY _____ STATE _____ ZIP _____

SEX **F** WT. _____ HT. _____ DATE OF BIRTH _____ MO _____ DAY _____ YEAR _____

D/L NO. _____ D/L STATE _____ D/L EXP. YEAR _____

HOME PHONE _____ EMPLOYER/GUARDIAN _____

☐ WHITE ☐ NATIVE AMERICAN ☒ HISPANIC ☐ BLACK ☐ ASIAN ☐ MIDDLE EAST ☐ OTHER

THE ABOVE NAMED DEFENDANT IS CHARGED WITH VIOLATING
☒ MONTANA CODE ☐ CITY CODE ☐ COUNTY ORDINANCE
 SECTION # **13-35-207(D)**

ON THE **12** DAY OF **October** 20 **21** AT _____ MILITARY TIME

IN THAT SAID DEFENDANT DID KNOWINGLY OR PURPOSELY OR NEGLIGENTLY **commit the offense of Deceptive election practices.**

To wit: Filed voter registration form with false information

NAMELY AT (LOCATION) **Dodson MT**

I hereby swear that all information contained on this document is true and correct to the best of my knowledge.

RECEIVED
\$ NONE
AS APPEARANCE BOND

June Lyth
 SIGNATURE OF OFFICER

DOCKET NUMBER **TK-22-32 (182)**

COURT COPY

NOTICE TO APPEAR AND COMPLAINT ISSUED BY **PHILLIPS COUNTY SHERIFF'S OFFICE C11A 16075**

☒ STATE OF MONTANA
☐ CITY OF _____ VS

THE DEFENDANT IS HEREBY GIVEN NOTICE TO APPEAR IN

☒ JUSTICE ☐ CITY ☐ YOUTH ☐

COURT OF **STAHL** DEPT. **660**

COUNTY OF **PHILLIPS**

LOCATED AT **314 S 2nd Ave W PO Box 566**
Malta, MONTANA

OR BEFORE **10am to 3pm** HOURS AM/PM

3 DAY OF **February** 20 **22**

ANSWER THIS CHARGE. FAILURE TO APPEAR IN COURT OR PAY ASSESSED FINES, COST OR RESTITUTION MAY RESULT IN THE SUSPENSION OF YOUR DRIVER'S LICENSE OR A WARRANT ISSUED.

PERSONAL APPEARANCE IN COURT REQUIRED
☒ BOX IS CHECKED.

☐ Crash
☐ Aircraft
☐ Arrested
☐ B/A Test Given
☐ B/A Test Refused

Primary Reason For Traffic Stop: **N/A**

ID# **11-1**

DEFENDANT NAME
 FIRST **Jannet** MIDDLE **Beritez** LAST **Zeta**

STREET _____

CITY _____ STATE _____ ZIP _____

SEX **F** WT. _____ HT. _____ DATE OF BIRTH _____ MO _____ DAY _____ YEAR _____

D/L NO. _____ D/L STATE _____ D/L EXP. YEAR _____

HOME PHONE _____ EMPLOYER/GUARDIAN _____

☐ WHITE ☐ NATIVE AMERICAN ☒ HISPANIC ☐ BLACK ☐ ASIAN ☐ MIDDLE EAST ☐ OTHER

THE ABOVE NAMED DEFENDANT IS CHARGED WITH VIOLATING
☒ MONTANA CODE ☐ CITY CODE ☐ COUNTY ORDINANCE
 SECTION # **13-2-206**

ON THE **30** DAY OF **September** 20 **21** AT _____ MILITARY TIME

IN THAT SAID DEFENDANT DID KNOWINGLY OR PURPOSELY OR NEGLIGENTLY **commit the offense Registering to vote without being a United States Citizen**

To wit: Registered to vote

NAMELY AT (LOCATION) **Dodson MT**

I hereby swear that all information contained on this document is true and correct to the best of my knowledge.

RECEIVED
\$ NONE
AS APPEARANCE BOND

June Lyth
 SIGNATURE OF OFFICER

DOCKET NUMBER **TK-22-32 (202)**

COURT COPY		NOTICE TO APPEAR AND COMPLAINT		ISSUED BY PHILLIPS COUNTY SHERIFF'S OFFICE C11A 16552	
<input checked="" type="checkbox"/> STATE OF MONTANA <input type="checkbox"/> CITY OF _____		VS.		DEFENDANT NAME FIRST <u>Grace</u> MIDDLE <u>O</u> LAST <u>Albia</u>	
THE DEFENDANT IS HEREBY GIVEN NOTICE TO APPEAR IN <input checked="" type="checkbox"/> JUSTICE <input type="checkbox"/> CITY <input type="checkbox"/> YOUTH <input type="checkbox"/>		STREET _____ CITY _____ STATE _____ ZIP _____		VEHICLE LICENSE NO. _____ UC. STATE _____ EXPIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
COURT OF <u>STAHL</u> DEPT. <u>660</u> COUNTY OF <u>PHILLIPS</u>		SEX <u>F</u> WT. _____ HT. _____ DATE OF BIRTH _____ MO _____ DAY _____ YEAR _____ D/L NO. _____ D/L STATE _____ D/L EXP. YEAR _____		VEHICLE YEAR _____ VEHICLE COLOR _____ VEHICLE MAKE _____ VEHICLE TYPE <input type="checkbox"/> CAR <input type="checkbox"/> TRUCK <input type="checkbox"/> PICKUP <input type="checkbox"/> TRK/TRLR <input type="checkbox"/> MC <input type="checkbox"/> CV <input type="checkbox"/> SUV <input type="checkbox"/> _____	
LOCATED AT <u>314 S 2nd Ave W PO Box 566</u> <u>Malta</u> , MONTANA		HOME PHONE _____ EMPLOYER/GUARDIAN _____ <input type="checkbox"/> WHITE <input type="checkbox"/> NATIVE AMERICAN <input checked="" type="checkbox"/> HISPANIC <input type="checkbox"/> BLACK <input type="checkbox"/> ASIAN <input type="checkbox"/> MIDDLE EAST <input type="checkbox"/> OTHER		UNIFORM VIOLATION CODE _____	
THE ABOVE NAMED DEFENDANT IS CHARGED WITH VIOLATING <input checked="" type="checkbox"/> MONTANA CODE <input type="checkbox"/> CITY CODE <input type="checkbox"/> COUNTY ORDINANCE SECTION # <u>13-35-207</u>					
IN OR BEFORE <u>10am to 3pm</u> HOURS AM/PM ON <u>3</u> DAY OF <u>February</u> 20 <u>22</u>		ON THE <u>12</u> DAY OF <u>October</u> 20 <u>21</u> AT _____ MILITARY TIME			
ANSWER THIS CHARGE. FAILURE TO APPEAR IN COURT OR PAY ASSESSED FINES, COST OR RESTITUTION MAY RESULT IN THE SUSPENSION OF YOUR DRIVER'S LICENSE OR A WARRANT ISSUED.		IN THAT SAID DEFENDANT DID KNOWINGLY OR PURPOSELY OR NEGLIGENTLY <u>commit the offense of Deceptive election practices.</u>			
PERSONAL APPEARANCE IN COURT REQUIRED <input checked="" type="checkbox"/> BOX IS CHECKED		<u>To WIT: Filed voter Registration form containing false information</u>			
<input type="checkbox"/> Crash <input type="checkbox"/> Aircraft <input type="checkbox"/> Arrested <input type="checkbox"/> B/A Test Given <input type="checkbox"/> B/A Test Refused		Primary Reason For Traffic Stop: <u>N/A</u>		<div style="border: 2px solid black; padding: 5px; display: inline-block;"> RECEIVED \$ NONE AS APPEARANCE BOND </div>	
ID# <u>11-1</u>		I hereby swear that all information contained on this document is true and correct to the best of my knowledge.		<u>Jerry Lytle</u> SIGNATURE OF OFFICER	

DOCKET NUMBER TK-22-31 (1072)

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 1C ☐
 1B ☐
 1A ☐
 +

COURT COPY		NOTICE TO APPEAR AND COMPLAINT		ISSUED BY PHILLIPS COUNTY SHERIFF'S OFFICE C11A 16552	
<input checked="" type="checkbox"/> STATE OF MONTANA <input type="checkbox"/> CITY OF _____		VS.		DEFENDANT NAME FIRST <u>Grace</u> MIDDLE <u>O</u> LAST <u>Albia</u>	
THE DEFENDANT IS HEREBY GIVEN NOTICE TO APPEAR IN <input checked="" type="checkbox"/> JUSTICE <input type="checkbox"/> CITY <input type="checkbox"/> YOUTH <input type="checkbox"/>		STREET _____ CITY _____ STATE _____ ZIP _____		VEHICLE LICENSE NO. _____ UC. STATE _____ EXPIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
COURT OF <u>STAHL</u> DEPT. <u>660</u> COUNTY OF <u>PHILLIPS</u>		SEX <u>F</u> WT. _____ HT. _____ DATE OF BIRTH _____ MO _____ DAY _____ YEAR _____ D/L NO. _____ D/L STATE _____ D/L EXP. YEAR _____		VEHICLE YEAR _____ VEHICLE COLOR _____ VEHICLE MAKE _____ VEHICLE TYPE <input type="checkbox"/> CAR <input type="checkbox"/> TRUCK <input type="checkbox"/> PICKUP <input type="checkbox"/> TRK/TRLR <input type="checkbox"/> MC <input type="checkbox"/> CV <input type="checkbox"/> SUV <input type="checkbox"/> _____	
LOCATED AT <u>314 S 2nd Ave W PO Box 566</u> <u>Malta</u> , MONTANA		HOME PHONE _____ EMPLOYER/GUARDIAN _____ <input type="checkbox"/> WHITE <input type="checkbox"/> NATIVE AMERICAN <input checked="" type="checkbox"/> HISPANIC <input type="checkbox"/> BLACK <input type="checkbox"/> ASIAN <input type="checkbox"/> MIDDLE EAST <input type="checkbox"/> OTHER		UNIFORM VIOLATION CODE _____	
THE ABOVE NAMED DEFENDANT IS CHARGED WITH VIOLATING <input checked="" type="checkbox"/> MONTANA CODE <input type="checkbox"/> CITY CODE <input type="checkbox"/> COUNTY ORDINANCE SECTION # <u>13-2-206</u>					
IN OR BEFORE <u>10am to 3pm</u> HOURS AM/PM ON <u>3</u> DAY OF <u>February</u> 20 <u>22</u>		ON THE <u>30</u> DAY OF <u>September</u> 20 <u>21</u> AT _____ MILITARY TIME			
ANSWER THIS CHARGE. FAILURE TO APPEAR IN COURT OR PAY ASSESSED FINES, COST OR RESTITUTION MAY RESULT IN THE SUSPENSION OF YOUR DRIVER'S LICENSE OR A WARRANT ISSUED.		IN THAT SAID DEFENDANT DID KNOWINGLY OR PURPOSELY OR NEGLIGENTLY <u>commit the offense of Registering to vote without being a United States Citizen.</u>			
PERSONAL APPEARANCE IN COURT REQUIRED <input checked="" type="checkbox"/> BOX IS CHECKED		<u>To WIT: Registered to Vote</u>			
<input type="checkbox"/> Crash <input type="checkbox"/> Aircraft <input type="checkbox"/> Arrested <input type="checkbox"/> B/A Test Given <input type="checkbox"/> B/A Test Refused		Primary Reason For Traffic Stop: <u>N/A</u>		<div style="border: 2px solid black; padding: 5px; display: inline-block;"> RECEIVED \$ NONE AS APPEARANCE BOND </div>	
ID# <u>11-1</u>		I hereby swear that all information contained on this document is true and correct to the best of my knowledge.		<u>Jerry Lytle</u> SIGNATURE OF OFFICER	

DOCKET NUMBER TK-22-31 (282)

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 1C ☐
 1B ☐
 1A ☐
 +

Exhibit 1-16

https://billingsgazette.com/news/state-and-regional/crime-and-courts/montana-man-sentenced-for-falsifying-voter-registration/article_67f360f9-3539-54ff-8b29-163533b4e7d0.html

Montana man sentenced for falsifying voter registration

Associated Press

Jun 8, 2021

BOZEMAN — A Montana man has been given a six-month suspended jail sentence for submitting a voter registration application under the name Miguel Raton, a rough Spanish translation of Mickey Mouse.

Michael Winters of Gallatin County pleaded guilty Tuesday to falsifying information on voter registration application in early 2020, the Bozeman Daily Chronicle reported.

District Judge Peter Ohman also fined Winters \$250 and ordered him to complete 100 hours of community service.

"This was a serious offense and, obviously, with all that's going on with elections now and election integrity, this is something that is obviously front and center," Ohman said Tuesday. "Based on the involvement of law enforcement and the County Attorney's office, really what happened here is, it demonstrated that the system does work."

Winters, who was initially charged with felony tampering with public records or information, acknowledged he combined his driver's license number and Mickey Mouse's birthday to submit a voter registration form in January 2020.

People are also reading...

- 1 Northbound travel through Sweet Grass reopened, but vaccine protest trucks on**
- 2 Wildlife commission adopts elk regulation changes**

3 Judge strikes part of law, saying last-minute changes violated Constitution

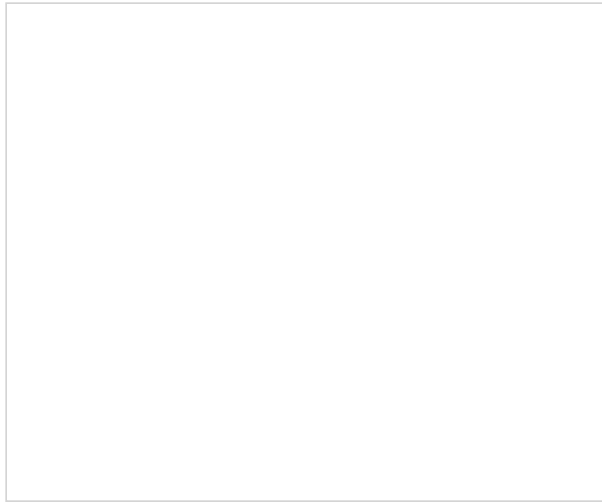
4 Update: Missing teen has been found

Someone filed a complaint against Winters with the U.S. Election Assistance Commission in June 2020, court records said. That person told investigators that Winters had talked about how easy it would be to commit voter fraud.

An FBI investigation found ballots that were issued to Miguel Raton were provisional because the driver's license number belonged to someone who lived in Missoula. Winters has said that was unintentional.

Winters received ballots for two elections under the name of Miguel Raton. Elections officials say he did not vote in either of them.

Winters told an FBI agent he pinned the ballots to the wall of his shop as "trophies." The agent took the ballots.



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Exhibit 1-17

From: 2ndfloorcopier@asu.edu
Subject: Attached Image
Date: June 26, 2012 3:56:43 PM MST
To: corbin.carson@news21.com

1 Attachment, 24 KB



June 20, 2012

LIBERTY COUNTY ATTORNEY
HUGH B. BROWN
ELIZABETH K. WOODS, DEPUTY
P.O. BOX 683, CHESTER, MT 59522
PHONE (406) 759-5174 • FAX (406) 759-5718

Professor Stephen K. Doig
Cronkite School of Journalism
555 N. Central Ave.
Phoenix, AZ 85004

Re: CA General

Dear Professor Doig:

Pursuant to your letter dated June 15, 2012 requesting information on voter fraud, I have the following information regarding the one case of voter fraud that was prosecuted in Liberty County, Montana since 2000.

County:	Liberty, Montana
Defendant's full name:	Alan Lloyd Skari
Allegation:	Voted his ex-wife's mail-in ballot, without her permission
Election involved:	County School Election
Case Number:	CR-2011-0006
Charges:	(1) Limits on Voting Rights and (2) Deceptive Election Practices
Resolution date:	July 26, 2011
Election code violated:	§ 13-35-201(1) & § 13-35-207 (10), MCA
Disposition:	Signed an Acknowledgment of Rights and Plea Agreement wherein Mr. Skari agreed to plead guilty to Limits on Voting Rights. He pled guilty and was sentenced to a fine of \$250, and assessed \$35 surcharges. Six months of jail time was suspended upon the condition he remain law-abiding for a period of nine months from the date of the sentence.

If there is anything further I can help you with, please feel free to contact me.

Sincerely,

Hugh B. Brown
Liberty County Attorney

kbj

Exhibit 1-18

One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections

SHARAD GOEL *Stanford University*

MARC MEREDITH *University of Pennsylvania*

MICHAEL MORSE *Harvard University*

DAVID ROTHSCILD *Microsoft Research*

HOUSHMAND SHIRANI-MEHR *Stanford University*

Beliefs about the incidence of voter fraud inform how people view the trade-off between electoral integrity and voter accessibility. To better inform such beliefs about the rate of double voting, we develop and apply a method to estimate how many people voted twice in the 2012 presidential election. We estimate that about one in 4,000 voters cast two ballots, although an audit suggests that the true rate may be lower due to small errors in electronic vote records. We corroborate our estimates and extend our analysis using data from a subset of states that share social security numbers, making it easier to quantify who may have voted twice. For this subset of states, we find that one suggested strategy to reduce double voting—removing the registration with an earlier registration date when two share the same name and birthdate—could impede approximately 300 legitimate votes for each double vote prevented.

INTRODUCTION


At the heart of the current “voting wars” (Hasen 2012) lie different beliefs about the incidence of voter fraud (Ansolabehere and Persily 2008; Stewart III, Ansolabehere, and Persily 2016). These beliefs in turn shape the evolving nature of voting rights (Minnite 2010), making it critical to quantify and clarify how often such fraud actually occurs (Alvarez, Hall, and Hyde 2009).


Voter fraud could come in many forms, including the casting of multiple ballots (i.e., double voting), illegal ballots (e.g., noncitizen voting), or other peoples’ ballots (i.e., voter impersonation).¹ After extensive


research, Levitt (2007) and Minnite (2010) conclude that little to no voter fraud—of any stripe—has occurred in recent U.S. elections. One of their primary pieces of evidence is that few people have been successfully prosecuted for voter fraud. Not everyone, however, accepts these conclusions, both because such prosecutions are dependent on the investigation of, or at least allegations by, legal authorities (Fund 2004) and because voter fraud may be difficult to detect when it is done well (Ahlquist, Mayer, and Jackman 2014; Christensen and Schultz 2013).


We focus specifically on double voting, which is one of “the most common assertions of voter fraud” and a factor in structuring policy about the removal of voter registrations (Levitt 2007, 12). Identifying double voters is particularly challenging because the information in publicly available state voter files—stitched together to create a national file—is necessarily limited due to privacy concerns. Information on social security numbers is particularly useful for determining whether two registrations belong to one person, but this information is not included in public voter files even when known by a state. The only variables consistently reported across states about each registration are first name, last name, and date of birth (DOB). Although approximately three million pairs of 2012 vote records share these three attributes, some of these pairings represent two distinct voters rather than one double voter.


We first develop a statistical technique to estimate the aggregate amount of double voting using a national voter file. Roughly speaking, we estimate the number of double voters by subtracting the number of distinct voters that we expect to share the same first name, last name, and DOB from the number of observed matching pairs. We build on McDonald and Levitt’s (2008) probabilistic birth-date model for our estimation strategy and extend their work in four ways, accounting for nonuniformity in the distribution of birthdays, producing analytic confidence intervals, explicitly accounting for measurement error in vote history, and looking at the entire country instead of a single state.

Sharad Goel , Assistant Professor, Department of Management Science and Engineering, Stanford University, scgoel@stanford.edu.

Marc Meredith , Associate Professor, Department of Political Science, University of Pennsylvania, marcmerc@sas.upenn.edu.

Michael Morse , Ph.D. Candidate, Department of Government, Harvard University, michaelmorse@g.harvard.edu.

David Rothschild , Economist, Microsoft Research, davidmr@microsoft.com.

Houshmand Shirani-Mehr , Ph.D. Candidate, Department of Management Science and Engineering, Stanford University, hshirani@stanford.edu.

We thank TargetSmart for supplying us with a national voter file. We thank Delton Daigle, Robert Erikson, Daniel Hopkins, David Kestenbaum, Dorothy Kronick, and audience members at the Institute for Advanced Study in Toulouse, Yale Behavioral Sciences Workshop, the 2017 Midwest Political Science Association Conference, the 2017 Society for Political Methodology Conference, and the 2018 American Sociological Society Computational Sociology Pre-conference for their comments and suggestions. Replication files are available at the American Political Science Review Dataverse: <https://doi.org/10.7910/DVN/QM15HX>.

Received: June 12, 2018; revised: May 23, 2019; accepted: December 18, 2019.

¹ Voter fraud should be distinguished from election fraud, in the sense that voter fraud is driven by voters, whereas election fraud is not. For example, if a state or local election official manipulated vote totals or a campaign operative manipulated voters’ absentee ballots, it would be election fraud, but not voter fraud.

If registration records in our national voter file are never wrongly marked as having been used to vote, we estimate that about one in 4,000 votes cast in 2012 were double votes. But inaccurate marking of vote records would cause our estimate to overstate the number of true double votes. In fact, a 1.3% clerical error rate would be sufficient to explain all of these apparent double votes. Unfortunately, no data exist to make a definitive statement about the error rate nationwide. However, a comparison we make of vote records in a poll book to vote records in a voter file supports the idea that enough measurement error exists to explain at least some, and potentially nearly all, of the apparent double votes.

After we use a national voter file to produce our estimate of double voting, we use data generated by the Interstate Crosscheck Program, a consortium of states that share detailed registration information with each other, to validate the result. The data include all of the cases in which a registration record in a single state in the consortium had the same first name, last name, and DOB as a registration record in any other participating state, plus an indicator for whether the last four digits of each registration's social security number (SSN4) is known and an indicator for whether the two are the same. Using these data, we first identify cases in which both registration records have a known SSN4 and were used to vote, and then calculate the share of these cases in which the SSN4s match. In the national voter file, we estimate that 97% of the votes cast with the same first name, last name, and DOB were cast by two distinct individuals. If we limit our focus to Crosscheck states, we estimate that fully 99.4% of votes cast with the same name and DOB were cast by distinct individuals. In the consortium data, where we can measure this statistic more directly, we estimate this quantity to be 99.5%.

The more fine-grained consortium data also allow us to better quantify the balance between voter accessibility and electoral integrity at the heart of the current voting wars. Fewer than 10 of the roughly 26,000 known duplicate registrations we identified in the consortium data were used to cast two votes in 2012. By contrast, we identified more than 2,500 cases in which only the registration record with an earlier registration date was used to vote in 2012. This ratio is particularly important when evaluating policies such as Indiana's, which instructed local registrars to cancel registrations that share a common first name, last name, and DOB with a registration in another state if the Indiana registration had an earlier registration date [Ind. Code Ann. 3-7-38.2-5(d)(2); see generally *Com. Cause Indiana v. Lawson*, 937 F.3d 944 (7th Cir. 2019)]. Our results suggest that such a strategy would eliminate more than 300 registrations used to cast a seemingly legitimate vote for every double vote prevented. More broadly, these findings highlight that the number of registration records that share common observable characteristics and the number of duplicate registrations are poor proxies for the number of double votes.

THE MEASUREMENT OF VOTER FRAUD

The Supreme Court has voiced concern that perceptions of voter fraud “drive[] honest citizens out of the

democratic process and breed[] distrust of our government” [*Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006)]. This suggests an important scholarly role for the measurement of voter fraud: if there is little voter fraud, it is particularly important for this to be documented and for the public to be made aware.

To this end, the recent growth of election forensics has ushered in a host of new measurement methods to detect patterns consistent with various conceptions of electoral fraud (see, e.g., Ahlquist, Mayer, and Jackman 2014; Beber and Scacco 2012; Cantú and Saiegh 2011; Christensen and Schultz 2013; Cottrell, Herron, and Westwood 2018; Fukumoto and Horiuchi 2011; Hood and Gillespie 2012; Mebane 2009; Montgomery et al. 2015). But little existing election forensics work examines the issue of double voting, despite the frequency with which it is alleged (Levitt 2007).

McDonald and Levitt's (2008) study of double voting within New Jersey in the 2004 presidential election is the most extensive work to date on the topic. McDonald and Levitt identify 884 pairs of vote records that have the same first name, last name, and DOB. Via simulation, they estimate the number of vote records that would be expected to share these observable characteristics by drawing the year of birth for a vote record at random from the empirical age distribution of voters and assuming that birthdays within years follow a uniform distribution. Using this method, McDonald and Levitt put a 95% confidence interval of 300–500 people voting twice in New Jersey in this election. If this estimate is correct and the rate of intrastate double voting in New Jersey is representative of the rate in the rest of the country, it would imply that more than 10,000 intrastate double votes were cast across the country during the 2004 presidential election.

In the sections that follow, we build on work by McDonald and Levitt (2008) and by Yancey (2010) to estimate the number of people who cast two ballots—either in the same state or in two different states—in the 2012 U.S. presidential election. In addition to expanding the scope of analysis using a national voter file, we deal with two statistical challenges that McDonald and Levitt identify in their approach. First, our model accounts for both name and day-of-birth periodicity. Second, we allow for the possibility that some registration records are incorrectly marked as being used to cast a ballot. McDonald and Levitt note that failure to account for either issue can inflate estimates of double voting. Indeed, we estimate that the actual number of double votes is fewer than one-tenth of what their approach suggests.

Our approach departs from many of the standard strategies for record linkage (see, e.g., Elmagarmid, Ipeirotis, and Verykios 2007). For example, recent work by Enamorado, Fifield, and Imai (2019) is part of a broader set of Bayesian mixture models that generate posterior probability estimates that record i from dataset A and record j from dataset B are associated with the same observation, even when the number of overlapping variables between the two datasets is inconsistent or some of the variables are measured with error [see also Sadinle (2017) and Steorts, Hall, and

Fienberg (2016)]. These models are well suited for estimating the likelihood that a specific registration in state A and a specific registration in state B belong to the same person based on all the information that can be assembled about each registration.

Estimating the total number of double votes, however, presents a number of challenges to existing Bayesian record-linkage models. National voter files contain a limited set of consistent identifiers, making it difficult to conclusively determine whether a particular pair of vote records represents the same individual voting twice. In theory, one could aggregate over the posterior probabilities that each pair of records comes from the same individual and interpret this sum as the estimated number of double votes. But the infrequency of double voting brings into question the accuracy of the posterior probabilities. Indeed, previous work suggests that the performance of existing Bayesian record-linkage models declines when the overlap—the share of observations from one dataset that also are contained in the other—decreases (Enamorado, Fifield, and Imai 2019; McVeigh and Murray 2017). For example, Enamorado, Fifield, and Imai show classification errors increase when the overlap is reduced from 50% to 20%. Because double voting is rare, overlap is less than 1% in our setup, even if we engage in the forms of blocking suggested by Enamorado, Fifield, and Imai. If this low amount of overlap generates even small inaccuracies in estimates of posterior probabilities, these inaccuracies can be consequential because the probabilities get aggregated over such a large number of potential pairings.

Alternatively, we could apply a threshold to the posterior probabilities to determine whether any given pairing should be considered a match, as is common in the Bayesian record-linkage literature (Fellegi and Sunter 1969). For example, Enamorado, Fifield, and Imai (2019) apply thresholds between 0.75 and 0.95 when defining whether voter registration records in two datasets are a match. But in our setting, our results indicate that the probability that two vote records that share the same first name, last name, and DOB belong to the same individual is less than 0.05, hindering efforts to apply this threshold strategy.

Because our quantity of interest is the total number of people casting two ballots, there are several advantages of modeling the aggregate number of matches instead of trying to identify specific double voters. Whereas most existing record-linkage models consider only the overall match quality of two fields, we consider the actual values in those fields. As a result, our method can naturally account for the varying popularity of names and non-uniform birth-date patterns. Relatedly, most record-linkage approaches evaluate the match quality of two records in a given field independent of the information contained in other fields. By contrast, our model accounts for interactions between someone's first name and DOB that affect the likelihood that two people who share these characteristics are, in fact, the same person. Such flexibility can be incorporated into existing record-linkage methods, but this typically comes with significant computational overhead or loss of theoretical guarantees (Enamorado, Fifield, and Imai 2019). Thus, although we

believe in theory that the number of double votes could be estimated via record-linkage models, doing so appears to require a nontrivial extension of existing methods.

We also take steps to address some of the weaknesses of our approach relative to the standard strategies for record linkage. Bayesian record-linkage models are better equipped than ours for dealing with data recording errors (e.g., misspelled names) and missing data. We take two actions to deal with this. First we preprocess the data to correct some data recording errors. Second, we exclude some observations that we think are particularly likely to have data errors and then scale our estimates to account for the missing and excluded data.

Our statistical approach has applications beyond estimating the incidence of double voting. Ansolabehere and Hersh (2017) develop the terms “matchability” and “identifiability” to define two contrasting goals of record linkage. Their focus is on voter identification laws, in which identifiability refers to the identification of the specific individuals who possess the identification required to vote and matchability refers to quantifying differences over groups (e.g., racial groups) in the likelihood of possession. Our approach to studying matchability without first establishing identifiability may be useful in informing similarly broad political debates, particularly when linking datasets with two key properties. First, that there is a reasonable chance distinct records match on DOB and the other identifiers available in the two datasets, perhaps because identifiers are limited to preserve anonymity. Second, that few observations in the two datasets are true matches. For example, there have been multiple cases in recent years in which a substantial number of individuals on a list of potential noncitizens share common identifiers with a registered voter (Garner 2019). Our method could be applied to determine how many people on such a list are actually registered to vote.

DATA

This study uses three sources of data: (1) a national voter file, with first name, last name, and DOB; (2) a comparison of local poll books with an analogous local voter file; and (3) a list of cases in which voter registration records in different states had a common first name, last name, and DOB, supplemented with information about whether the registration records shared a common SSN4.

Each source of data plays a distinct role. The national voter file, which comes from TargetSmart, a data vendor, is used to estimate the rate of double voting. The poll book comes from Philadelphia, Pennsylvania, and is used to suggest the degree of measurement error in vote records, although it cannot offer a nationally representative estimate. Finally, the multistate match was generated by the consortium of states known as the Interstate Crosscheck Program and is used to both validate the model result and quantify the implications for election administration.

National Voter File

To estimate the number of people who voted twice in the 2012 election, we use TargetSmart's national voter file, which lists the first name, last name, DOB, and

turnout history associated with each voter registration.² The 126,444,926 vote records in these data provide a nearly comprehensive list of 2012 general election participation.³

One limitation of our approach is that we need to observe first name, last name, and DOB to include a vote record in our analysis. Thus, we exclude 1,019, 3,145, and 1,498,005 vote records from all of our analyses because we do not have information on the first name, last name, or DOB, respectively. While we scale our estimates to account for the fact these vote records are not included in our analysis, this requires an assumption that vote records missing at least one of these three fields were equally likely to be used to double vote as vote records missing none of these fields.

A second limitation of our approach is that measurement error in registration records may influence our estimated rate of double voting. Such bias could point in either direction. An error could eliminate the distinguishing feature between two actually unique vote records, creating the appearance of a double vote, or introduce such a distinguishing feature, masking what would otherwise have been detected as a double vote.

Section A.4 in the Appendix highlights a number of forms of measurement error in the TargetSmart data. Across all years, we found an improbable 14% of 2012 vote records that were associated with a first-of-the-month birthday. McDonald (2007) notes that first-of-the-month birthdays are sometimes used by election officials to identify missing information and drops records with such “placeholder” dates of birth. We follow the same strategy here and remove these records from our baseline analysis that might otherwise cause us to overestimate the number of double votes.

We similarly are concerned that some states generally have poor record-keeping practices, which might introduce an unknown bias into our estimate. Ansolabehere and Hersh (2010) conclude that voter registration data from some states, most notably Mississippi, perform consistently worse than others across a range of data validation exercises. We take advantage of the information contained in both residential addresses and generational suffixes (e.g., “Jr.” and “Sr.”) to generate two related measures of the accuracy of a state’s voter records. It is highly unlikely that two voters with the same first name, last name, and DOB would be registered to vote at the same address. Although most states have almost no cases like this, seven states, including Mississippi, have a significant number of such pairings. Our suspicion that many of these cases represent fathers and sons who are incorrectly noted as having a common DOB is bolstered by the finding that many of these pairings do not share a common suffix.

² TargetSmart sometimes supplements its data with commercially sourced DOBs. We include these observations in our baseline analysis, although we also report results when such observations are dropped.

³ The FEC reported that just more than 129 million votes were cast in the 2012 presidential election. While the vote records most likely to be removed, such as those with a known change of address (McDonald 2007), also may be used disproportionately to cast double votes, our almost total coverage makes underestimating fraud less of a concern.

Because this suggests that there is substantial measurement error in voter records in these states, we drop these states from our baseline analysis.⁴

Our preferred sample includes 104,206,222 of the 126,444,926 vote records contained in the full dataset. We explain in the Results section how we adjust our final estimate to account for the dropped records. In doing so, we make an additional assumption that registration records with a first-of-the-month birthday and from the seven dropped states are used to cast double votes at the same rate as all other registration records.

Finally, we address measurement error in names. Two vote records that should be associated with the same person might not be if each has a similar, but not identical, first name. To reduce the possibility that such measurement error causes us to underestimate the number of double votes, the Appendix details how we use commercial software to resolve each first name to a standardized form.

Ultimately, though, this preprocessing approach cannot address all problems of exact matching vote records. For example, while we correct transcription errors in first names, we cannot address the case of outright voter evasion, in which registration records are purposely misleading. That remains a weakness of our inferential approach, although the problem is likely mitigated by established practices of checking registration information against other state databases. To better understand the consequences of measurement error, we present a sensitivity analysis in the Appendix that shows how our estimate of the number of double votes may be affected by such error.

Philadelphia Vote Record Audit

As we discuss in the next section, our estimate of the number of double votes depends on the rate at which registration records are erroneously marked as being used to vote. While we selected Philadelphia in part out of geographical convenience, we also thought the process it uses to translate its poll books into vote records would make it middle-of-the-road in terms of the incidence of such errors. There are three general approaches to the task of generating electronic vote records. Some jurisdictions use an electronic poll book, which automatically updates the voter file and, thus, should be the least error-prone. But in 2012, only a quarter of voters used an electronic poll book to check-in to vote (Election Assistance Commission 2013). Other jurisdictions manually key in the information about who voted, which we expect to be the most error-prone method. The third method, which is illustrated by the Philadelphia poll book displayed in Figure 1, is to attach a bar code to each registration record, which should be scanned after the election if it is used to vote. We expect this will generate more error than an electronic poll book, but less error than when the information gets manually entered.

⁴ In four of the seven states we drop, more than 50% of the vote records have commercially sourced birthdays, suggesting some of the measurement error is caused by how commercially sourced birthdays are linked to voter records. Among the states included in our baseline analysis, only two have comparable levels of commercially sourced birthdays.

FIGURE 1. Example of a Philadelphia Poll Book After an Election

Supplemental Poll Book PHILADELPHIA County		Election: 2012 GENERAL ELECTION Date: Polling November 02, 2012	
Digitized Signature	Voter Info	Assistance	Party
<i>[Signature]</i>	200 CHRISTIAN ST 32 PHILADELPHIA, PA 19147 09/12/1975 8214-1	NF	V ABSENTEE
<i>[Signature]</i>	980 S 32ND ST PHILADELPHIA, PA 19147 11/09/1993 8214-1	D	ID REQUIRED
<i>[Signature]</i>	801 S ORIANA ST PHILADELPHIA, PA 19147 07/09/1991 8214-1	D	ID REQUIRED

Because of the local variation in updating voter history, however, our audit is meant only to be illustrative, not representative, of the error rate in the population.

We knew of no existing data that were useful for estimating this quantity. To fill this gap, we conducted an audit in which we compared data on who voted in the 2010 midterm election in Philadelphia according to the poll books with who voted according to an electronic voter file produced on December 8, 2010. Our principle interest is in identifying false positives: registrations that had an electronic record of voting, but were not listed as having voted in a poll book.

Auditors validated 11,676 electronic registration records with a record of voting and 17,587 electronic registration records without a record of voting in 47 randomly selected precincts in Philadelphia.

Interstate Crosscheck Multistate Match with SSN4

The Interstate Crosscheck Program is a consortium of states that share individual-level voter registration data in an effort to eliminate duplicate registrations and prevent (or prosecute) double voters. According to Crosscheck's Participation Guide (see Section A.10 in the Appendix), administrators return to each participating state a list of registrations in that state that share the same first name, last name, and DOB as a registration in another participating state. Most of our analysis focuses on 2012, in which Crosscheck handled more than 45 million voter registration records and flagged more than a million.

We obtained the list of 100,140 and 139,333 pairings that Crosscheck provided to the Iowa Secretary of State before the 2012 and 2014 elections, respectively. In addition to the first name, last name, and DOB, these data include the middle name, suffix, registration address, county of registration, date of voter registration, voter registration status (i.e., active or inactive), and the last four digits of a registrant's social security number (SSN4) in both the Iowa voter file and the voter file of the state of the matched registration. For the Iowa registration, it also includes the voter registration number. For privacy reasons, Iowa removed the SSN4 before providing us with these data, instead including an indicator for whether the

SSN4 was missing for the Iowa registration, an indicator for whether the SSN4 was missing for the other state's registration, and an indicator for whether the SSN4 was the same in Iowa and the other state.⁵

Knowledge of SSN4 match allows us to better assess whether a specific pairing reported by Crosscheck represents the same individual registered twice or two distinct individuals, each registered a single time. Only 1 in 10,000 distinct people with the same first name, same last name, and same DOB would also share the same SSN4 by chance. So, pairings that share all four attributes in common are likely the same person registered twice. And absent transcription error, registrations with different SSN4s are for two distinct people.

To assess the frequency with which votes are cast using the registration records flagged by Crosscheck, we merged the Crosscheck data with the TargetSmart national voter file. We exactly matched records on first name, middle name, last name, DOB, and state.⁶ Because our TargetSmart data were generated after our Crosscheck data, a registrant's information may have changed between when Crosscheck identified its pairings and when the TargetSmart data were compiled. In addition, some of the information reported to Crosscheck may not have been reported to TargetSmart, particularly if such information is privileged or confidential. Because we are concerned that some registrants in Crosscheck will fail to match to their own vote record in TargetSmart, we also merged the Iowa-specific registration records flagged by Crosscheck with a contemporaneous Iowa voter file using the voter registration number that is contained in both sources.

METHODOLOGY

We now detail our statistical approach to estimating the incidence of double voting. At a high level, we start

⁵ We sent a public records request to every state that participated in Crosscheck in 2012 to get similar data. Iowa was the only state that was able to provide us with the data in such a way that allowed us to observe all three of these indicators.

⁶ It is appropriate to use the middle name in this match because we assume that we are generally matching to the exact registration record identified by Crosscheck.

with the set of apparent double votes (i.e., vote records with the same first name, last name, and DOB) and then subtract the number of matches one would expect to occur by chance—a procedure we formalize in the first sub-section that follows. We show how to compute the number of these coincidental matches in the next sub-section by modeling the relationship between names and dates of birth. In the final sub-section we describe how to derive more precise estimates of double voting that account for two forms of measurement error: (1) inaccuracies in recorded birthdays and (2) inaccuracies in recorded turnout.

Adjusting for Doppelgängers

We start by making two key assumptions. First, we assume that the voter file is a completely accurate reporting of whether a registration was used to vote in a given election. When this assumption holds, double voting is the only explanation for why the same individual would be recorded as having voted twice. We revisit this assumption in the last sub-section when we investigate the effect of recording errors on our estimate. Second, we assume that an individual votes at most twice. We make this simplifying assumption because few people are registered to vote more than twice (Pew 2012) and about 95% of the cases in which vote records match on name and DOB involve only two records.

Given this, we decompose the number of people k who voted twice in a given election into the sum

$$k = \sum_f \sum_l \sum_y k_{f,l,y}, \quad (1)$$

where $k_{f,l,y}$ is the number of double voters with the first name f and the last name l who were born in year y . Although we cannot observe $k_{f,l,y}$, we can estimate it by combining three quantities. The first is $n_{f,l,y}$: the number of vote records in a given election with the first name f , last name l , and birth year y . The second is $m_{f,l,y}$: among the $n_{f,l,y}$ vote records, $m_{f,l,y}$ is the number of pairs of records having the same birthday. Finally, the third is $p_{b|f,l,y}$: the probability of having a birthday b conditional on having the first name f , last name l , and being born in year y .⁷

Theorem 1, which is presented in the Appendix, shows how we combine these three quantities to estimate $k_{f,l,y}$.⁸ Roughly, starting with the number of observed matches $m_{f,l,y}$, we subtract the number of pairs expected to match by chance alone. Specifically, we have

$$\hat{k}_{f,l,y} = \left(m_{f,l,y} - \binom{n_{f,l,y}}{2} \sum_i p_{b_i|f,l,y}^2 \right) / \left(1 - \sum_i p_{b_i|f,l,y}^2 \right). \quad (2)$$

⁷ $p_{b|f,l,y}$ is shorthand for $\Pr(B = b | F = f, L = l, Y = y)$.

⁸ In the theorem, we assume that the observed birthdays are the union of two random samples: (1) an unknown number of independent, random draws from a discrete birthday distribution and (2) copies of k observations from the first sample, corresponding to k double votes.

Theorem 1 further provides an analytic bound on the variance of $\hat{k}_{f,l,y}$, which in turn yields confidence intervals on our estimate of double voting. To derive these expressions, we treat $m_{f,l,y}$ as the realization of a random variable, $M_{f,l,y}$, that depends on (1) the actual number of double votes cast (which we treat as a fixed but unknown quantity) and (2) the number of pairs of vote records matching on birthday just by chance (which we treat as random). The remaining two terms, $n_{f,l,y}$ and $p_{b|f,l,y}$, are considered to be fixed.

To evaluate equation (2), we need values for $n_{f,l,y}$, $m_{f,l,y}$, and $p_{b|f,l,y}$. The first two can be directly observed from the voter file, but the birthday distribution $p_{b|f,l,y}$ must be estimated, as we describe next.

Modeling the Birthday Distribution

For simplicity, one could take $p_{b|f,l,y}$ to be uniform across days of the year, but that would miss important patterns in the birthday distribution, including periodicities in birth day-of-week and seasonal correlation between first names and birthdays. Figures 2 and 3 illustrate these patterns. First, using data on 2012 voters born in 1970, Figure 2 shows that the same number of people are not born on all days. For example, people are more likely to be born during autumn than during other parts of the year and on weekdays than on weekends. Second, Figure 3 shows that certain first names are more frequently observed among people born in certain points of the year and in certain years.

In addition to our assumptions about no measurement error and a maximum of two votes per person, we assume $p_{b|f,l,y}$ can be well approximated as follows. Define $d_{b,y}$ as the day of the week on which birthday b occurred in year y . For instance, $d_{\text{September 25, 1970}} = \text{Friday}$. Let B , F , and D be random variables that specify the birthday, first name, and birth day-of-week of a random voter. Then we estimate $p_{b|f,l,y}$ by

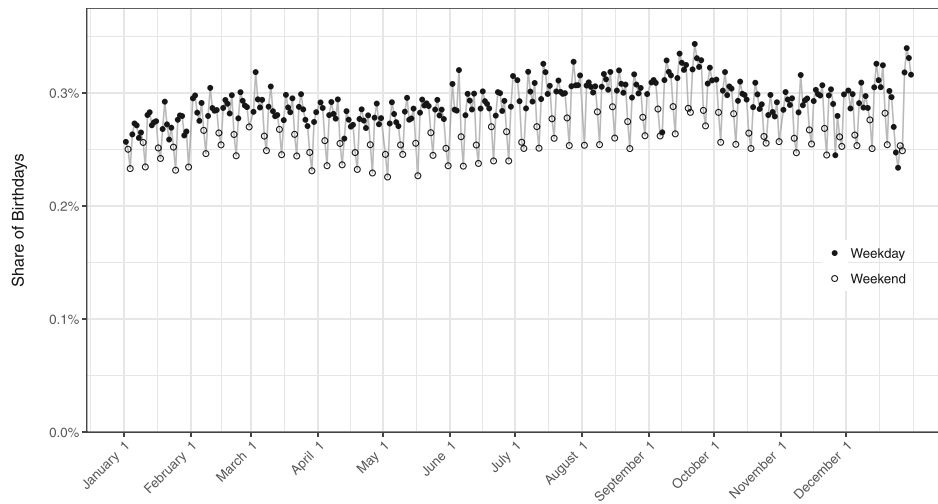
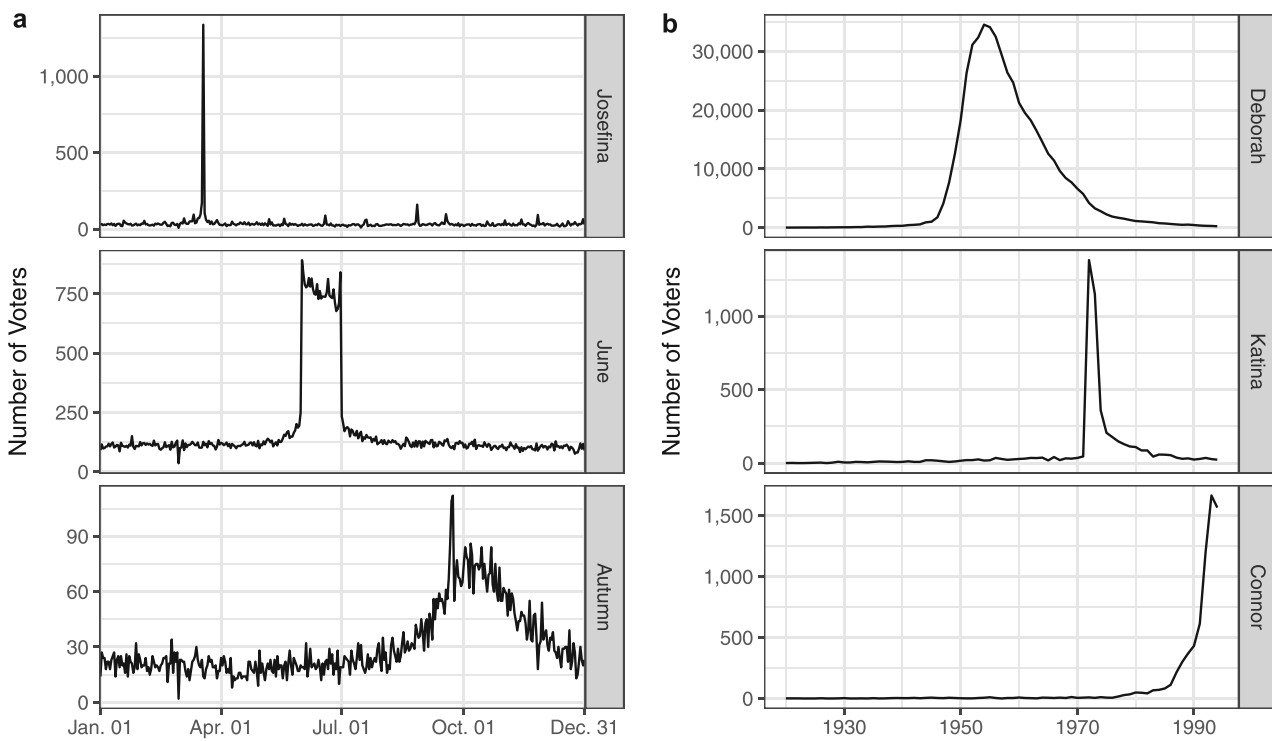
$$\hat{p}_{b|f,l,y} = \frac{\hat{\Pr}(B = b | F = f) \hat{\Pr}(D = d_{b,y})}{\sum_{b'} \hat{\Pr}(B = b' | F = f) \hat{\Pr}(D = d_{b',y})}. \quad (3)$$

Section A.1 in the Appendix provides theoretical justification for the specific form of our estimator. The constituent factors in equation (3) are estimated as follows. First,

$$\hat{\Pr}(D = d) = \frac{\sum_{f'} \sum_{y'} \sum_{b'} r_{f',y',b'} \mathbb{1}(d_{b',y'} = d)}{\sum_{f'} \sum_{y'} \sum_{b'} r_{f',y',b'}}, \quad (4)$$

where $r_{f,y,b}$ is the number of vote records with the first name f , birthday b , and birth year y . Second, for a smoothing parameter $\theta = 11,000$ that maximizes model fit,⁹ we set

⁹ This θ maximizes the likelihood of observing the data under the model, as estimated on a random 1% sample of vote records held out when constructing $\hat{p}_{b|f,l,y}$.

FIGURE 2. Distribution of (Cleaned) Birthdays in 1970 in the National Voter File

FIGURE 3. Examples of Names Among 2012 Voters with a Nonuniform Date of Birth Distribution, by Day (a) or Year (b) of Birth.


Note: For example, those with the name June were likely born in the month of June, and those with the name Josefinia were likely born on March 19, the associated name day.

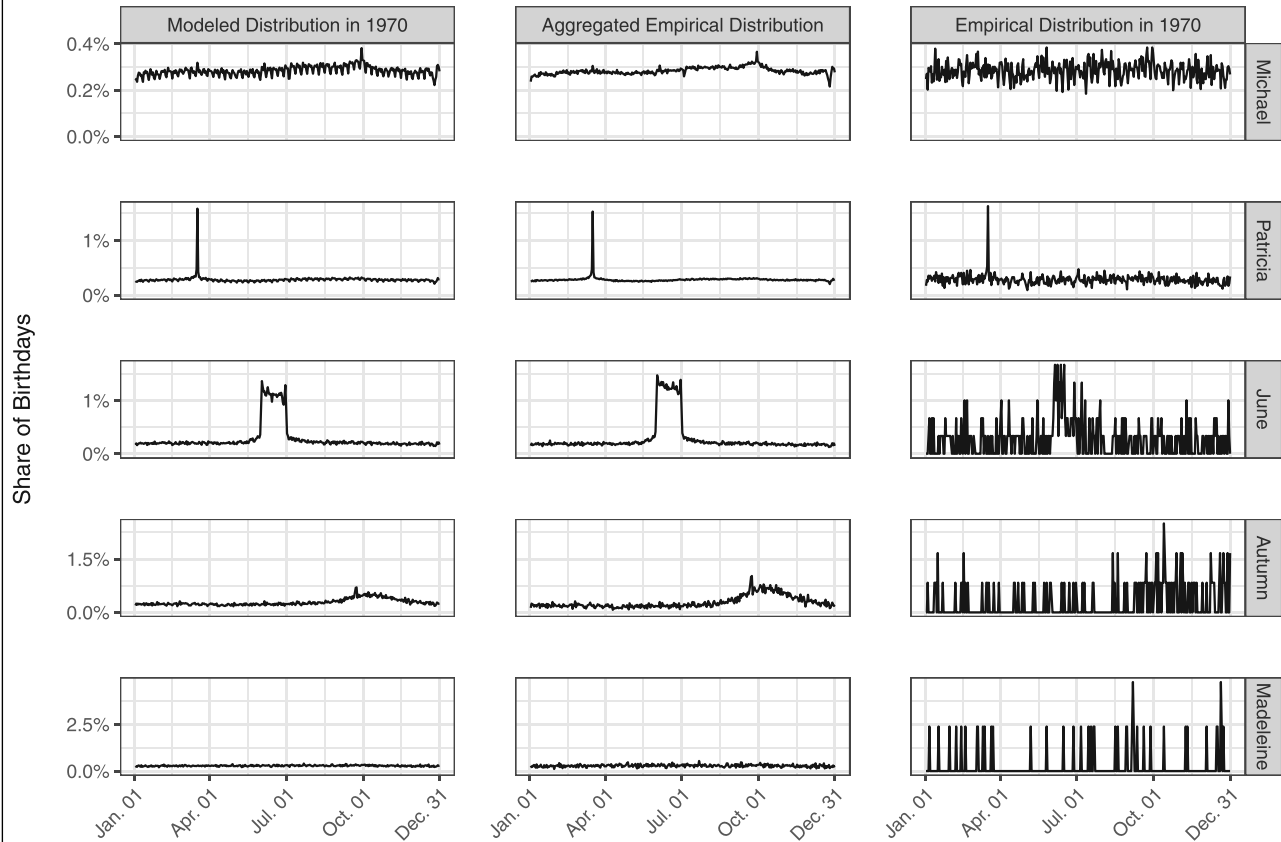
$$\hat{\Pr}(B = b | F = f) = \frac{\theta \hat{\Pr}(B = b) + \sum_{y' \neq y} r_{f,y',b}}{\sum_{b'} (\theta \hat{\Pr}(B = b') + \sum_{y' \neq y} r_{f,y',b'})}, \quad (5)$$

where

$$\hat{\Pr}(B = b) = \frac{\sum_{f'} \sum_{y'} r_{f',y',b}}{\sum_{b'} \sum_{f'} \sum_{y'} r_{f',y',b'}}. \quad (6)$$

Our estimates of $\Pr(D = d)$ and $\Pr(B = b)$ in equations (4) and (6) aggregate over all voters to

FIGURE 4. Modeled Distribution of Birthdays for Voters Born in 1970 for Five Different First Names vs. the Empirical Distribution of Birthdays for Voters with Those First Names (Aggregated Across All Years) and the Empirical Distribution of Birthdays for Voters with Those First Names Born in 1970.



Note: Across all years (in 1970), we observe 1,669,641 (39,583) voters named Michael; 894,836 (7,621) voters named Patricia; 60,464 (299) voters named June; 10,956 (120) voters named Autumn; and 7,084 (42) voters named Madeleine.

generate the empirical distributions. Our estimate of $\Pr(B = b|F = f)$ in equation (5) averages the birthday distribution specific to each first name f with the overall distribution aggregated over all first names in every year, excluding observations from year y to remove the effect of a specific registrant's own data when estimating the probability that he or she was born on a given day.¹⁰

Figure 4 shows the modeled distribution of birthdays of voters born in 1970 for five different first names and how they compare to the empirical distribution of birthdays. The names in the plot are ordered from top to bottom based on their popularity among voters. For names such as Michael, which have a mostly uniform birthday distribution in a year, our model captures day-of-week and seasonal effects well. In addition, for names

with nonuniform birthday distributions and different levels of popularity, such as Patricia, June, or Autumn, our method is able to capture the cyclic popularity of the first names. Finally, for highly infrequent names, such as Madeleine, our model captures only aggregate, non-name-specific day-of-week and seasonality trends.

To investigate the finite-sample properties of our estimator $\hat{k}_{f,l,y}$ in equation (2), we carry out a simulation exercise, described in detail in the Appendix (Section A.5). In brief, we first generate 100 synthetic voter files with a known number of double votes k . We then apply our full statistical procedure, including approximation of the birthday distribution $p_{b|f,l,y}$, to estimate the number of double votes in each synthetic dataset. Across a range of values for k , we find that our estimation strategy does a good job of recovering the number of double votes (Figure A.5). We further find that our analytic confidence intervals for \hat{k} are somewhat conservative. Among the 100 synthetic datasets, the 95% confidence intervals always contained the correct value, and the 80% confidence intervals contained the correct value in 98 of the 100 cases. This pattern is expected as the analytic expression derived in Theorem 1 is an upper bound on the standard error.

¹⁰ In theory, $p_{b|f,l,y}$ is the birthday distribution of the actual voters. In practice, however, we estimate this distribution over the set of vote records. Implicitly, this procedure assumes that any double voting does not substantially alter the true birthday distribution. In Section A.5, we show via simulation that indeed our estimate is reliable over a large range of plausible double voting.

Accounting for Measurement Errors

As discussed earlier, voter files often suffer from two significant sources of error. First, the birthdates for some observations are particularly likely to be recorded incorrectly—including those in certain states and those listed as having first-of-the-month birthdates. We accordingly perform our primary analysis on a subset that excludes these records, but that restriction can itself skew estimates if not handled appropriately. Second, a voter file does not provide a completely accurate account of who did and who did not vote in a given election. Such discrepancies may indeed be relatively common; as Minnite (2010, 7) describes, the “United States has a fragmented, inefficient, inequitable, complicated, and overly complex electoral process run on Election Day essentially by an army of volunteers.”

Here, we describe a statistical procedure to correct both for our sample restriction and for misrecorded votes. But before doing so, it is useful to understand how measurement error can produce the appearance of a double vote. In the run-up to the 2016 election, a local television station reported that Charles R. Jeter, Jr., a North Carolina state representative, voted twice in the 2004 presidential election, once in North Carolina, where he was living at the time, and once in South Carolina, where he grew up. While Jeter had not voted in South Carolina in 2004, his mother had. A poll manager made a mistake and Jeter’s mother signed the poll book next to her son’s “deadwood” registration instead of her own registration on the line (Ochsner 2016), creating an illusory double vote.

A thought experiment illustrates how errors like these in the recording of votes in a voter file could generate a substantial number of cases of illusory double voting. Imagine a world with 140 million registration records, 100 million of which were used to cast a ballot in an election. If a vote record is mistakenly attached to a nonvoting registration in 1% of the cases, this would result in one million records, or 2.5% of nonvoting registrations, being incorrectly marked as being used to cast a ballot. Some number of these registration records are dormant deadwood registrations of people who moved to, and voted in, a different jurisdiction. Assuming recording errors are assigned randomly, we would generate 2,500 illusory double votes for every 100,000 voters that have a deadwood registration.

To correct for such errors, we assume voter registrations go through a stochastic update process in which each record is duplicated with probability p_u and dropped with probability p_r . Proposition 2, which is presented in the Appendix, estimates the original number of double voters before the update happened, k^{orig} , based on the number of double voters that end up in the updated sample, K , and the number of vote records in the updated sample, N .¹¹ In particular, we have

$$\hat{k}^{\text{orig}} = \frac{K}{(1 - p_r)^2 - 2p_u} - \frac{Np_u}{(1 + p_u - p_r + p_u p_r)((1 - p_r)^2 - 2p_u)}. \quad (7)$$

To see how equation (7) can be used to account for measurement errors, let f_p represent the probability of a false positive, such that a registration record that was not used to cast a ballot nonetheless has a vote record associated with it. Similarly, let f_n represent the probability of a false negative, such that a registration record that was used to cast a ballot does not have a vote record associated with it. In addition, let c be the number of cases where a voter has a duplicate registration record in another state and let n be the total number of votes in the election.

In the context of equation (7), p_u is the probability of a vote record getting duplicated in the voter file, which corresponds to cases where a deadwood registration for a voter in another state is wrongly recorded as having voted. We can thus set p_u to be $c(1 - f_n)f_p/n$.¹² Furthermore, p_r is the probability of a vote record getting dropped, which is the same as the false negative rate, and so $p_r = f_n$. Finally, K is the number of double voters we observe before adjusting for measurement errors, which can be estimated from Theorem 1.

To carry out this approach, we need an estimate of the number of deadwood registrations for voters (c) as well as the probability of observing false-positive (f_p) and false-negative (f_n) vote records in a voter file. To estimate deadwood registrations, we follow a procedure similar to the one outlined in Theorem 1, which we detail in Section A.7 of the Appendix. We estimate f_n and f_p via our Philadelphia audit, as described below.

Equation (7) can likewise be used to adjust for our exclusion of records with suspect birthdates. Specifically, we set the drop rate p_r to the proportion of records that were excluded and set the duplication rate p_u to 0. In this case, equation (7) simplifies to $\hat{k}^{\text{orig}} = K/(1 - p_r)^2$.

RESULTS

Baseline Results

We begin our analysis by excluding observations with data quality issues, as described earlier, to obtain our preferred sample of just more than 104 million vote records. Within our preferred sample, there are 763,133 pairs of 2012 vote records that share the same first name, last name, and DOB. Given our assumptions about $p_{b|f,l,y}$, we estimate that within our preferred sample there were 21,724 (s.e. = 1,728) double votes cast in 2012 using Theorem 1. Using Proposition 2, we scale the results of our analysis on our preferred sample to account for the

¹¹ While in Theorem 1 both the number of double votes and the number of vote records were fixed quantities, under the setting of Proposition 2 both are treated as random variables because they are generated after a stochastic update process. Hence, they are shown by K and N , respectively. We can observe the realized value of N directly from the voter file, and we can estimate the realized value of K using Theorem 1.

¹² Assuming c voters have a duplicate registration record in another state, we can estimate $c(1 - f_n)$ of them to have their votes correctly recorded. Of the duplicate registration records for these $c(1 - f_n)$ voters, we expect $c(1 - f_n)f_p$ of them to be incorrectly recorded as voted. Therefore, the proportion of voters that are duplicated because of measurement errors is $\frac{c(1 - f_n)f_p}{n}$.

observations we excluded. Given that the FEC reported that just more than 129 million votes were cast in the 2012 presidential election (Federal Election Commission 2013), 19.3% of votes were dropped when generating our preferred sample. Equation (7) shows we can accordingly generalize the rate of double voting in the broader population by multiplying the estimated number of double voters in our preferred sample by 1.53. Thus, we estimate there were 33,346 (s.e. = 2,652) double voters in the full population of 129 million voters, or about 1 for every 4,000 voters.¹³

Tables A.3 and A.4 in the Appendix demonstrate the sensitivity of our results to a number of the assumptions we make in our analysis. Table A.3 focuses on sample restrictions, and shows that the estimated number of double votes would be substantially higher if we did not exclude observations with a first-of-the-month birthday,¹⁴ would be somewhat higher if we kept states despite issues with multigenerational households, and would be similar if we excluded commercially sourced dates of birth. Table A.3 also shows that using our preferred birthday distribution, rather than a uniform distribution, reduces the estimated number of double votes in our preferred sample by approximately 25%. A little under half of this reduction results from accounting for periodicity that affects all first names and a little over half of this reduction results from accounting for name-specific periodicity. Finally, Table A.4 shows that our results are not particularly sensitive to the standardization of the first name and assumptions about the smoothing parameter θ in our birthday distribution function.

Our method produces a substantively different estimate of the rate of double voting than McDonald and Levitt's (2008) on our preferred sample. McDonald and Levitt's method generates an estimate of about 200,000 double votes, which is about ten times larger than what we estimate using our method. Most of the difference is because their method fails to account for the higher number of distinct voters who share a common first name, last name, and DOB because of the changing popularity of first names over years. The remainder of the difference is a function of the nonuniformity of the

distribution of first names within years that we discussed in the previous paragraph.

Accounting for Measurement Error in Vote Records

We next explore how measurement error in vote records affects our estimates of double voting. As the earlier Charles Jeter example highlighted, it is the combination of voters having a deadwood registration and clerical error in recording vote history that leads to false double votes. In this section, we first provide estimates of deadwood registration. Given this estimate, we then calculate the implied rate of double votes as a function of the amount of measurement error. Finally, we use an audit to calibrate the amount of measurement error.

We observe 1,837,112 pairs in our preferred sample of the voter file in which two registration records in different states shared the same first name, last name, and DOB, and exactly one of them is recorded as having voted. Applying Theorem 2 gives us an estimate of 1,597,732 (s.e. = 22,197) 2012 voters who have a duplicate registration.

Figure 5 shows how our estimate of double voting changes with respect to different hypothetical error rates. If we assume $f_p = f_n = f$ as the clerical error rate, then we should plug in $p_u = \frac{1,597,732 \times f \times (1-f)}{104,206,222}$ and $p_r = f$ in Proposition 2 to correct for measurement error. In the figure, we additionally apply Proposition 2 to scale up our estimates to account for records that we dropped to create our preferred sample. We find that a clerical error rate of 1.3% would be sufficient to explain nearly all the apparent double voting.

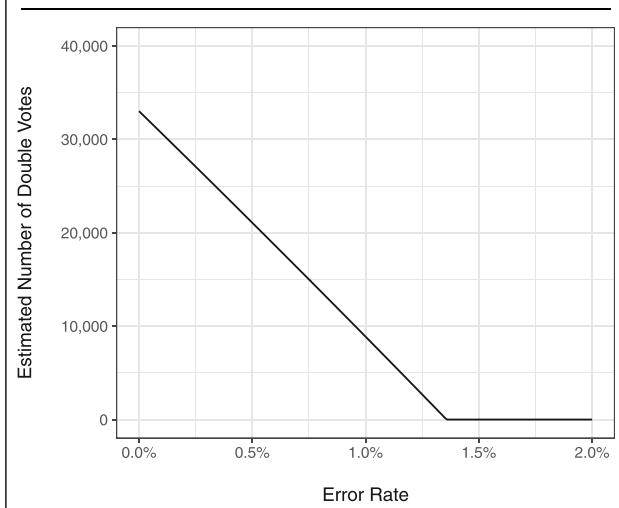
We use our Philadelphia poll book audit data to give a rough approximation of the clerical error rate. Our audit, which is described in more detail in Section A.6 in the Appendix, found that 1% of registrations without a vote record in the poll book nonetheless have an electronic vote record. This suggests that, at a minimum, our unadjusted estimate overstates the incidence of double voting. If our Philadelphia audit were representative of the false-positive rate in the population, Figure 5 indicates that our estimate would drop to about 10,000 double votes, or about 1 double vote per 13,000 votes cast. These audit results, however, are only meant to be illustrative of the false-positive rate in the population.

Multiple notes of caution are discussed in more detail in Section A.6. The false-positive rate in Philadelphia may be larger than the rate in the general population, perhaps because Pennsylvania is known to have more voter file discrepancies (Ansolabehere and Hersh 2010), but it may also be smaller because the local office has a large, professionalized, and experienced staff. Furthermore, while a small but growing number of jurisdictions use an electronic poll book to record vote history, Philadelphia's poll-book-and-bar-code approach likely produces fewer errors than a sign-in sheet with no bar codes, which requires manual entry. Finally, note that we are measuring the translation error

¹³ We can observe which registrations were used to cast a ballot, but not which registrations were used to cast a vote in any given contest. Thus, we cannot use these data to distinguish between generally voting twice in two states and specifically voting twice in two states, but for different offices. While it is both a federal and a state crime to vote twice in the same election, the National Conference of State Legislatures (2018) has suggested that what constitutes the "same election" may be ambiguous in the latter, more specific circumstance. That would suggest our estimate is conservative.

¹⁴ We specified Equations (3)–(5) knowing that observations with first-of-the-month birthdays would be dropped in our baseline model. Although our estimates are sensitive to the inclusion of these observations, we would specify these equations differently to better account for the excess number of people with a first-of-the-month birthday if we were trying to estimate the number of double votes with these observations remaining in the sample. Beyond first-of-the-month birthdays, we also show in Section A.5 that a one percent rate of measurement error in DOB causes us to underestimate the number of double votes by 2.2 to 2.5%.

FIGURE 5. How the Estimated Number of Double Votes Changes Based on the Clerical Error Rate



between the poll book and the voter file, but that translation error is just one type of possible clerical error. There may be errors in the poll book itself, such as in the Charles Jeter example, that our audit would not detect. For example, Hopkins et al. (2017) report that 105 individuals were forced to file a provisional ballot in a recent state election because their registration was wrongly marked in the poll book as having been used to vote earlier in the day. Ultimately, all we can conclude is that measurement error likely explains a sizable portion, and possibly nearly all, of the double votes that we estimated via Theorem 1 under the assumption of no such measurement error.

Model Validation

In the previous subsection, we estimated that about 1 in 35 vote records that shared the same first name, last name, and DOB in our preferred sample of the national voter file were double votes, assuming no measurement error in vote records. In this subsection, we validate our model by presenting the same ratio in the Crosscheck data, using SSN4 to identify double votes between Iowa and the other participating states.

Table 1 looks at the registration pairings identified by Crosscheck based on first name, last name, and DOB in which SSN4 information is available for both records in the match. The incidence of likely double votes—cases in which the SSN4 matched and both registration records were used to cast a ballot—is extremely low. In fact, there are only seven cases in 2012 in which both registration records with the same SSN4 were used to cast a vote. By contrast, there were 1,476 cases in which both registration records with different SSN4s were used to vote. Thus, the probability of a registration pairing sharing an SSN4 conditional on both registrations being used to cast a ballot was about 1 in 200 in 2012. The same quantity in 2014 was about 1 in 300.

Despite the benefit of SSN4 information, it is important to consider that, as a result, Table 1 relies on a nonrandom subset of potential double registrants. The incidence of double voting may differ between registration records with known and unknown SSN4s. Moreover, the data presented in Table 1 are generated from a nonrandom subset of states. This could be problematic for the purposes of validation to the extent that the incidence of double voting in Crosscheck states is higher or lower than the incidence of double voting in the nation. On the one hand, states that permit no-excuse absentee voting, such as Iowa, seemingly make it easier to cast two ballots than states that do not. A state may also opt in to Crosscheck, in part, because it believes the rate of double voting is higher in the state. On the other hand, states involved in Crosscheck may take more actions than the typical state to deter double voting.¹⁵

To facilitate a better comparison between our model and Table 1, we use our model to generate a parallel estimate of the number of double votes between Iowa and other Crosscheck states. To do so, we first estimate the number of double votes between all Crosscheck states and then subtract our estimates of (1) the number of double votes between Crosscheck states other than Iowa and (2) the number of double votes within Iowa.¹⁶ This Crosscheck-specific model estimates that one in 150, or about 0.6%, of vote records with the same first name, last name, and DOB are double votes. Given that Table 1 shows the observed ratio in the Crosscheck data is 0.5%, this lends strong support to our modeling approach.

Implications for Election Administration

Table 1 shows that, based on the subset of pairings with SSN4 data, 70–75% of registrations which match on first name, last name, and DOB are in fact double registrations. Crosscheck recommends canceling the registration with an earlier date of registration in these cases with an SSN4 match, provided there is also middle name consistency (see the Crosscheck participation guide reproduced in Section A.10). Indiana is at least one state that largely codified this practice [Ind. Code Ann. 3-7-38.2-5(d)(2); see generally *Com. Cause Indiana v. Lawson*, 937 F.3d 944 (7th Cir. 2019)].

Yet, problems remain even when it is known that two registration records belong to the same person partly because states provide different information in the date of registration field. Some states use the voter registration date to represent the date that a registration was

¹⁵ Measurement error in vote history could also cause some Crosscheck registration records used to cast a ballot to not have a vote record attached to it. But Section A.8 in the Appendix shows very similar patterns in 2012 if turnout in Iowa is directly measured from the voter file, and we restrict the analysis to states in which fewer than 10% of vote records have a birthday on the first of the month.

¹⁶ We exclude Arizona, Michigan, and Missouri from the list of Crosscheck states to track Table 1, which also effectively drops these states because of the lack of SSN4 information. We also drop Mississippi because of our general concerns about data quality discussed in earlier.

TABLE 1. Vote Records Among Registration Pairings with Known SSN4s

Year of data SSN4 match # Of registrations (reg.)	2012		2014	
	Yes 25,987	No 8,913	Yes 34,189	No 14,766
Which reg. used to vote:				
Both	7	1,476	9	2,809
One (earlier reg. date)	2,542	1,678	2,018	3,418
One (later or unknown reg. date)	9,430	2,581	8,613	2,709
Neither	14,008	3,178	23,549	5,830

initiated, whereas others use it to represent the date a registration was last modified. As a result, the registration record with the earlier registration date is not necessarily the deadwood registration. In particular, the active registration may have the earlier registration date when individuals return to the state where they were previously registered to vote. Imagine a voter who initially registers to vote in state A in 2012, then moves to and votes in state B in 2014, before finally moving back to and voting in state A in 2016. The voter's date of registration in state A may be the earlier of the two if state A either reactivates the initial registration and does not update the registration date or creates a new registration but nonetheless assigns the voter to their original registration date.

Table 1 confirms that while more single ballots were cast using the registration with the later date of registration in a pair, the registration with the earlier registration date in a pair was used to cast a single ballot 2,542 times. Thus, canceling the record with the earlier registration date would risk impeding more than 300 votes for every double vote prevented.

It is true that, as mentioned earlier, these data focus on a nonrandom subpopulation over which the rate of double voting is potentially particularly low. But even if the number of double votes were five to ten times higher—to reflect the incidence of double voting we estimated in the national voter file—we would still conclude that such a strategy would result in many more impeded votes for every double vote prevented.

A final difficulty implied by Table 1 is that a majority of the potential double registrations identified by Crosscheck have at least one unknown SSN4. In 2012, the full dataset contained 100,140 pairs of registrations with the same first name, last name, and DOB, so the fact that 25,987 pairs had matching SSN4s and 8,913 pairs did not have matching SSN4s means that 65,240, or 65.1%, pairs of registrations had at least one unknown SSN4. Likewise, 64.9% pairs of registrations had at least one unknown SSN4 in 2014.

Thus, although a majority of the pairs identified by Crosscheck appear to be the same person registered in two states, more often than not an election administrator will not have enough information to distinguish between good and bad matches. An administrator who nonetheless believes that aggregate match quality is sufficiently high to justify dropping the registration with

the earlier registration date would impede even more votes.

DISCUSSION

The evidence compiled in this article suggests that double voting is not currently carried out in such a systematic way that it presents a threat to the integrity of American elections. We estimate that at most only 1 in 4,000 votes cast in 2012 were double votes, with measurement error in turnout records possibly explaining a significant portion, if not all, of this.

Scholars have been concerned about the (mis)measurement of voter fraud because sometimes the twin goals of improving both electoral integrity and voter accessibility come into conflict. One reason that people disagree about how to run elections is that they focus on either accessibility or integrity, without much consideration of this trade-off. For example, when speaking out against a voter identification law, a Democratic state representative argued that “if even one person is disenfranchised ... that will be one person too many” (People For The American Way 2012). Republican Kris Kobach used similar logic but instead contended that “one case of voter fraud is [one] too many” (Lowry 2015). Such statements promote a debate that focuses on maximizing accessibility or integrity, without any consideration for the other dimension.

But many election administration policies fall along a continuum from promoting accessibility, with some potential loss of integrity, to protecting integrity, but potentially disenfranchising legitimate voters. For example, the adoption of absentee ballots made it easier for people to access a ballot, particularly those who are elderly or disabled (Barreto 2006; Miller and Powell 2016), while also introducing new ways through which fraudulent ballots could be cast (Fund 2004, 47–50). Likewise, when maintaining voter registration records, there is a trade-off between reducing deadwood and potentially removing legitimate registrations.

This article highlights how emphasizing election integrity when maintaining voter registration records without consideration for voter accessibility is likely to lead to poor election administration. Such list maintenance is particularly necessary in the United States, where a decentralized election apparatus produces

duplicate registrations as people move across jurisdictions. But it is also difficult because, as we demonstrate, sparse individually identifying information often makes it hard to definitively conclude whether two registrations belong to the same person, at least without significant investigation. Moreover, even when it is known two registrations belong to the same person, we highlight that it is often not easy to differentiate between the active and deadwood registration, at least using a single variable such as registration date.

Our findings that double voting is not threatening the integrity of American elections may come as a surprise to a number of Americans who report on surveys that double voting is not rare. Stewart III, Ansolabehere, and Persily (2016) find that about 25% of the public believes that voting more than once happens either commonly or occasionally (as opposed to infrequently or never), whereas another 20% report being unsure how often it happens. Such beliefs are driven, at least in part, by the lack of a clear differentiation in public reporting between (1) registration records that share common observable characteristics, (2) duplicate registrations, and (3) double votes. For example, in 2013, Crosscheck circulated Figure A.6 in the Appendix which reported that it had identified 1,395,074 “potential duplicate voters”—registration records with a common first and last name and DOB, per (1)—among the 15 states participating in the program at the time. Our analysis of the 100,140 records flagged in Iowa in 2012 allows us to better understand how many of these pairings represented duplicate registrations and how many of these duplicate registrations actually produced double votes. Of the 34,900 pairings in which the SSN4 is known for both records, 25,987 had the same SSN4. We thus estimate that roughly three-quarters of the registrations flagged by Crosscheck were, in fact, duplicate registrations, although election administrators often lack the necessary SSN4 to determine whether a particular match is good or bad. More importantly, fewer than 10 of the known 25,987 duplicate registrations were used to cast a ballot twice. This shows that there can be a large number of registration records that share common observable characteristics and duplicate registrations, without almost any double votes. Reporting the first two quantities in place of the last risks confusing the public about the integrity of American elections.

SUPPLEMENTARY MATERIAL

To view supplementary material for this article, please visit <https://doi.org/10.1017/S000305541900087X>.

Replication materials can be found on Dataverse at: <https://doi.org/10.7910/DVN/QM15HX>.

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Exhibit 1-19



AN ACT REVISING LATE VOTER REGISTRATION; CLOSING LATE VOTER REGISTRATION AT NOON THE DAY BEFORE THE ELECTION; PROVIDING AN EXCEPTION SO MILITARY AND OVERSEAS ELECTORS MAY CONTINUE TO REGISTER THROUGH THE DAY OF THE ELECTION; AMENDING SECTIONS 13-2-301, 13-2-304, 13-13-301, 13-19-207, AND 13-21-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-2-301, MCA, is amended to read:

"13-2-301. Close of regular registration -- notice -- changes. (1) The election administrator shall:

- (a) close regular registrations for 30 days before any election; and
- (b) publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.
- (2) Information to be included in the notice must be prescribed by the secretary of state.
- (3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).
- (4) An elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, ~~except as otherwise as~~ provided in 13-2-304."

Section 2. Section 13-2-304, MCA, is amended to read:

"13-2-304. Late registration -- late changes. (1) Except as provided in 13-21-104 and subsection (2) of this section, the following provisions apply:

(a) An elector may register or change the elector's voter registration information after the close of regular registration as provided in 13-2-301 and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to ~~the close of the polls on election day.~~

~~(b) Late registration is closed from noon to 5 p.m. on the day noon the day before the election.~~

~~(e)(b)~~ Except as provided in 13-2-514(2)(a) and subsection ~~(4)(d)~~ (1)(c) of this section, an elector who registers or changes the elector's voter information pursuant to this section may vote in the election if the elector obtains the ballot from the location designated by the county election administrator.

~~(d)(c)~~ With respect to an elector who registers late pursuant to this section for a school election conducted by a school clerk, the elector may vote in the election only if the elector obtains from the county election administrator a document, in a form prescribed by the secretary of state, verifying the elector's late registration. The elector shall provide the verification document to the school clerk, who shall issue the ballot to the elector and enter the verification document as part of the official register.

~~(e)(d)~~ An elector who registers late and obtains a ballot pursuant to this section may return the ballot as follows:

(i) before election day, to a location designated by the county election administrator or school clerk if the election is administered by the school district; or

(ii) on election day, to the election office or to any polling place in the county where the elector is registered to vote or, if the ballot is for a school election, to any polling place in the school district where the election is being conducted.

(2) If an elector has already been issued a ballot for the election, the elector may change the elector's voter registration information only if the original voted ballot has not been received at the county election office, or received by the school district if the district is administering the election, and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration system, or by the school district if the district is administering the election, prior to the change."

Section 3. Section 13-13-301, MCA, is amended to read:

"13-13-301. Challenges. (1) An elector's right to vote may be challenged at any time by any registered elector by the challenger filling out and signing an affidavit stating the grounds of the challenge and providing any evidence supporting the challenge to the election administrator or, on election day, to an election judge.

(2) A challenge may be made on the grounds that the elector:

- (a) is of unsound mind, as determined by a court;
- (b) has voted before in that election;
- (c) has been convicted of a felony and is serving a sentence in a penal institution;
- (d) is not registered as required by law;
- (e) is not 18 years of age or older;
- (f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote, except as provided in 13-2-514;

(g) is a provisionally registered elector whose status has not been changed to a legally registered voter; or

(h) does not meet another requirement provided in the constitution or by law.

(3) When a challenge has been made under this section, unless the election administrator determines without the need for further information that the challenge is insufficient:

(a) prior to the close of registration under 13-2-301, the election administrator shall question the challenger and the challenged elector and may question other persons to determine whether the challenge is sufficient or insufficient to cancel the elector's registration under 13-2-402; or

(b) after the close of regular registration under 13-2-301 ~~or on election day~~, the election administrator or, on election day, ~~the either the election administrator or an~~ election judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as provided in 13-15-107.

(4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute the challenge and swear that the elector is eligible to vote.

(b) If the challenge was not made in the presence of the elector being challenged, the election

administrator or election judge shall notify the challenged elector of who made the challenge and the grounds of the challenge and explain what information the elector may provide to respond to the challenge. The notification must be made:

- (i) within 5 days of the filing of the challenge if the election is more than 5 days away; or
- (ii) on or before election day if the election is less than 5 days away.
- (c) The election administrator or, on election day, the election judge shall also provide to the challenged elector a copy of the challenger's affidavit and any supporting evidence provided.
- (5) The secretary of state shall adopt rules to implement the provisions of this section and shall provide standardized affidavit forms for challengers and challenged electors."

Section 4. Section 13-19-207, MCA, is amended to read:

"13-19-207. When materials to be mailed. (1) Except as provided in 13-13-205(2) and subsection (2) of this section, for any election conducted by mail, ballots must be mailed no sooner than the 20th day and no later than the 15th day before election day.

(2) ~~(a)~~ All ballots mailed to electors on the active list and the provisionally registered list must be mailed the same day.

~~(b)~~ (3) (a) At any time before noon on the day before election day, a ballot may be mailed or, on request, provided in person at the election administrator's office to:

~~(i)~~ an elector on the inactive list after the elector reactivates the elector's registration as provided in 13-2-222; or

~~(ii)~~ an individual who registers under the late registration option provided for in 13-2-304.

~~(e)(b)~~ An elector on the inactive list shall vote at the election administrator's office on election day if the elector reactivates the elector's registration after noon on the day before election day.

~~(d)(4)~~ An elector who registers pursuant to 13-2-304 on election day or on the day before election day must receive the ballot and vote it at the election administrator's office."

Section 5. Section 13-21-104, MCA, is amended to read:

"13-21-104. Adoption of rules on electronic registration and voting -- acceptance of funds. (1)

The secretary of state shall adopt reasonable rules under the rulemaking provisions of the Montana Administrative Procedure Act to implement this chapter. The rules are binding upon election administrators.

(2) The rules must provide that:

(a) there are uniform statewide standards concerning electronic registration and voting;

(b) regular absentee ballots for a primary, general, or special election are available in a format that allows the ballot to be electronically transmitted to a covered voter as soon as the ballots are available pursuant to 13-13-205;

(c) a covered voter may, ~~subject to 13-2-304,~~ register and vote up to the time that the polls close on election day;

(d) a covered voter is allowed to cast a provisional ballot if there is a question about the elector's registration information or eligibility to vote;

(e) a covered voter with a digital signature is allowed the option of using the digital signature as provided in 13-21-107; and

(f) a ballot cast by a covered voter and transmitted electronically will remain secret, as required by Article IV, section 1, of the Montana constitution. This subsection (2)(f) does not prohibit the adoption of rules establishing administrative procedures on how electronically transmitted votes must be transcribed to an official ballot. However, the rules must be designed to protect the accuracy, integrity, and secrecy of the process.

(3) The secretary of state may apply for and receive a grant of funds from any agency or office of the United States government or from any other public or private source and may use the money for the purpose of implementing this chapter."

Section 6. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 176, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 176

INTRODUCED BY S. GREEF, D. ANKNEY, M. BLASDEL, B. BROWN, M. CUFFE, J. ELLSWORTH, S. FITZPATRICK, C. FRIEDEL, T. GAUTHIER, B. GILLESPIE, C. GLIMM, G. HERTZ, S. HINEBAUCH, B. HOVEN, D. HOWARD, D. KARY, B. KEENAN, T. MANZELLA, T. MCGILLVRAY, B. MOLNAR, K. REGIER, W. SALES, D. SALOMON, J. SMALL, R. TEMPEL, G. VANCE, J. WELBORN, F. ANDERSON, B. BEARD, M. BERTOGLIO, M. BINKLEY, J. DOOLING, P. FIELDER, R. FITZGERALD, J. FULLER, S. GALLOWAY, F. GARNER, C. HINKLE, K. HOLMLUND, M. HOPKINS, W. MCKAMEY, B. MITCHELL, J. PATELIS, J. READ, J. SCHILLINGER, D. SKEES, K. WALSH, K. WHITMAN, C. SMITH

AN ACT REVISING LATE VOTER REGISTRATION; CLOSING LATE VOTER REGISTRATION ON THE FRIDAY AT NOON THE DAY BEFORE THE ELECTION; PROVIDING AN EXCEPTION SO MILITARY AND OVERSEAS ELECTORS MAY CONTINUE TO REGISTER THROUGH THE DAY OF THE ELECTION; AND AMENDING SECTIONS 13-2-301, 13-2-304, 13-13-301, 13-19-207, AND 13-21-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Exhibit 1-20



AN ACT GENERALLY REVISING ELECTION LAWS; ESTABLISHING PRIORITIES FOR DEVELOPMENT OF CONGRESSIONAL DISTRICTS; REVISING PROCEDURES FOR PROSPECTIVE ELECTORS TO REGISTER AND VOTE; CLARIFYING REQUIREMENTS FOR A BOARD OF COUNTY CANVASSERS; ELIMINATING THE EXPERIMENTAL USE OF VOTE SYSTEMS; AMENDING SECTIONS 5-1-115, 13-2-205, AND 13-15-401, MCA; REPEALING SECTION 13-17-105, MCA; AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-1-115, MCA, is amended to read:

"5-1-115. Redistricting criteria. (1) Subject to federal law, legislative and congressional districts must be established on the basis of population.

(2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that

prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.

(3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan:

- (a) addresses of incumbent legislators or members of congress;
- (b) political affiliations of registered voters;
- (c) partisan political voter lists; or
- (d) previous election results, unless required as a remedy by a court.

(4) In the development of congressional districts and under the authority granted to the legislature by Article I, section 4, of the United States constitution, a congressional districting plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that a district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act."

Section 2. Section 13-2-205, MCA, is amended to read:

"13-2-205. Procedure when prospective elector not qualified at time of registration. (1) A

Subject to subsection (2), an individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may apply for voter registration pursuant to 13-2-110 and be registered subject to verification procedures established pursuant to 13-2-109.

(2) Until the individual meets residence and age requirements, a ballot may not be issued to the individual and the individual may not cast a ballot."

Section 3. Section 13-15-401, MCA, is amended to read:

"13-15-401. Governing body as board of county canvassers. (1) The governing body of a county or consolidated local government is ex officio a board of county canvassers and shall meet as the board of county canvassers at the usual meeting place of the governing body ~~within 14 days after each election,~~ at a time determined by the board, to and within 14 days after each election to complete the canvass the of returns.

(2) If one or more of the members of the governing body cannot attend the meeting, the member's place must be filled by one or more county officers chosen by the remaining members of the governing body so that the board of county canvassers' membership equals the membership of the governing body.

(3) The governing body of any political subdivision in the county that participated in the election may join with the governing body of the county or consolidated local government in canvassing the votes cast at the election.

(4) The election administrator is secretary of the board of county canvassers and shall keep minutes of the meeting of the board and file them in the official records of the administrator's office."

Section 4. Repealer. The following section of the Montana Code Annotated is repealed:
13-17-105. Experimental use of voting systems.

Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1,

2021.

(2) [Sections 1 and 5] and this section are effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 506, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 506

INTRODUCED BY P. FIELDER

BY REQUEST OF THE SECRETARY OF STATE

AN ACT GENERALLY REVISING ELECTION LAWS; ESTABLISHING PRIORITIES FOR DEVELOPMENT OF CONGRESSIONAL DISTRICTS; REVISING PROCEDURES FOR PROSPECTIVE ELECTORS TO REGISTER AND VOTE; CLARIFYING REQUIREMENTS FOR A BOARD OF COUNTY CANVASSERS; ELIMINATING THE EXPERIMENTAL USE OF VOTE SYSTEMS; AMENDING SECTIONS 5-1-115, 13-2-205, AND 13-15-401, MCA; REPEALING SECTION 13-17-105, MCA; AND PROVIDING EFFECTIVE DATES.

Exhibit 1-21



AN ACT REQUIRING THE SECRETARY OF STATE TO ADOPT RULES DEFINING AND GOVERNING ELECTION SECURITY; REQUIRING ELECTION SECURITY ASSESSMENTS BY THE SECRETARY OF STATE AND COUNTY ELECTION ADMINISTRATIONS; ESTABLISHING THAT SECURITY ASSESSMENTS ARE CONFIDENTIAL INFORMATION; ESTABLISHING REPORTING REQUIREMENTS; DIRECTING THE SECRETARY OF STATE TO ADOPT A RULE PROHIBITING CERTAIN PERSONS FROM RECEIVING PECUNIARY BENEFITS WITH RESPECT TO CERTAIN BALLOT ACTIVITIES; PROVIDING PENALTIES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Statewide elections infrastructure -- rulemaking. (1) (a) On or before July 1, 2022, the secretary of state shall adopt rules defining and governing election security.

(b) The secretary of state and county election administrators shall annually assess their compliance with election security rules established in accordance with subsection (1)(a). County election administrators shall provide the results of the assessments to the secretary of state in January of each year to ensure that all aspects of elections in the state are secure. Security assessments are considered confidential information as defined in 2-6-1002(1).

(2) Beginning January 1, 2023, and each year after, the secretary of state shall provide an annual summary report on statewide election security. The report must be provided to the state administration and veterans' affairs interim committee in accordance with 5-11-210.

Section 2. Direction to secretary of state -- penalty. (1) On or before July 1, 2022, the secretary of state shall adopt an administrative rule in substantially the following form:

(a) For the purposes of enhancing election security, a person may not provide or offer to provide, and

a person may not accept, a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots.

(b) "Person" does not include a government entity, a state agency as defined in 1-2-116, a local government as defined in 2-6-1002, an election administrator, an election judge, a person authorized by an election administrator to prepare or distribute ballots, or a public or private mail service or its employees acting in the course and scope of the mail service's duties to carry and deliver mail.

(2) A person violating the rule adopted by the secretary of state pursuant to subsection (1) is subject to a civil penalty. The civil penalty is a fine of \$100 for each ballot distributed, ordered, requested, collected, or delivered in violation of the rule.

Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 13, chapter 1, part 2, and the provisions of Title 13, chapter 1, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 13, and the provisions of Title 13 apply to [section 2].

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 5. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 530, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 530

INTRODUCED BY W. MCKAMEY, D. ANKNEY, S. FITZPATRICK, B. GILLESPIE, C. GLIMM, G. HERTZ, D. HOWARD, C. SMITH, G. VANCE, J. WELBORN, B. BEARD, S. BERGLEE, M. BERTOGLIO, L. BREWSTER, E. BUTTREY, N. DURAM, G. FRAZER, J. FULLER, W. GALT, F. GARNER, S. GIST, S. GREEF, C. HINKLE, J. HINKLE, L. JONES, J. KASSMIER, C. KNUDSEN, D. LOGE, B. MERCER, L. REKSTEN, V. RICCI, J. SCHILLINGER, D. SKEES, M. STROMSWOLD, B. USHER, S. VINTON, K. WALSH, T. WELCH, K. ZOLNIKOV

BY REQUEST OF THE SECRETARY OF STATE

AN ACT REQUIRING THE SECRETARY OF STATE TO ADOPT RULES DEFINING AND GOVERNING ELECTION SECURITY; REQUIRING ELECTION SECURITY ASSESSMENTS BY THE SECRETARY OF STATE AND COUNTY ELECTION ADMINISTRATIONS; ESTABLISHING THAT SECURITY ASSESSMENTS ARE CONFIDENTIAL INFORMATION; ESTABLISHING REPORTING REQUIREMENTS; DIRECTING THE SECRETARY OF STATE TO ADOPT A RULE PROHIBITING CERTAIN PERSONS FROM RECEIVING PECUNIARY BENEFITS WITH RESPECT TO CERTAIN BALLOT ACTIVITIES; PROVIDING PENALTIES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Exhibit 1-22



AN ACT GENERALLY REVISING VOTER IDENTIFICATION LAWS; REVISING CERTAIN IDENTIFICATION REQUIREMENTS FOR VOTER REGISTRATION, VOTING, AND PROVISIONAL VOTING; AMENDING SECTIONS 13-2-110, 13-13-114, 13-13-602, AND 13-15-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-2-110, MCA, is amended to read:

"13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes. (1) An individual may apply for voter registration in person or by mail, postage paid, by completing and signing the standard application form for voter registration provided for in 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

(2) Each application for voter registration must be accepted and processed as provided in rules adopted under 13-2-109.

(3) Except as provided in subsection (4):

~~(a)~~ an applicant for voter registration shall provide the applicant's:

(a) Montana driver's license number; ~~or~~

(b) Montana state identification card number issued pursuant to 61-12-501; or

~~(c)(b) if the applicant does not have a Montana driver's license, the applicant shall provide the last four digits of the applicant's social security number~~ the last four digits of the applicant's social security number.

(4) ~~(a) If an applicant does not have a Montana driver's license or social security number~~ is unable to provide information in accordance with subsection (3), the applicant shall provide as an alternative form of identification:

(i) a military identification card, a tribal photo identification card, a United States passport, or a

Montana concealed carry permit; or

~~(i)(ii)~~ (A) ~~a current and valid any other form of photo identification, including but not limited to a school district or postsecondary education photo identification or a tribal photo identification, including but not limited to~~ a school district or postsecondary education photo identification with the individual's name; ~~or~~ and

~~(ii)(B)~~ a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(b) The alternative form of identification must be:

(i) an original version presented to the election administrator if the applicant is applying in person; or
(ii) a readable copy of any of the required documents, which must be enclosed with the application, if the applicant is applying by mail.

(5) (a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the elector as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (3) or (4) or if the information provided was incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

(6) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under 13-2-109.

(7) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

(8) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-221, and 61-5-107 and as provided for in federal law."

Section 2. Section 13-13-114, MCA, is amended to read:

"13-13-114. Voter identification and marking precinct register book before elector votes --

provisional voting. (1) (a) ~~Before~~ Except as provided in subsection (2), before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge ~~a one of the following forms of current photo-identification showing the elector's name. If the elector does not present photo identification, including but not limited to:~~

(i) a valid Montana driver's license, Montana state identification card issued pursuant to 61-12-501, military identification card, tribal photo identification card-, United States passport, or Montana concealed carry permit; or

(ii) (A) a school district or postsecondary education photo identification, or a tribal photo identification, ~~the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address; and~~

(B) photo identification that shows the elector's name, including but not limited to a school district or postsecondary education photo identification.

~~(b)(b)~~ (b) An elector who provides the information listed in subsection ~~(1)(a)~~ (1)(a) may sign the precinct register and must be provided with a regular ballot to vote.

~~(e)(c)~~ (c) If the information provided in subsection ~~(1)(a)~~ (1)(a) differs from information in the precinct register but an election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register, complete a new registration form to correct the elector's voter registration information, and vote.

~~(d)(d)~~ (d) An election judge shall write "registration form" beside the name of any elector submitting a form.

(2) If the elector is unable to present the information required by subsection (1) or if the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register or appears in the register as provisionally registered and this provisional registration status cannot be resolved at the polling place, the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601.

(3) If the elector fails or refuses to sign the elector's name or if the elector is disabled and a fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-

116 is not provided, the elector may cast a provisional ballot as provided in 13-13-601."

Section 3. Section 13-13-602, MCA, is amended to read:

"13-13-602. Fail-safe and provisional voting by mail. (1) To ensure the election administrator has information sufficient to determine the elector's eligibility to vote, an elector voting by mail may enclose in the outer signature envelope, together with the voted ballot in the secrecy envelope, ~~a copy of a current and valid photo identification with the elector's name or;~~

(a) a Montana driver's license number, Montana state identification card number issued pursuant to 61-12-501, or the last four digits of the applicant's social security number;

(b) a readable copy of a military identification card, a tribal photo identification card, a United States passport, a photo identification card issued by a Montana college or university, or a Montana concealed carry permit; or

(c) (i) any other form of readable photo identification with the individual's name; and

(ii) a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address ~~or other information necessary to determine the elector's eligibility to vote.~~

(2) The elector's ballot must be handled as a provisional ballot under 13-15-107 if:

(a) a provisionally registered elector voting by mail does not enclose with the ballot the information described in subsection (1);

(b) the information provided under subsection (1) is invalid or insufficient to verify the elector's eligibility; or

(c) the elector's name does not appear on the precinct register."

Section 4. Section 13-15-107, MCA, is amended to read:

"13-15-107. Handling and counting provisional and challenged ballots. (1) To verify eligibility to vote, a provisionally registered individual who casts a provisional ballot has until 5 p.m. on the day after the election to provide valid identification or eligibility information either in person, by facsimile, by electronic means, or by mail postmarked no later than the day after the election.

(2) ~~(a)~~—If a legally registered individual casts a provisional ballot because the individual failed to provide sufficient identification as required pursuant to 13-13-114(1)(a);

(a) the elector has until 5 p.m. on the day after the election to provide identification information pursuant to the requirements of 13-13-114 or as provided in subsection (3) of this section; and

(b) the election administrator shall compare the signature of the individual or the individual's agent designated pursuant to 13-1-116 on the affirmation required under 13-13-601 to the signature on the individual's voter registration form or the agent's designation form.

~~(b)~~—If the signatures match, the election administrator shall handle the ballot as provided in subsection ~~(5)~~ (7).

~~(c)~~—If the signatures do not match and the individual or the individual's agent fails to provide valid identification information by the deadline, the ballot must be rejected and handled as provided in 13-15-108.

(3) If a legally registered individual casts a provisional ballot but is unable provide the identification information pursuant to the requirements of 13-13-114, the elector may verify the elector's identity by:

(a) presenting a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address; and

(b) executing a declaration pursuant to subsection (4) that states that the elector has a reasonable impediment to meeting the identification requirements.

(4) The secretary of state shall prescribe the form of the declaration described in subsection (3). The form must include:

(a) a notice that the elector is subject to prosecution for false swearing under 45-7-202 for a false statement or false information on the declaration;

(b) a statement that the elector swears or affirms that the information contained in the declaration is true, that the person described in the declaration is the same person who is signing the declaration, and that the elector faces a reasonable impediment to procuring the identification required by 13-13-114;

(c) a place for an elector to indicate one of the following impediments:

(i) lack of transportation;

(ii) lack of birth certificate or other documents needed to obtain identification;

(iii) work schedule;

(iv) lost or stolen identification;
(v) disability or illness;
(vi) family responsibilities; or
(vii) photo identification has been applied for but not received;
(d) a place for the elector to sign and date the declaration;
(e) a place for the election administrator or an election judge to sign and date the declaration;
(f) a place to note the polling place at which the elector cast a provisional ballot; and
(g) a place for the election administrator or election judge to note which form of identification required by subsection (3)(a) the elector presented.

~~(3)(5)~~ A provisional ballot must be counted if the election administrator verifies the individual's identity or eligibility pursuant to rules adopted under 13-13-603. However, if the election administrator cannot verify the individual's identity or eligibility under the rules, the individual's provisional ballot must be rejected and handled as provided in 13-15-108. If the ballot is provisional because of a challenge and the challenge was made on the grounds that the individual is of unsound mind or serving a felony sentence in a penal institution, the individual's provisional ballot must be counted unless the challenger provides documentation by 5 p.m. on the day after the election that a court has established that the individual is of unsound mind or that the individual has been convicted and sentenced and is still serving a felony sentence in a penal institution.

~~(4)(6)~~ The election administrator shall provide an individual who cast a provisional ballot but whose ballot was or was not counted with the reasons why the ballot was or was not counted.

~~(5)(7)~~ A provisional ballot must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other provisional ballot if the individual's voter information is:

- (a) verified before 5 p.m. on the day after the election; or
- (b) postmarked by 5 p.m. on the day after election day and received and verified by 3 p.m. on the sixth day after the election.

~~(6)(8)~~ Provisional ballots that are not resolved by the end of election day may not be counted until after 3 p.m. on the sixth day after the election."

Section 5. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 169, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 169

INTRODUCED BY M. CUFFE, E. BUTTREY, D. SKEES, D. SALOMON, J. READ, S. FITZPATRICK, R. OSMUNDSON, D. KARY, T. MCGILLVRAY, D. HOWARD, K. REGIER, C. SMITH, G. VANCE, J. WELBORN, B. HOVEN, M. BLASDEL, D. ANKNEY, L. JONES, B. KEENAN, B. MOLNAR, C. GLIMM, G. HERTZ, M. LANG, D. LENZ, W. GALT, S. BERGLEE, B. BROWN, F. GARNER, J. HINKLE, K. HOLMLUND, T. MANZELLA, W. MCKAMEY, M. NOLAND, B. TSCHIDA, S. HINEBAUCH, S. GUNDERSON, M. REGIER, D. LOGE, R. FITZGERALD, F. ANDERSON, L. SHELDON-GALLOWAY, J. TREBAS, D. BARTEL, C. KNUDSEN, B. USHER, S. VINTON, W. SALES, T. WELCH, J. SMALL, T. GAUTHIER, M. HOPKINS, R. TEMPEL, F. FLEMING, J. ELLSWORTH, N. DURAM, J. FULLER, R. KNUDSEN, J. DOOLING, K. BOGNER, J. KASSMIER, B. MERCER, T. MOORE, D. BEDEY, S. GREEF, B. LER, B. PHALEN, F. NAVE, J. CARLSON, L. BREWSTER, K. ZOLNIKOV, B. MITCHELL, A. REGIER, L. REKSTEN, P. FIELDER, S. KERNS, S. GALLOWAY, S. GIST, E. HILL, J. SCHILLINGER, K. SEEKINS-CROWE, M. STROMSWOLD, M. MALONE, J. GILLETTE, C. HINKLE, K. WALSH, M. BERTOGLIO, G. FRAZER, M. BINKLEY, R. MARSHALL, K. WHITMAN

BY REQUEST OF THE SECRETARY OF STATE

AN ACT GENERALLY REVISING VOTER IDENTIFICATION LAWS; REVISING CERTAIN IDENTIFICATION REQUIREMENTS FOR VOTER REGISTRATION, VOTING, AND PROVISIONAL VOTING; AND AMENDING SECTIONS 13-2-110, 13-13-114, AND 13-13-602, AND 13-15-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Exhibit 1–23

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**Pro Hac Vice*

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
COUNTY OF YELLOWSTONE

Montana Democratic Party and Mitch Bohn,)	
)	
Plaintiffs,	)	Cause No. DV 21-0451
)	
Western Native Voice, Montana Native Vote,	)	Hon. Michael Moses
Blackfeet Nation, Confederated Salish and)	
Kootenai Tribes, Fort Belknap Indian)	
Community, and Northern Cheyenne Tribe,)	
	)	PLAINTIFF WESTERN NATIVE
Plaintiffs,	)	VOICE’S RESPONSE TO
	)	DEFENDANT’S FIRST COMBINED
	)	DISCOVERY REQUESTS
Montana Youth Action, Forward Montana)	
Foundation, and Montana Public Interest)	
Research Group,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CHRISTI JACOBSEN, in her official)	
capacity as Montana Secretary of State,)	
)	
Defendant.)	
)	

Pursuant to Rules 26, 33, and 34 of the Montana Rules of Civil Procedure, Western Native Voice, by and through undersigned counsel, objects and responds as follows to Defendant’s First Discovery Requests.

GENERAL OBJECTIONS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION

Western Native Voice makes the following general objections (“General Objections”), which are expressly incorporated into each of the Responses and Objections to Interrogatories and Requests for Production below as though set forth in full without waiving these General Objections:

1. Western Native Voice objects to the extent that to these Interrogatories and/or Requests for Production seek to impose a burden or obligation beyond those required by Montana law, the Montana Rules of Civil Procedure, local rules of this Court, other applicable law, or any orders of this Court.

2. Western Native Voice objects to the extent that to these Interrogatories and/or Requests for Production seek discovery of information or documents protected by the attorney-client privilege or work product doctrine, or concern actions taken, or materials prepared by or for counsel in anticipation of or for trial. Plaintiff does not intend to divulge any information protected by any applicable privilege or to waive any such privilege. Any such disclosure is inadvertent and shall not be deemed a waiver of any applicable privilege.

3. Western Native Voice objects to the extent that to these Interrogatories and/or Requests for Production seek confidential or personal information of a third party, the disclosure of which is not permitted by reason of contract, privacy laws or other binding legal obligation.

4. Western Native Voice objects to the Interrogatories and/or Requests for Production to the extent they are overly broad, unduly burdensome or seek information that is not relevant to the claims or defenses asserted by the parties in this litigation nor proportional to the needs of the case, or are otherwise outside the scope of discovery permitted by the Montana Rules of Civil Procedure.

5. Western Native Voice objects to the Interrogatories and/or Requests for Production to the extent that responding to them would cause annoyance, harassment, embarrassment, oppression, and/or undue burden, delay or expense.

6. Western Native Voice objects to the Interrogatories and/or Requests for Production to the extent that they seek information already available to Defendant or that can be

obtained from some other source that is more convenient, less burdensome, or less expensive, or that is unreasonably cumulative or duplicative.

7. Western Native Voice objects to the Interrogatories and/or Requests for Production to the extent they do not state with required specificity and particularity what information is being sought, and are therefore vague, indefinite, ambiguous and not susceptible to easily discernible meaning.

8. Western Native Voice objects to the Interrogatories and/or Requests for Production to the extent they assume facts not in evidence or are premised on Defendant's characterization of applicable law, documents, or facts. Western Native Voice's objections and responses do not constitute agreement with or admission of any of the allegations or statements contained in the Interrogatories.

9. Western Native Voice objects to the Interrogatories and/or Requests for Production to the extent they purport to require production of documents outside Western Native Voice's possession, custody, or control. Some of the persons who may have knowledge of the particular facts may not currently be in the employ or under the control of Western Native Voice and cannot be compelled to assist in the preparation of responses to these requests.

10. To the extent these requests call for or may be read to encompass work performed by or information received from experts retained by Western Native Voice in this or other litigation, Western Native Voice objects to such Interrogatories and/or Requests for Production. Western Native Voice will make appropriate disclosures regarding expert witnesses in accordance with applicable rules and orders.

11. Western Native Voice expressly reserves the right to supplement or amend these responses if and when any additional information is discovered. These responses are made by

Western Native Voice subject to and without waiving Western Native Voice's right to introduce, use, or refer to information that Western Native Voice presently has, but has not yet had sufficient time to analyze and evaluate, as well as Western Native Voice's right to amend. These responses are made without in any way waiving or intending to waive (i) any objections as to the competency, relevancy, materiality, privilege or admissibility as evidence, for any purpose, of any information provided in the response to the discovery requests or the subject matter thereof; and (ii) the right to object on any ground to use the information provided in response to the Interrogatories or subject matter thereof at any trial, hearing, or other stage of the proceedings.

12. Western Native Voice reserves all rights, remedies and objections, including the right to object on any ground to any request for further responses to the Interrogatories and/or Requests for Production.

DISCOVERY RESPONSES

INTERROGATORY NO. 1: Identify all persons who aided in the preparation of these answers to these combined discovery requests.

ANSWER:

Alex Rate; Jonathan Topaz; Kelsey Miller; Ronnie Jo Horse; Ta'jin Perez; Keaton Sunchild.

INTERROGATORY NO. 2: State the name, telephone number, last known address, and email address of each person whom has knowledge of any allegations in the complaint, or has in his or her possession, custody or control, any tangible evidence or documents related to the allegations in the complaint, and include a brief summary of the facts believed to be known or tangible evidence or documents possessed by that person.

ANSWER:

Ronnie Jo Horse, Ta'jin Perez, Laurie Kindness, Keaton Sunchild
c/o Alex Rate, ACLU-MT, P.O. Box 1968, Missoula, MT 59806; 406-224-1447;
ratea@aclumontana.org.

- (a) Organization name: Western Native Voice
- (b) Physical address: 310 North 27th Street, Billings, Montana 59101
- (c) Mailing address: P.O. Box 1018, Billings, Montana 59103
- (d) Phone number: (406) 896-1938; (800) 729-3540
- (e) Website address: www.westernnativevoice.org
- (f) Email address: info@westernnativevoice.org

Knowledge of all facts contained in paragraphs 1-15, 19-35, 81-137 of Plaintiffs' Complaint.

REQUEST FOR PRODUCTION NO. 1: Please produce any tangible evidence or documents identified in the answer to the previous interrogatory.

RESPONSE: OBJECTION – overly broad, unduly burdensome. Without waiving the foregoing objection, please see documents produced herein, bearing BATES NO. WNV 1-2310.

INTERROGATORY NO. 3: Please state the name and address of all persons whom you expect to call as expert witnesses at the trial of this action, and with respect to each expert, please state the subject matter on which that expert is expected to testify, the substance of the facts and opinions to which that expert is expected to testify, and summarize the grounds for each opinion.

ANSWER: Please see Plaintiffs' Expert Witness Disclosure, provided to Defendant on January 12, 2022.

REQUEST FOR PRODUCTION NO. 2: Please produce a resume or curriculum vitae ("C.V.") of any expert identified in the answer to Interrogatory No. 3, any communications you have had with any expert identified, any retention or engagement agreements with any expert identified, and any reports, drafts or otherwise, provided by each expert.

RESPONSE: Please see Plaintiffs' Expert Witness Disclosure, provided to Defendant on January 12, 2022.

REQUEST FOR PRODUCTION NO. 3: Please produce all exhibits you intend to use at trial.

RESPONSE: OBJECTION - Plaintiffs have not yet determined what exhibits they intend to use at trial. Plaintiffs will produce an exhibit list in accordance with the Court's scheduling order.

REQUEST FOR PRODUCTION NO. 4: Please produce copies of all complaints you have filed in any lawsuit in the past ten years.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1342-1394.

INTERROGATORY NO. 4: Set forth all statistical data that you are aware of that support your claims asserted in the complaint.

ANSWER: OBJECTION – Calls for expert testimony. Without waiving the foregoing objection, Western Native Voice and Montana Native Vote collected 853 ballots in 2018. In the 2020 general election, after the Montana Ballot Interference Prevention Act (“BIPA”) was permanently enjoined by two Yellowstone County district court judges, Non-Profit Plaintiffs paid organizers to collect and convey over 555 ballots. In 2020, Lauri Kindness, an organizer for Western Native Voice, drove 150 people from the Crow Registration to register to vote at the Big Horn County elections office.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 73-85.

INTERROGATORY NO. 5: Set forth any facts that you are aware of, other than statistical data, that support your claims asserted in the complaint.

ANSWER: Western Native Voice’s voter persuasion and mobilization efforts rely on text message, limited phone calling, Facebook Messenger, electronic mail, postcards, direct mail, advertisements in newspapers, advertisements on the radio, advertisements on social media, advertisements on billboards, other printed materials such as walk cards, membership forms, voter registration forms, and ride to vote forms, door knocking, and canvassing. Additionally,

WNV recruits, hires, and trains interns from tribal colleges; conducts one on one interviews with potential Native American leaders to assess interests and skills; hosts leadership development conferences and trainings to expand and deepen the leadership pool in Indian Country, builds support for Native issues with allies and partners; creates community inspired policy; mobilizes members and leaders to take legislative action; supports legislation that improves the lives of Native American families and opposes legislation that attacks the rights of Montanans; partners with the Montana American Indian Caucus and other elected officials; and hires and trains community organizers.

WNV knows that Native Americans living on reservations in Montana have unequal access to mail voting because of the employees' lived experience. WNV employees live in Montana and in tribal communities and have worked in numerous elections. WNV is learning more each year. WNV hears personal stories of people trying to vote. WNV organizers share stories from tribal members living on reservations in Montana about their experiences and the reality of living in tribal nations.

WNV knows that Native Americans living on reservations often lack access to regular mail service because of personal knowledge of our employees and reports from community members. A specific example here is general mail delivery. On various tribal nations, tribal member residents opt to have their mail delivered to "general delivery". General delivery is receiving mail at the post office with no specific address for the person receiving the mail.

WNV knows that geographic isolation coupled with higher levels of poverty make it less likely that Native Americans can avail themselves of the mail ballot drop off locations at polling places without the benefit of assistance from lived experience and personal knowledge. Several organizers and ballot collectors share stories of collecting ballots that otherwise would go

uncollected. For example, one organizer shared a story of a family who had kids at home but no vehicle and no childcare. If WNV did not pick up their ballot, they would not have had another way to submit their ballot.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1-2310.

INTERROGATORY NO. 6: Set forth any facts that you are aware of, other than statistical data, that support the allegation that HB 176 and HB 530 “are part of a broader scheme by the Montana legislature to disenfranchise Native American voters” as alleged in paragraph 1 of the complaint, and identify any persons who have knowledge of facts related to this allegation.

ANSWER: During the 2021 legislative session the legislature introduced several bills intended to restrict Native American voting rights: It attempted to pass a ballot collection ban overwhelmingly similar to that struck down by two district courts last year (HB 406), quickly voted down a pro-Native American voting rights bill (HB 613), passed a bill that limits voter identification (SB 169), passed a bill to send a ballot measure to change the state supreme court election process (HB 325), introduced a bill to eliminate the ability to receive a ballot at a post office box (HB 455), and passed a bill that limits times polling places are open on low population districts like those common on reservations (SB 196). When two Yellowstone County District Courts found a ballot collection restriction unconstitutional last year, the legislature was officially on notice that the voting restrictions like those in House Bills 176 and 530 have an adverse and disparate impact on Native American voters. There are also many instances in the recent past in

which courts have found that Montana or local governments in the state have violated state constitutional and federal law as it pertains to the voting rights of Native Americans.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see the following documents attached to Plaintiffs' Motion for Preliminary Injunction: Report of Dr. Dan McCool, bearing BATES NO. WNV 1637-1818; Exh. I; Exh. J; Exh. M.

INTERROGATORY NO. 7: Set forth any facts you are aware of that support your allegation that "Native Americans have limited in-person voting services on reservations" as alleged in paragraph 2 of the complaint, and identify any persons who have knowledge of facts related to this allegation.

ANSWER: See Answer to Interrogatory No. 5. In addition some counties have opened satellite election offices on reservations, but generally those satellite locations are open for only a few of the days (and for limited hours) of the early voting period.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1-1341.

INTERROGATORY NO. 8: If you are aware of any facts which support your allegation that the Montana legislature "introduced several bills intended to restrict Native American voting

rights” as alleged in paragraph 2 of the complaint, please set forth the facts and identify any persons who have knowledge of facts related to this allegation.

ANSWER: See response to Interrogatory No. 6

REQUEST FOR PRODUCTION NO. 9: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see the following documents attached to Plaintiffs’ Motion for Preliminary Injunction: Report of Dr. Dan McCool; Exh. I; Exh. J; Exh. M.

INTERROGATORY NO. 9: Set forth all data, publications, studies, articles, and reports which you may use to support any allegation or claim asserted in the complaint.

ANSWER: OBJECTION – Calls for expert testimony. Without waiving the foregoing objection, please see documents produced herein bearing BATES NO. WNV 1395-1966.

REQUEST FOR PRODUCTION NO. 10: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – Calls for expert testimony. Without waiving the foregoing objection, please see documents produced herein bearing BATES NO. WNV 1395-1966.

INTERROGATORY NO. 10: Set forth each legitimate state interest and each compelling state interest which are furthered by HB 176 and HB 530.

ANSWER: Plaintiffs assert that there are no legitimate or compelling state interests furthered by HB 176 and HB 530.

REQUEST FOR PRODUCTION NO. 11: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: None.

INTERROGATORY NO. 11: Identify the individual Native Americans who you allege are harmed by HB 176 or HB 530 and explain how they are harmed by HB 176 or HB 530.

ANSWER: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit. Without waiving the foregoing objection, employees of Western Native Voice are harmed by HB 176 and HB 530 because the laws make it more difficult for them to perform the essential functions of their employment, including collecting ballots for pecuniary benefit and providing rides to the polls for election day registration.

REQUEST FOR PRODUCTION NO. 12: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: None.

INTERROGATORY NO. 12: Identify each individual whom you provided or offered to provide a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots during the 2020 campaign and election, and for each individual identified set forth the benefit offered or provided to each individual and the specific act each individual performed in exchange for the benefit offered or provided.

ANSWER:

See documents produced herein, bearing Bates No. WNV 1, 8-11, 41.

2018:

Blackfeet

- Renee LaPlant
- Jade-Heather M. Lepotokisi
- Timothy W. Little Dog
- Joseph T. Running Crane
- John P. Schmid
- Raquel M. Williamson
- Terryn R. Williamson

Confederated Salish and Kootenai

- Tyler Jackson
- Jonathan Schrorder
- Meaghan Simeon
- Marcy Mead
- Ahwahnee Williams
- Kaitlin Martinez
- Winters Plainbull
- Eugene Beckes
- Joanna Littlebird
- Dayetta Old Crow
- Justin McCollum
- Trina Wandering Medicine

- Austin L. Durglo
- Patrick Yawakie
- Regina Mad Plume
- Amanda L. Roan

Crow Reservation

- Daphne Bends
- Krysta Plenty Hawk
- Christine Nomee
- Christina Big Man
- Holly Reed
- Twila Old Chief
- Janiece Old Elk
- Cammy BirdHat
- David Blaine
- Tia Old Chief
- Misti Tioneeta
- Scott Tionetta
- Juanita Stewart
- Ashley Plentyhawk
- Woody Springfield
- Lucille Stewart
- Marcillen Little Nest
- Kelly Old Elk

- Alyssa Gets Down
- Audrey H. Jackson
- Bethyana J. Pease
- Elisha D. Plentyhawk-Morning
- Ashley C. Plentyhawk

Fort Belknap

- Rod Schafer
- Nicole Gone Denny
- Cheryl Stiffarm
- Gail Maim Rod
- Nancy Iron Star
- John M. Stiffarm
- Brandon Stiffarm
- Denise Werk
- Charles Werk
- Cam Filesteel
- Marlys Lone Bear
- John Filesteel
- Howard Gone
- Geraldine Allen
- Nicole Gone
- Gail Main
- Floyd Runs Above

- Rosalee Boushie
- Tristin Gone
- Mary Ann Hoops
- Sheena Healy
- Myla Moore
- Joyce Iron Star
- Anna L. Hoops
- Lenore Stiffarm

Fort Peck

- LeAnn Perry
- Robert Keeler
- Dana Ryan
- Robert Keeler
- Alice Gourneau
- Lawrence Hamilton Jr.
- Leeann Perry
- Troylynn Brown
- Danette Ryan
- Linda Weeks
- Lois Weeks
- Vina Smith
- Brock Day
- Jourdan Day

- Michael Ackerman
- Neva Spotted Wolf
- Valerie L. Youpee
- Earlene L. Ackerman
- Darwin N. Long Tree
- Vernetta S. Perry

Northern Cheyenne

- Al Jo
- Cam'ron Spotted Elk
- Carla Yazzie
- Dustin Brien
- Rhonda Old Chief
- Nellie Means
- Della Brown
- Carla Yazzie
- Landon Means
- Christy Foote
- Diana R. McLean
- Memri Spotted Elk
- Alfred J. Strangeowl Jr.

Rocky Boy's

- Dustyn Sutherland
- Jennifer Wolfchief

- Nicole Mariani Stump
- Kyle Duran
- Lacey Rusette
- Anyone Nault
- Madison WolfChief
- Kyle Duran
- Jennifer Duran
- Jaron CalfRobe
- Aricka WolfChief
- Kyla Valdez
- Dale Rusette
- Les Wright
- Sandra Sutherland
- Alexis Sutherland
- Seraya Standing Rock
- Willdette Duran
- Avis Morsette
- Dwight Spang
- Crystal Gardipee
- Nora Ward
- Lyman N. Wolfchief Jr.
- Arielle K. Wolfchief

Urban area

- Tyanna Bostwick
- Chalinda Old Chief
- Carla Cree Medicine
- Cheri Little Dog (Great Falls)
- Lyla Stump (Great Falls)
- Alion Eagleman (Great Falls)
- Don Fish (Great Falls)
- Rachel Fish (Great Falls)
- Marlene Blackman (Great Falls)
- Tierra Jorgensen (Great Falls)
- Kaylea Gallagher (Great Falls)
- Amanda Skinner (Great Falls)
- Rachel Picardo (Great Falls)
- Kristina Picardo (Great Falls)
- Val TwoTeeth (Great Falls)
- Jennifer Sandoval (Great Falls)
- John TwoTeeth (Great Falls)
- Ronda Old Chief (Great Falls)
- Benecia J. Bulltail
- John E. Old Elk
- Iko'tsimiskimaki EF Beck (collected on the CSKT Reservation/in an urban area)
- Troy M. Spang

- Juanita K. Stewart
- Jasmine Stump (collected in an urban area/Little Shell Tribe)
- Kelli M. TwoTeeth
- Ashley S. Haley (collected in an urban area/Little Shell Tribe)

2017:

Blackfeet

- Renee LaPlant
- Termaine K. Edmo
- Kary L. Old Person Harrison

Crow

- Rhonda Rides Horse
- Vernice M. Hugs
- Vashti D. Plentyhoops

Confederated Salish and Kootenai

- Regina Mad Plume
- Camille J. Whiteman
- Patrick Yawakie

Fort Belknap

- Nancy C. Stiffarm
- Lenore Stiffarm

Fort Peck

- Montana D. Wilson
- Earlene L. Ackerman

- Rosella A. Sky Arrow

Northern Cheyenne

- Royalle R. Chavez
- Courtnee J. Bement

Rocky Boy's

- Ronnie Sue Arca
- Arielle K. Wolfchief

Urban area

- Suzette LaPlant
- Emma J. Berry
- June M. Cree Medicine
- Hiliary D. Hart
- Alisha M. Potts
- Ronda Bird Old Chief
- William W. Runsabove

2016:

Blackfeet

- Renee LaPlant

Crow

- Vernice M. Hugs
- Cyrus Leider

Confederated Salish and Kootenai

- Patrick Yawakie

Fort Peck

- Carl Four Star

Northern Cheyenne

- Royalle R. Chavez
- Tristin J. Wolfname

Rocky Boy's

- Lowanda Arkinson
- Eleanor M. Yellow Robe

Urban area

- Jewel Deschamps-Gopher (urban area/Little Shell Tribe)
- Shirley Holds the Enemy
- Suzette LaPlant (urban area/CSKT Reservation)
- Arthur Weatherwax (urban area/CSKT Reservation)

REQUEST FOR PRODUCTION NO. 13: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1, 8-11, 41.

INTERROGATORY NO. 13: Identify the “tribal members” who “rely on paid ballot collectors to cast their votes in elections in Montana” as alleged in paragraph 7 of the complaint.

ANSWER: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

REQUEST FOR PRODUCTION NO. 14: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

INTERROGATORY NO. 14: If you are aware of any facts which support your allegation that “Native Americans living on reservations often lack access to regular mail service” as alleged in paragraph 8 of the complaint, please set forth the facts and identify any persons who have knowledge of facts related to this allegation.

ANSWER: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899. In addition, Western Native Voice knows that Native Americans living on reservations in Montana have unequal access to mail voting because of the employees’ lived experience. WNV employees live in Montana and in tribal communities and have worked in numerous elections. WNV is learning more each year. WNV hears personal stories of people trying to vote. WNV organizers share stories from tribal members living on reservations in Montana about their experiences and the reality of living in tribal nations.

REQUEST FOR PRODUCTION NO. 15: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

INTERROGATORY NO. 15: Identify all Native American who “lack the means to travel to those locations [polling centers] to register to vote or drop off a voter registration application prior to an election” as alleged in paragraph 10 of the complaint, and for each Native American set forth the reasons why they are unable to travel to a “polling center”.

ANSWER: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

REQUEST FOR PRODUCTION NO. 16: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

INTERROGATORY NO. 16: Identify the persons, including individuals and entities, you hired or contracted with to conduct GOTV operations between January 1, 2019 and the present as alleged in paragraph 23 of the complaint.

ANSWER:

Alden Jr., Pat
Alden, Terrel Q
Anaquod, Clover
Anaquod, Darcey T
Aripa, Marie J
Askan, Pamela K
Bauer, Maggie
Bear Crane, Ashler D
Belanger, Shandeen A
Bell, Maria D

Bends, Daphne D
Bends, Sarah L
Bends, Tyra R
Big Man, Alyssa F
Bishop, Karla
Bishop, Mervin
Black Eagle, Cyle
Black Eagle, Deborah
Blaine, David
Bordeaux, Arlin
Boyd, Kymberlyn R
Braided Hair, Alexis
Brien, Amaya
Briere, Krystan R
Briere, Racheal L
Brockie, Lorraine G
Brown, Collena R
Brown, Isiaih J
BROWN, KYRA L
BROWN, O'DALE K
Buffalo Spirit, Alaina
Bulltail, Doris W
Burns, Georgia
Burshia, Samantha
Calf Looking, Dawna
Coleman, Travis L
Costa, Brenda
DAVENPORT,
KYLE B
Deputee, Alyssa J.
Deputy, Ariel
Dumont, Samantha L
Eagle, Keshia LR
ENEMY HUNTER,
SAMUEL J
Evans, Emily
Falls Down, Elisha J

REQUEST FOR PRODUCTION NO. 17: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 8-11.

BIPA BATES: WNV 11-28

REQUEST FOR PRODUCTION NO. 18: Please produce all contracts, communications, and correspondence of any kind, including letters, emails, and text messages, between you and any person or entity identified in the answer to Interrogatory No. 16.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 118-125.

BIPA BATES: 29-31, 33-55

INTERROGATORY NO. 17: If you assert you are unable to engage in “door knocking” or “providing rides to the County seat,” as alleged in paragraph 24 of the complaint, for any purpose other than same day voter registration or paid ballot collection, due to HB 176 or HB 530, please explain how HB 176 or HB 530 prevents the activities, set forth any facts which tend to support the explanation, and identify any individuals with knowledge of the explanation.

ANSWER: HB 176 and HB 530 do not prevent Plaintiff from engaging in door knocking or providing rides to the County seat. However, Western Native Voice expects that it will no longer be able to only employ organizers on election day as the opportunity for same day registration has been eliminated. Instead, they will be forced to spend additional resources to hire organizers earlier in the election cycle in order to mobilize turnout. In addition, Section 2 of HB 530 outlaws all ballot collection efforts by Western Native Voice. These efforts are core to its GOTV work and could not be replaced by other measures. To the extent HB 530 does not ban all ballot collection efforts by Western Native Voice, its terms nonetheless make any such work financially impracticable and chill any such efforts by Western Native Voice due to the risk of substantial fines.

REQUEST FOR PRODUCTION NO. 19: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. 1-2310.

INTERROGATORY NO. 18: If there are any reasons why the “hundreds of individuals” you hired to “work exclusively on election day”, as alleged in paragraph 25 of the Complaint, could not have been hired to work on the days before election day, please set forth the reasons and identify persons who have knowledge related to the reasons.

ANSWER: OBJECTION – Vague, not relevant, not reasonably calculated to lead to the discovery of admissible evidence. Whether Western Native Voice is able to employ organizers earlier in the election cycle is not relevant to Plaintiffs’ claims that HB 176 and HB 530 violate their constitutional rights.

REQUEST FOR PRODUCTION NO. 20: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – Vague, not relevant, not reasonably calculated to lead to the discovery of admissible evidence. Whether Western Native Voice is able to employ organizers earlier in the election cycle is not relevant to Plaintiffs’ claims that HB 176 and HB 530 violate their constitutional rights.

INTERROGATORY NO. 19: If there are any reasons why your organizing work on reservations cannot be completed before election day, please set forth the reasons and identify persons who have knowledge related to the reasons.

ANSWER: OBJECTION – Vague, not relevant, not reasonably calculated to lead to the discovery of admissible evidence. Whether Western Native Voice can “complete” its organizing work prior to election day is not relevant to Plaintiffs’ claims that HB 176 and HB 530 violate their constitutional rights. Without waiving the foregoing objection, because of the multiple barriers to voting that exist for Native Americans residing on rural reservations, many individuals relay on election day registration so that they can make only one trip to the polling center to register and vote on the same day.

REQUEST FOR PRODUCTION NO. 21: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – Vague, not relevant, not reasonably calculated to lead to the discovery of admissible evidence. Whether Western Native Voice can “complete” its organizing work prior to election day is not relevant to Plaintiffs’ claims that HB 176 and HB 530 violate their constitutional rights. Without waiving the foregoing objection, see the expert report of Dr. Dan McCool reproduced herein bearing BATES NO. WNV 1590-1818.

INTERROGATORY NO. 20: If you are aware of any facts which support your allegation that “Many Native American voters also do not understand that if their address changes they will need to re-register to vote” as alleged in paragraph 29 of the Complaint, please set forth the facts and identify any persons who have knowledge of facts related to this allegation.

ANSWER: These facts are based on the personal experience of Western Native Voice and its employees based on conversations with individual voters.

REQUEST FOR PRODUCTION NO. 22: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1637-1818, 1920-1930.

INTERROGATORY NO. 21: Identify each individual Native American who found out about “the necessity to re-register on election day itself” as alleged in paragraph 29 of the Complaint.

ANSWER: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

REQUEST FOR PRODUCTION NO. 23: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

INTERROGATORY NO. 22: Identify the individual Native Americans “who will be affected by HBs 176 and 530’s limitation on ballot collection and registration” as alleged in paragraph 35 of the Complaint.

ANSWER: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

REQUEST FOR PRODUCTION NO. 24: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

INTERROGATORY NO. 23: If WNV does anything to increase the security and integrity of elections or to increase public confidence in the outcome of elections, please set forth what WNV does to increase the security and integrity of elections and to increase public confidence in the outcome of elections.

ANSWER: See documents produced herein, bearing BATES NO. WNV 1251-1341.

REQUEST FOR PRODUCTION NO. 25: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1251-1341.

INTERROGATORY NO. 24: Set forth all actions that WNV undertakes to guarantee the security of the ballots it collects through its ballot collection activities.

ANSWER: Western Native Voice hires local, trusted, organizers within each of the seven tribal reservations and these individuals are extensively trained on best practices for ballot

collection and delivery. Western Native Voice organizers are trained on applicable law related to ballot collection and delivery. The organizers use a canvassing application called “Reach” to track the ballots they collect. This serves to maintain accountability for each ballot that is collected and delivered.

REQUEST FOR PRODUCTION NO. 26: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 2045-2296, 2308-2310.

INTERROGATORY NO. 25: If you assert that low-income Native Americans face more difficulties voting than other low-income non-Native American Montanans, please set forth the facts which support this assertion and identify any individuals who have knowledge related to this assertion.

ANSWER: The Native American poverty rate dramatically out-strips the poverty rate for non-Natives. Given the geographic isolation and long distances to polling places on rural reservations, concentrated poverty on reservations creates greater difficulties for Native Americans that limit their ability to travel and access voting sites. Individuals living on rural reservations often cannot afford a tank of gas or car insurance and instead may choose to spend limited funds on necessities such as food or heating.

Limited access to broadband internet services on reservations is a barrier to online voter registration and for Native voters to learn about voting procedures and logistics. Further, “border towns,” or towns that border reservations, are notorious for their racism and discrimination toward

Native Americans. These border towns are often the location where Native Americans must go to cast their ballot or obtain driver's licenses. Native American participation in elections is further deterred because of the long history of hostility towards Native Americans in those border towns. Native Americans in Montana also have worse health outcomes, are less likely to have access to vehicles, are likelier to be homeless or have unstable housing, are likelier to be victims of violent crime, are likelier to be profiled by law enforcement, and are likelier to be arrested and incarcerated as compared to the state's population—all impediments to political participation disproportionately borne by Native Americans.

REQUEST FOR PRODUCTION NO. 27: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1637-1818.

INTERROGATORY NO. 26: If you assert Native Americans face difficulties voting that are unique to Native Americans due to being Native Americans, please set forth the facts which support this assertion and identify any individuals who have knowledge related to this assertion.

ANSWER: OBJECTION – Vague and confusing. To the extent that Plaintiff understands the Interrogatory, Native Americans living on reservations often lack access to regular mail service, such that many individuals cannot reliably receive mail voter registration applications or return those voter registration applications via mail. Residential mail services on reservations are limited due to a widespread lack of at-home delivery by the U.S. Postal Service

or other private mail delivery services and scarcity of post offices, post office boxes, and mail drop-off boxes. Native Americans residing on reservations are more likely to be geographically isolated from polling centers where in-person voter registration or dropping off of a voter registration application can occur, and they often lack the means to travel to those locations to register to vote or drop off a voter registration application prior to an election. Native voters are a highly mobile population due to moving around to seek employment and due to insecure housing. Further, “border towns,” or towns that border reservations, are also notorious for their racism and discrimination toward Native Americans. These border towns are often the location where Native Americans must go to cast their ballot.

Given the geographic isolation and long distances to polling places on rural reservations, concentrated poverty on reservations creates greater difficulties for Native Americans that limit their ability to travel and access voting sites. Individuals living on rural reservations often cannot afford a tank of gas or car insurance and instead may choose to spend limited funds on necessities such as food or heating.

Limited access to broadband internet services on reservations is a barrier to online voter registration and for Native voters to learn about voting procedures and logistics. Native Americans in Montana also have worse health outcomes, are less likely to have access to vehicles, are likelier to be homeless or have unstable housing, are likelier to be victims of violent crime, are likelier to be profiled by law enforcement, and are likelier to be arrested and incarcerated as compared to the state’s population—all impediments to political participation disproportionately borne by Native Americans.

REQUEST FOR PRODUCTION NO. 28: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things

referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1590-1899.

INTERROGATORY NO. 27: If you assert that low-income Native Americans have more difficulties affording a tank of gas than other low-income non-Native American Montanans, please set forth the facts which support this assertion and identify any individuals who have knowledge related to this assertion.

ANSWER: OBJECTION – Vague and confusing. To the extent that Plaintiff understands the Interrogatory, a tank of gas costs the same regardless of whether an individual is a Native American or non-Native. However, the Native American poverty rate dramatically out-strips the poverty rate for non-Natives. Given the geographic isolation and long distances to polling places on rural reservations, concentrated poverty on reservations creates greater difficulties for Native Americans. Individuals living on rural reservations often cannot afford a tank of gas and instead may choose to spend limited funds on necessities such as food or heating.

REQUEST FOR PRODUCTION NO. 29: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1590-1899.

INTERROGATORY NO. 28: Set forth the facts which support the allegations and identify persons with knowledge of the facts which support the allegations that there is a lengthy

waitlist for housing on the Blackfeet Reservation, that it is common to have upwards of 10 people sharing a home, and that people are often in various states of homelessness without an address, as alleged in paragraph 45 of the Complaint.

ANSWER: OBJECTION – this discovery request should be directed to the Blackfeet Nation.

REQUEST FOR PRODUCTION NO. 30: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – this discovery request should be directed to the Blackfeet Nation.

INTERROGATORY NO. 29: If you are aware of any facts or witnesses which support the proposition that paid ballot collection activities during campaigns and elections increases the security and integrity of elections and the public confident in the outcome of elections, please set forth the facts which support this proposition and identify persons with knowledge of the facts which support this proposition.

ANSWER: Full and fair access to the ballot box increases public confidence in the outcome of elections. HB 176 and HB 530 erect barriers to voting which erode confidence in the outcome of elections.

REQUEST FOR PRODUCTION NO. 31: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1590-1818.

INTERROGATORY NO. 30: Set forth any facts which you assert tend to show that the alleged difficulties related to voting faced by Native Americans are a result of the Native Americans' race and identify any persons who have knowledge of the facts which you assert tend to show that the difficulties voting are a result of race.

ANSWER: See answer to Interrogatory No. 26.

REQUEST FOR PRODUCTION NO. 32: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1590-1818.

INTERROGATORY NO. 31: If you assert that Native Americans face unique difficulties in voting compared to difficulties in engaging other aspects of society and daily life, set forth any facts which support this assertion and identify any persons with knowledge of the facts which support the assertion.

ANSWER: See answer to Interrogatory No. 26.

REQUEST FOR PRODUCTION NO. 33: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1590-1818.

INTERROGATORY NO. 32: Set forth all facts which you assert tend to show that Native Americans face unique difficulties registering to vote and voting, and do so separately for each method of registering to vote and each method of voting, and identify persons with knowledge of the facts.

ANSWER: Native Americans living on reservations in Montana have unequal access to mail voting. Native Americans living on reservations often lack access to regular mail service, such that many individuals cannot reliably receive mail ballots and they may not personally be able to mail their voted ballots. Residential mail services on reservations are limited due to a widespread lack of at-home delivery by the U.S. Postal Service or other private mail delivery services and scarcity of post offices, post office boxes, and mail drop-off boxes.

Native American homes are often overcrowded; it is not uncommon for 10–15 people to live in a single home. Housing can be precarious, with people living in homes on the goodwill of friends or relatives, and individuals may move from home to home to stay housed. These individuals often lack a permanent address to conduct affairs such as voting and therefore rely on post office boxes (“P.O. box”). People sharing a home may also all share a single P.O. box, especially if their home does not receive mail delivery.

Native Americans residing on reservations are more likely to be geographically isolated from polling centers where absentee ballots can be delivered, and they often lack the means to travel to those locations to deliver their ballots. Geographic isolation coupled with higher levels of poverty make it less likely that Native Americans can avail themselves of the mail ballot drop off locations at polling places without the benefit of assistance.

Limited access to broadband internet services on reservations is also a barrier to online voter registration and applying for driver's licenses. Further, "border towns," or towns that border reservations, are also notorious for their racism and discrimination toward Native Americans. These border towns are often the location where Native Americans must go to cast their ballot or obtain driver's licenses. Native American participation in elections is further deterred because of the long history of hostility towards Native Americans in those border towns.

Native Americans in Montana also are less likely to have access to vehicles, less likely to have money for gas or car insurance, likelier to have worse health outcomes, likelier to be homeless or have unstable housing, likelier to be victims of violent crime, likelier to be profiled by law enforcement, and likelier to be arrested and incarcerated as compared to the state's population—all impediments to political participation disproportionately borne by Native Americans.

REQUEST FOR PRODUCTION NO. 34: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1590-1818.

INTERROGATORY NO. 33: If you assert that the Montana Constitution requires the State of Montana to allow paid ballot collection activities without any regulations governing paid ballot collection activities, please set forth all facts and law supporting your position and identify any persons with knowledge of the facts which support your position.

ANSWER: OBJECTION – Calls for a legal conclusion. Without waiving the foregoing objection, see Findings of Fact and Conclusions of Law, *Western Native Voice et al. v. Stapleton et al.*, Cause No. DV 20-0377 (13th Judicial District Court, Yellowstone County).

REQUEST FOR PRODUCTION NO. 35: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – Calls for a legal conclusion. Without waiving the foregoing objection, see Findings of Fact and Conclusions of Law, *Western Native Voice et al. v. Stapleton et al.*, Cause No. DV 20-0377 (13th Judicial District Court, Yellowstone County)..

INTERROGATORY NO. 34: If you assert that the Montana Constitution requires the State of Montana to allow election day registration, please set forth all facts and law supporting your position and identify any persons with knowledge of the facts which support your position.

ANSWER: OBJECTION – Calls for a legal conclusion.

REQUEST FOR PRODUCTION NO. 36: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – Calls for a legal conclusion.

INTERROGATORY NO. 35: Set forth any facts which support your allegation that Native Americans would not “be able to vote” unless there is ballot collection for pecuniary compensation in Montana and identify any persons with knowledge of the facts.

ANSWER: OBJECTION – the origin of the quoted language is unclear. Plaintiffs assert that HB 176 and HB 530 make it more difficult for Native Americans living on rural reservations to vote.

REQUEST FOR PRODUCTION NO. 37: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – the origin of the quoted language is unclear. Plaintiffs assert that HB 176 and HB 530 make it more difficult for Native Americans living on rural reservations to vote.

INTERROGATORY NO. 36: Set forth in detail all efforts by you, if any, to remedy the alleged problems Native Americans face in registering to vote and voting, such as poverty, lack of vehicle access, lack of mail delivery, lack of internet access, and lack of access to post offices, and identify any person with knowledge of the facts.

ANSWER: Civic engagement is a crucial part of Western Native Voice's activities, especially get-out-the-vote (GOTV) programs. WNV conducts GOTV efforts on all seven reservations and in the Native American community in the three urban centers in Montana. Non-Profit Plaintiffs' GOTV efforts include canvassing reservations and urban Indian centers and discussing the importance of voting and civic participation and how and why to engage in the civic process. Voter education and facilitation of voter registration are core to Non-Profit Plaintiffs' GOTV work and is vital to voter turnout in the Native American community.

REQUEST FOR PRODUCTION NO. 38: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things

referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1920-1930.

INTERROGATORY NO. 37: Identify any Native Americans who meet all the following criteria: no home mail delivery, reliance on a P.O. box, no access to a vehicle, no access to the internet.

ANSWER: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

REQUEST FOR PRODUCTION NO. 39: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – this Interrogatory invades the right to privacy of individuals who are not a party to this lawsuit.

REQUEST FOR PRODUCTION NO. 40: Please produce all communications and correspondence of any kind, including but not limited to letters, emails, and text messages, between you and any person or entity you paid to perform election-related activity, including GOTV, ballot collection, and voter registration between January 1, 2019 and the present.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 117-127, 1172-1219, 1251-1341.

INTERROGATORY NO. 38: If you assert Native Americans are uniquely unable to register to vote by mail and vote by mail, identify all facts that support the assertion and identify persons with knowledge of the facts.

ANSWER: Western Native Voice knows that Native Americans living on reservations in Montana have unequal access to mail voting because of the employees' lived experience. WNV employees live in Montana and in tribal communities and have worked in numerous elections. WNV is learning more each year. WNV hears personal stories of people trying to vote. WNV organizers share stories from tribal members living on reservations in Montana about their experiences and the reality of living in tribal nations.

Native Americans living on reservations in Montana have unequal access to mail voting. Native Americans living on reservations often lack access to regular mail service, such that many individuals cannot reliably receive mail ballots and they may not personally be able to mail their voted ballots. Residential mail services on reservations are limited due to a widespread lack of at-home delivery by the U.S. Postal Service or other private mail delivery services and scarcity of post offices, post office boxes, and mail drop-off boxes. Native Americans also report low trust in the U.S. Postal Service.

REQUEST FOR PRODUCTION NO. 41: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1590-1818.

INTERROGATORY NO. 39: If you assert that the State of Montana does not have a compelling state interest in the security and integrity of elections and the public confidence in the outcome of elections, set forth all facts which support such assertion and identify persons with knowledge of the facts.

ANSWER: OBJECTION – Calls for a legal conclusion.

REQUEST FOR PRODUCTION NO. 42: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – Calls for a legal conclusion.

INTERROGATORY NO. 40: If you assert that every election in Montana between 1972 and 2005 was an unconstitutional election, set forth all facts which support such assertion and identify persons with knowledge of the facts.

ANSWER: OBJECTION – Calls for a legal conclusion.

REQUEST FOR PRODUCTION NO. 43: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: OBJECTION – Calls for a legal conclusion.

INTERROGATORY NO. 41: If you assert that HB 176 and HB 530 do not further security and integrity of elections and public confidence in the outcome of elections, set forth all facts which support such assertion, and identify persons with knowledge of the facts.

ANSWER: Full and fair access to the ballot box increases public confidence in the outcome of elections. HB 176 and HB 530 erect barriers to voting which erode confidence in the outcome of elections.

REQUEST FOR PRODUCTION NO. 44: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: None.

INTERROGATORY NO. 42: Identify every instance where paid ballot collection activities lead to allegations of voter fraud, allegations of election fraud, a decrease in the security and integrity of elections, or a decrease in the public's confidence in the outcome of elections.

ANSWER: Plaintiffs are unaware of any instance where paid ballot collection activities lead to allegations of voter fraud, allegations of election fraud, a decrease in the security and integrity of elections, or a decrease in the public's confidence in the outcome of elections.

REQUEST FOR PRODUCTION NO. 45: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: None.

INTERROGATORY NO. 43: Identify every instance where election day registration lead to allegations of voter fraud, allegations of election fraud, a decrease in the security and integrity of elections, or a decrease in the public's confidence in the outcome of elections.

ANSWER: Plaintiffs are unaware of any instance where election day registration has led to allegations of voter fraud, allegations of election fraud, a decrease in the security and integrity of elections, or a decrease in the public's confidence in the outcome of elections.

REQUEST FOR PRODUCTION NO. 46: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: None.

INTERROGATORY NO. 44: Identify any facts which you contend show that paid ballot collection activities or election day registration decrease the potential for voter fraud, decrease the potential for election fraud, increase the security and integrity of elections, or increase public confidence in the outcome of elections, and identify any persons with knowledge of the facts.

ANSWER: Full and fair access to the ballot box increases public confidence in the outcome of elections. HB 176 and HB 530 erect barriers to voting which erode confidence in the outcome of elections.

REQUEST FOR PRODUCTION NO. 47: Please produce all documents and tangible things that support your answer to the previous interrogatory, all documents and tangible things referenced in your answer to the previous interrogatory, and all documents and tangible things relied upon by you in your answer to the previous interrogatory.

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 48: Please produce each written or recorded statement given by you, taken by you, or received by you, concerning any fact alleged in the complaint.

RESPONSE: See documents produced herein, bearing BATES NO. WNV 1-2310.

REQUEST FOR PRODUCTION NO. 49: Please produce all documents which you assert tend to support your allegation that HB 176 and HB 530 “are part of a broader scheme by the Montana legislature to disenfranchise Native American voters” as alleged in paragraph 1 of the Complaint.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1464-1506, 1577-1589.

REQUEST FOR PRODUCTION NO. 50: Please produce all documents which you assert tend to support your allegation that “Native Americans have limited in-person voting services on reservations” as alleged in paragraph 2 of the Complaint.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1590-1818, 1935.

REQUEST FOR PRODUCTION NO. 51: Please produce all documents which you contend support your allegation that the Montana legislature “introduced several bills intended to restrict Native American voting rights” as alleged in paragraph 2 of the Complaint.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1464-1506, 1577-1589.

REQUEST FOR PRODUCTION NO. 52: Please produce all documents related to data, statistics, publications, studies, articles, and reports which you may use to support any claim asserted in the complaint, including copies of the data, statistics, publications, studies, articles, and reports.

RESPONSE: OBJECTION – Calls for expert testimony. Without waiving the foregoing objection, please see documents produced herein, bearing BATES NO. WNV 1395-1966.

REQUEST FOR PRODUCTION NO. 53: Please produce all documents related to your activities of paying ballot collectors in campaigns and elections, including paystubs, activity logs and notes, correspondence, emails, text messages, manuals, training materials, and guides.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1967-2310.

REQUEST FOR PRODUCTION NO. 54: Please produce all documents which you assert tend to support your allegation that “Native Americans living on reservations often lack access to regular mail service” as alleged in paragraph 8 of the complaint.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 55: Please produce all documents which you assert tend to support your allegation that Native Americans lack “the means to travel to those locations to register to vote or drop off a voter registration application prior to an election” as alleged in paragraph 10 of the complaint.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 56: Please produce all documents related to your GOTV operations between January 1, 2019 and the present as alleged in paragraph 23 of the complaint, including voter lists, worker lists, vendor lists, training materials, guides, manuals, scripts, emails, text messages, correspondence, audio recordings, and video recordings.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1967-2310.

REQUEST FOR PRODUCTION NO. 57: Please produce copies of all organizational documents of WNV, including but not limited to articles, bylaws, board meeting minutes, tax returns, resolutions, financial statements, balance sheets, income statements, and cash flow statements.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1967-2310.

REQUEST FOR PRODUCTION NO. 58: Please produce all documents related to WNV's efforts, if any, to protect the security of ballots collected through its ballot collection activities, including policies and procedures, training documents, manuals and guides, complaints, forms, disciplinary files, and documents related to any violation of policies, procedures, training, manuals, and guides of WNV.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1967-2310.

REQUEST FOR PRODUCTION NO. 59: Please produce all polies, procedures, manuals, and guides that WNV has in its possession for any activity of WNV related to elections between January 1, 2019 and the present.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 1967-2310.

REQUEST FOR PRODUCTION NO. 60: If you contend that Native Americans are less likely to have mail delivery, internet access, and access to a vehicle compared to low-income, non-Native Americans, please produce all documents which support the contention.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 61: If you assert that Native Americans face more difficulties voting than low-income non-Native Americans, please produce all documents which support the assertion.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 62: Please produce documents which show that paid ballot collection increases the security and integrity of elections and the public confidence in the outcome of elections.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 63: Please produce any documents which tend to support the assertion that Native Americans face unique difficulties in registering to vote and in voting compared to difficulties engaging in other aspects of society.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 64: Please produce documents which show the alleged difficulties Native Americans face in registering to vote and voting for each method of registering to vote and each method of voting.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 65: Please produce all documents which show that Native Americans would not “be able to” vote without paid ballot collection activities.

RESPONSE: OBJECTION – the origin of the quoted language is unclear. Plaintiffs assert that HB 176 and HB 530 make it more difficult for Native Americans living on rural reservations to vote. Without waiving the foregoing objection, please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 66: Please produce all documents which show that Native Americans would not “be able to” vote without election day registration.

RESPONSE: OBJECTION – the origin of the quoted language is unclear. Plaintiffs assert that HB 176 and HB 530 make it more difficult for Native Americans living on rural reservations to vote. Without waiving the foregoing objection, please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 67: Please produce all documents which show which Native Americans receive home mail delivery and which Native Americans rely on P.O. boxes.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR PRODUCTION NO. 68: Please produce all communications between you and any person or entity you paid to perform election-related activity, including GOTV, ballot harvesting, and voter registration between January 1, 2019 and the present.

RESPONSE: Please see documents produced herein, bearing BATES NO. WNV 117-127.

REQUEST FOR PRODUCTION NO. 69: Please all documents which show that HB 176 and HB 530 do not further security and integrity of elections and the public confidence in the outcome of elections.

RESPONSE: Please see the expert reports of Dr. Dan McCool, Professor Alex Street, and Ryan Weichelt, Ph.D., produced herein as BATES NO. WNV 1590-1899.

REQUEST FOR ADMISSION NO. 1: Admit the genuineness and authenticity of all documents produced in response to these discovery requests.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 2: Admit you are aware of no facts and no documents which support your allegation that HB 176 and HB 530 “are part of a broader scheme by the Montana legislature to disenfranchise Native American voters” as alleged in paragraph 1 of the Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 3: Admit there are no statements from any Montana legislators from the 2021 session which tend to show that HB 176 and HB 530 “are part of a broader scheme by the Montana legislature to disenfranchise Native American voters” as alleged in paragraph 1 of the Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 4: Admit that Native Americans in Montana can vote in person in state and federal elections.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 5: Admit that Native Americans have in-person voting services on reservations for state and federal elections in Montana.

ANSWER: Admit in part and deny in part.

REQUEST FOR ADMISSION NO. 6: Admit that a legitimate state interest is furthered by HB 176.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 7: Admit that a legitimate state interest is furthered by HB 530.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 8: Admit that a compelling state interest is furthered by HB 176.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 9: Admit that a compelling state interest is furthered by HB 530.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 10: Admit that Native Americans can register to vote before election day in Montana.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 11: Admit that HB 530 does not prevent you from conducting GOTV operations.

ANSWER: Admit in part and deny in part.

REQUEST FOR ADMISSION NO. 12: Admit that HB 176 does not prevent you from conducting GOTV operations.

ANSWER: Admit in part and deny in part.

REQUEST FOR ADMISSION NO. 13: Admit that WNV does nothing to further the security and integrity of elections.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 14: Admit that WNV does nothing to further the public confidence in the outcome of elections.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 15: Admit that many non-Native Americans face the same difficulties in registering to vote and in voting faced by Native Americans.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 16: Admit that low-income, non-Native American Montanans face the same difficulties voting that low-income Native Americans face.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 17: Admit that paid ballot collection activities does not increase the security and integrity of elections.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 18: Admit that paid ballot collection activities decreases public confidence in the outcome of elections.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 19: Admit that election day registration decreases public confidence in the outcome of elections.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 20: Admit that paid ballot collection activities does not increase public confidence in the outcome of elections.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 21: Admit that HB 176 furthers security and integrity of elections and the public confidence in the outcome of elections.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 22: Admit that HB 530 furthers security and integrity of elections and the public confidence in the outcome of elections.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 23: Admit that ballot collection activities decreases the security and integrity of elections.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 24: Admit that public confidence in the outcome of elections has decreased in the past five years.

ANSWER: Plaintiff is without sufficient information to admit or deny Request for Admission No. 24 and therefore denies the same.

REQUEST FOR ADMISSION NO. 25: Admit that increasing public confidence in the outcome of elections is a legitimate state interest.

ANSWER: Plaintiff is without sufficient information to admit or deny Request for Admission No. 25 and therefore denies the same.

REQUEST FOR ADMISSION NO. 26: Admit that increasing public confidence in the outcome of elections is a compelling state interest.

ANSWER: Plaintiff is without sufficient information to admit or deny Request for Admission No. 26 and therefore denies the same.

REQUEST FOR ADMISSION NO. 27: Admit that WNV is registered with the Montana

Secretary of State as a Public Benefit Corporation without members.

ANSWER: Admit.

DATED THIS 24th day of January, 2022.

/s/ Alex Rate

Alex Rate (MT Bar No. 11226)

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CERTIFICATE OF SERVICE

I, Alex Rate, hereby certify on this date I emailed a true and accurate copy of the foregoing document to:

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DATED: January 24, 2022

Alex Rate
Alex Rate

Exhibit 1–24

Erica Shelby
CSKT GOTV Coordinator 2016
Final Report for Rob McDonald, Communications Director

Overview

This election season was successful for the CSKT membership. We were able to get a good amount of people up to the election office to cast their ballots early. (Early voters-217) Other groups that we worked with during GOTV events also pulled a lot of early voters with 181. On election day we were able to target 139 people from our voter target list to give rides to the polls. We brought in 23 elders' absentee ballots and WNV received about 12. We created a great team of volunteers to help canvass different populations of Indians and connect with our target demographic. We were also able to help put together 3 GOTV events and voter rallies.

This effort could have been improved in several ways. We got a late start and unfortunately we weren't able to get any early registrations. This causes a problem because we are not able to bring registration cards to the election office without the individual present. This caused long lines at the election office. It was extremely challenging, but we were able to keep many of our Tribal voters in line for the 3 hour wait. The Elmo community had experienced a loss and the Satellite office needed to be moved. That didn't seem to be a major bump and the Elmo Dayton community turned out the highest precincts numbers that reported. The problem was that many people were cooking and doing other things and couldn't afford to wait for that long, or come back into town. I think this is a good reason to at least assign someone and/or encourage CSKT employees to early register. This can be incentivized with Change of duty.

Another issue we had was on election day, and a transportation issue. The governor sent Jason Smith and his team to help MNV and Lake County Dems. We were coordinating with them as well as Pachyderm club for rides to the polls. We rely on the Dems because they were able to secure transportation, like vans, buses etc. We complement each other because we have tons of volunteer individual drivers who can go and get 3 voters from anywhere. Whereas vans and buses need to be in high populated areas or have a group signed up at a certain time. At about 3 oc'lock, Jason and his team had to leave because an issue had come up and they were needed back in Helena. We had to return buses and vans except for 2. We tried to pick up the slack with our individuals, but these are time consuming with individuals. For instance, we had a husband and wife team each driving a different vehicle and had to make 2 separate trips from kicking horse to the election office and that basically took up their entire mornings and afternoons. Finally, we just left the vans at the election office and announced that if you were waiting for a ride to wait on the bus so people could keep working. I would definitely say transportation is always a huge issue. It's difficult to ask volunteers on their own gas, but luckily we have a lot of people who understand how important it is. We gave our volunteers food and t-shirts to show our appreciation.

Some other notable things, were that we got 2 first time voters over 30, 1 first time voter over 40, and 1 first time voter over 50. We also got 26 first time voters age 18. Our bar man pulled 6 voters out of the bar to go vote. On top of early voters and election day rides we also tried to spread awareness of voter apathy and the power of our Indian Vote.

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 02-17-2022:

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Electronically Signed By: Dale Schowengerdt
Dated: 02-17-2022