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Attorneys for Plaintiffs Montana Democratic Party and Mitch Bohn

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

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

WESTERN NATIVE VOICE, Montana Native
Vote, Blackfeet Nation, Confederated 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

**DECLARATION OF MATTHEW
GORDON**

I, Matthew Gordon, declare as follows:

My name is Matthew Gordon. I am over 18 years old and am an attorney with the law firm of Perkins Coie LLP. I am admitted to practice law in the State of Montana and am an attorney for Plaintiffs in this matter. I submit this declaration to provide the Court with true and correct copies of certain documents submitted in connection with Plaintiffs Montana Democratic Party and Mitch Bohn's Reply in Support of Motion for Preliminary Injunction in this matter.

1. Exhibit 36 is a true and correct copy of Cory Stapleton, STATE OF THE MONTANA SECRETARY OF STATE (2020). Exhibit 36 is publicly available at <https://sosmt.gov/wp-content/uploads/state-of-sos-2020.pdf>.

2. Exhibit 37 is a true and correct copy of the Declaration of Lonna Atkeson, filed by then-Secretary of State Corey Stapleton in *Driscoll v. Stapleton*, No. DV 20-0508 (Mont. Dist. Ct. 2020).

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Dated this 2nd day of March, 2022.



Matthew Gordon

Exhibit 36



State of the Montana Secretary of State

Corey Stapleton, Montana Secretary of State

2020



The **Business Services Division** of the Secretary of State's Office continues to help commerce thrive and provide immaculate customer service.

CUSTOMER SERVICE & EFFICIENCIES

Business Services has made immaculate customer service a cornerstone of each day. Whether talking to customers, replying to emails, or working with other agency partners, timely, friendly, and knowledgeable information is the goal. The Secretary of State's Office has cross-trained staff so everyone can provide quality assistance. Performance goals are tracked daily, and the team thrives on reaching and beating those goals.

The Business Services Division has built partnerships with other agencies and states to assist citizens with easier and more efficient filings, as well as sharing expertise with Montana notaries and notaries from all over the United States. The Division has partnered with the Department of Labor and Industry to add a computer in their lobby so customers getting business licenses are able to register their name and finish the licensing process all in one stop.

SETTING THE BAR

The Montana Secretary of State's Office was the first in the nation to file an eApostille, which has long been thought to be out of reach, but the office sponsored legislation in 2019 that provided the framework to make such a significant stride possible. The 2020 COVID-19 closures provided the final catalyst that brought the need clearly into focus. On June 22, 2020, Montana became the first "Competent Authority" in the United States to issue an eApostille on remotely notarized documents.

PANDEMIC... NOT PANDEMONIUM

As a result of "Going Digital," the staff continued to serve our business community without any interruptions, while some of the team transitioned to work remotely. The staff enjoys remote work, and productivity has increased. The Business Services Division has continued to process filings and answer phones due to the ability to work remotely in an online system. The remote notarization law Montana passed in 2020 allowed business transactions to continue during the shutdown, and staff remained available to customers to accommodate those requests.

Immaculate Customer

Service: Focusing on the right results and training has allowed us to accomplish all these successes with less staff. How do we know? Valued Secretary of State customers could not be more complimentary about the customer service they regularly receive.

"I was needing assistance in registering my business as an LLC and the staff was patient, friendly, knowledgeable, eager to help, and an absolute delight to work with. Whatever you and your team are doing to foster that sort of service deserves a huge HOORAH."

"Thanks for the amazing job your department does for Montana businesses. I am a personal banker with First Security Bank in Missoula and help business customers every day to register their business with your department. They always say how fast and helpful everyone is if they need to call or use the website."

"One positive interaction generally credits the individual, but two positive interactions begin to speak of the leadership of the office."



Customer Testimonials



The **Elections Division** of the Secretary of State's Office continues to promote democracy by providing safe, secure, and accurate elections.

2020 PRIMARY ELECTION

The Secretary of State's Office Election Division administered a successful all mail ballot election for the 2020 Primary. Candidate filing was the busiest ever with four political parties being represented, as well as independent and non-partisan candidates filing for public office.

There was a significant move from in-person filing to online filing, which was easily facilitated with the office's improved online filing system. The Elections team provided resources for voters and county election staff across the state. New and improved customer service software was implemented to become even more responsive to the election community. Additional security enhancements were made to the Montana Voter Registration System, further protecting and improving the integrity of our election system.

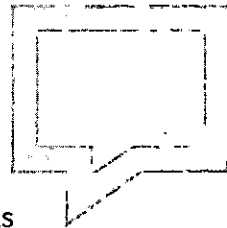
INTEGRITY MATTERS

The Secretary of State's Office made certain that the integrity of Montana's elections met expectations. Ongoing training with county election clerks for signature verification was never more important than it was this past June and will be for Montana's November General Election.

ELECTION SECURITY

The office has maintained laser focus on election system security. Partnerships with the National Guard, Department of Justice, the State Information Technology Division, and Federal Government resources have increased awareness and provided confidence that Montana election systems are highly secure.

"I would like to let you know that your staff has been assisting in getting our new clerk all set up. It is always a pleasure working with them. Their professionalism, knowledge, kindness and above all patience is such a breath of fresh air." --County Election Deputy



Customer Testimonials

Thank you for your attention to the annual **State of the Secretary of State**

*Even a pandemic couldn't dampen the incredible results of dedicated employees at the Montana Office of the Secretary of State! In just four years, the office has racked up an impressive **Top 10 list of accomplishments:***

10. Increased the integrity of mail ballots after the 2017 special federal election by conducting the 2017 Mail Ballot Improvement Project and reduced 'mismatched' ballot signatures by 30% the following 2018 Primary election.

9. Led the nation in 2018 by going fully digital across the Business Services registry, reducing 50,000 annual errors from paper filings.

8. Consolidated the property lease locations of the office from four to one, reducing square footage by 70% and reduced staffing by 30%, resulting in savings of millions of dollars.

7. Through intentional and thoughtful leadership, completely revamped the employee experience of working in the State Capitol. Invested in training, empowerment, and support for every single employee. The Office of the Secretary of State last year boasted 100% actively engaged employees during the annual employee survey!

6. Continued national leadership on remote notarization, providing critical business support during COVID-19.

5. Reduced and kept customer fees near the lowest in the nation for Business Services and Election & Voter Services.

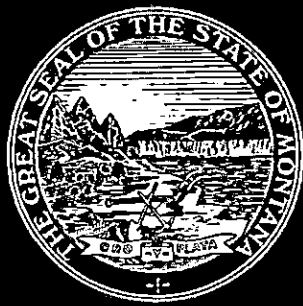
4. Increased the cyber security across Elections, including implementing two-factor authentication for all 56 county election offices and across the various Secretary of State IT platforms.

3. Completely modernized and added efficiency to the way Montana oversees Records Management, saving more than \$500,000 per year in overhead and outdated methods.

2. Procured a new Montana Voter Registration system to be introduced in 2021.

1. Authorized millions of dollars to local election offices and gave them the autonomy to determine how to best secure and improve elections at a local level.

"The mission of the Office of the Secretary of State is to promote democracy, help commerce thrive, and record history for future generations."

A handwritten signature in black ink, appearing to read "Corey Stapleton".

Corey Stapleton
Montana Secretary of State

Contact Us

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335 copies of this public document were published at an estimated cost of \$1.032 per copy, for a total cost of \$508.08, which includes \$345.58 for printing and \$162.50 for distribution.

Exhibit 37

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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY**

<p>ROBYN DRISCOLL; MONTANA DEMOCRATIC PARTY; AND DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,</p> <p>Plaintiffs,</p> <p>v.</p> <p>COREY STAPLETON, in his official capacity as Montana Secretary of State,</p> <p>Defendant.</p>	<p>Cause No. DV 20-0408</p> <p>DECLARATION OF LONNA ATKESON</p>
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I. Statement of Inquiry

I have been retained as an expert by the State of Montana to provide analysis related to Montana's 8 p.m. Election Day deadline for the receipt of absentee and mail ballots and Montana's deadlines for allowing voters to cure ballot deficiencies, in the lawsuit brought by Robyn Driscoll, Montana Democratic Party, and Democratic Senatorial Campaign Committee against Corey Stapleton, in his official capacity as Montana Secretary of State ("the Complaint"), as well as the reliability and validity of the methods, data, results, and conclusions in the report by Dr. Mayer. While I focus on these questions in relation to a long term view of the past and future of election administration in Montana, I also specifically consider these issues in relation to the 2020 election and the role COVID-19 will play in this election.

II. Executive Summary

Based upon my review, Montana has an excellent absentee early, vote-by-mail (“VBM”) regime that affords absentee voters many options for casting a ballot. Montana’s strong election ecosystem encourages and supports voter participation and results in generally high turnout and high voter confidence. Montana’s election laws are fundamentally working for its citizens, provide equity between in-person and VBM voters, and promote a fair and accessible system of elections. Montana compares favorably to other all- or mostly-VBM states and provides more accessibility than states that are not predominantly VBM states.

Montana’s Election Day deadline makes voters equal across the state because it is the same for every voter, whether by mail or in-person. The deadline creates a perceivably fair election system, and it does not prevent voters from casting their ballot up to election day if they are uncertain. The data demonstrates that Montana voters are well-aware of the deadline—very few ballots are rejected for being late. Moreover, there is no evidence that changing the Election Day receipt deadline would result in a greater percentage of ballots arriving on time. To the contrary, changing the deadline would likely affect voter behavior and mobilization efforts, and could simply shift voters to returning their ballots later in the process, causing greater disenfranchisement.

The Election Day deadline provides a process that ensures every vote counts without compromising the integrity of the election or asking the impossible of the State’s election administrators. It ensures voters have time to cure ballot issues; gives the election administrators time to resolve and count all provisional ballots; allows for accurately and timely reporting of election results; and ensures other deadlines in Montana’s election code are met. Delayed elections and changes in processes create concerns in voter’s mind about the fairness and legitimacy of the process and negatively affect the integrity of the election system. Likely for these reasons, thirty-three other states also require voters to have their ballots to local election officials by the end of Election Day.¹

Similarly, there is no evidence that a longer cure period would lead to more votes being counted. Rather, the data demonstrates that states with longer cure periods do not see substantively more ballots counted, and election results from 2016 and 2018 suggest that, on average, states that have longer periods have a higher percentage of ballots being rejected. In fact, in some cases, states with the shortest curing period have the lowest percentage of rejection of ballots for this issue, while states with longer cure periods see a higher rate of rejection for mismatched signatures.

¹ In my declaration, this number was 35. However, when I updated Table 1, I correctly noted that Nevada currently has a 7-day postelection window for ballots postmarked by Election Day, but regrettably did not uncheck the Election Day Receipt Deadline, resulting in a counting error. Nevada made this change to their election laws in 2019. Prior to this, Nevada had an election day receipt deadline. I have corrected that error here and 34 represents current practice.

III. Background and Qualifications

I am a Professor of Political Science at the University of New Mexico. I earned my PhD at the University of Colorado, Boulder in 1995. Since 1995, I have been employed by the University of New Mexico, and have been a Professor since 2006. At the University of New Mexico, I also direct the Center for the Study of Voting, Elections and Democracy (since 2010), and the Institute for Social Research (since 2016).

I study American politics and, within that, election science, election administration, survey methodology, public opinion, political behavior, gender, and race and ethnicity. I have written over 50 articles and book chapters, and dozens of technical reports, monographs, amicus curiae briefs and other works on these topics. Many of my peer-reviewed articles are published in top journals in my field, including *the American Political Science Review*, *the American Journal of Political Science*, *the Journal of Politics*, *Political Analysis*, *Electoral Studies*, *Election Law Journal*, *Political Research Quarterly*, *American Politics Quarterly*, *Political Behavior*, *Social Science Quarterly*, etc., and several articles, book chapters, reports and briefs speak specifically to the election ecosystem, including election implementation. I have spent countless hours observing elections since 2006 from start to finish, including attending poll worker training, observing voting, observing the vote-by-mail (VBM) voter process, the provisional process, ballot chain of custody, and postelection audits, etc.; and, in 2010, I recreated an election to test the reliability of voting machines and to assist in promulgating rules for post-election audits. I also have written or co-edited 4 books, two of which bear directly on my expertise in election administration. The first is a co-authored book with R. Michael Alvarez and Thad Hall entitled, *Evaluating Elections: A Handbook of Methods and Standards* (Cambridge, 2013). The second is a coedited book with the same set of authors on election audits, entitled *Confirming Elections: Creating Confidence and Integrity through Election Audits* (Palgrave, 2012).

In addition, I have worked as a consultant for the Department of Defense, Federal Voting Assistance Program, and private companies to assess the Election Administration Voting Survey (EAVS), a national survey of county and state election administration data for the Election Assistance Commission (EAC). I have testified at legislative hearings, EAC hearings, and have been asked to advise legislators on election reforms. My work in New Mexico that partners with local and state elected officials to improve the conduct of elections has led to a number of external awards from groups such as Common Cause and Verified Voting. My research has been supported by the National Science Foundation, the Pew Charitable Trusts, the Thornburg Foundation, the Galisano Foundation, the JEHT Foundation, Bernalillo County, the New Mexico Secretary of State, and the New Mexico Department of Transportation. I am regularly asked to comment on surveys, election administration, elections, and American politics to the local and national press, and I serve as the election analyst for KOB-TV, our local NBC affiliate.

My curriculum vitae for the last 10 years is attached as **Appendix D**.

In the last 4 years, I submitted an expert report and testified in the following: (1) *Voto Latino Foundation v. Hobbs*, No 2:19-cv-05685-DWL (D. Ariz. 2020); (2) *Holmes v. Moore*, No. 18-cv-15292 (Wake Cnty. Sup. Ct. 2019-2020); (3) *Curling v. Kemp*, C.A. No. 1:17-CV-2989-AT (N.D. Ga. 2018); (4) *Greater Birmingham Ministries, v. John Merrill*, C.A. No. 2:15-cv-02193-LSC (N.D. Ala. 2015-2018).

I am being compensated at an hourly rate of \$300.

IV. Data and Sources

I reviewed information provided by election officials and county recorders' offices in Montana, and note those sources throughout this report. These include a variety of data files, including the absentee voter file from 2016 and 2018. I also examined materials on the Secretary of State's ("SOS") website (e.g., absentee voting instructions, voter turnout statistics, absentee voting statistics, and the absentee early ballot envelope), and Montana statutes.² In addition, I examined the following publicly available data sources: (1) the Election Assistance Commission's Election Administration and Voting Survey (EAVS);³ (2) the Survey for the Performance of American Election (SPAEE);⁴ and (3) Michael McDonald's Election Project (specifically data on state turnout).⁵

V. Election Administration in Montana

Over the past two decades, Montana has developed a robust absentee early voting⁶ regime. Montana's election ecosystem emphasizes voter convenience and access on the one hand, and election security and integrity on the other. These are the two sides of election administration—access and integrity—and they are constantly in tension. Access is critical to a free and fair system; it legitimizes the decisions of elected officials. Election integrity is equally important for the same reason. Voters need to feel confident not only that their vote is counted correctly, but that all the other ballots in their precinct, county, or state are also counted correctly and are free from fraud.

The tension between these two goals is important because, in general, greater access increases the opportunity for mischief because, as the system becomes more accessible to voters, it also becomes more accessible to bad actors who want to manipulate the system for political gains. The concern is that either low-tech or high-tech hacking could steal the election.⁷ This is why, for example, voting experts recommend a voter-verifiable paper trail for all votes⁸ and

² <https://sosmt.gov/>.

³ The EAVS data can be found here: <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys>.

⁴ Information about the SPAEE and associated data sets can be found at <https://dataverse.harvard.edu/dataverse/SPAEE..>

⁵ <http://www.electproject.org/>.

⁶ Because a voter may cast an absentee ballot before Election Day, I refer to Montana's absentee ballot regime as "absentee early voting." There is no other early voting process in Montana.

⁷ See Lonna Rae Atkeson, et al, 2018 NEW MEXICO ELECTION ADMINISTRATION, SECURITY, AND ELECTION REFORM REPORT, available at https://polisci.unm.edu/c-sved/election_security_report_la7-1.pdf.

⁸ See, e.g., "The State and Local Election Cybersecurity Playbook," from the Harvard Kennedy School Belfer Center for Science and International Affairs, Defending Digital Democracy, February 2018; available at: <https://www.belfercenter.org/sites/default/files/files/publication/StateLocalPlaybook%201.1.pdf>; Lawrence Norden and Andrea Cordova McCadney, "Voting Machines at Risk: Where we stand Today," Brennan Center for Justice, March 5, 2019; *Russian Targeting of Election Infrastructure During the 2016 Election: Summary of Initial Findings and Recommendations*, U.S. Senate Select Committee on Intelligence, May 8, 2018, <https://www.intelligence.senate.gov/publications/russia-inquiry>; *Report on Russian Active Measures*, House Permanent Select Committee on Intelligence, March 22, 2018, https://republicans-intelligence.house.gov/uploadedfiles/final_russia_investigation_report.pdf; *Securing the Vote: Protecting American*

postelection audits⁹ and do not recommend e-voting. It is important to validate votes independent of voting machines because voting machines can be hacked.

This is also why there are security measures linked to absentee voting processes. When ballots are sent through the mail or handed to a third-party, election officials lose control of them, and consequently votes can more easily be either manufactured or stolen by outside sources, such as political operatives or party and candidate machines, than with in-person voting.

Election systems are always attempting to balance these two goals, access and security, and Montana, over the last two decades, has advanced a predominantly early/absentee system with a curing mechanism for rejected ballots to promote voter access. Montana has also placed a number of voter integrity measures around these processes, including a signature voter verification process, an Election Day receipt deadline, and, most recently, a ballot-harvesting law.

In 1999, Montana was one of the first states to expand absentee voting by allowing voters to permanently place themselves on an absentee voter list. The absentee voter list is the administrative list that voters are placed on when they request permanent early voting status. Permanent early voting status allows a voter to automatically receive a ballot by mail for every election in which they are eligible to vote.

In 2014, President Obama through executive order established the *Presidential Commission on Election Administration* (referred to as the *Commission*) and outlined a number of best practices related to voter registration, access to the polls, polling place management, and voting technology.¹⁰ Montana performs well in relation to a number of these metrics, but especially as to its early voting policies and procedures, which I outline here.

For example, the *Commission* recommends that jurisdictions expand options for voting before Election Day.¹¹ Montana was an early adopter of expanded early absentee voting and is highlighted in the report for having a permanent absentee voter list.¹² Montana offers extensive pre-election voting through a large absentee early voting program that provides many ways to cast a ballot, including through the mail, at election offices in each county or other designated county places of deposit, or at other designated places of deposit on Election Day, including any precinct in the voter's county.

Democracy, The National Academies of Sciences, Engineering, and Medicine, 2018, <https://www.nap.edu/read/25120/chapter/1>; Danielle Root, Liz Kennedy, Michael Sozan, and Jerry Parshall, *Election Security in All 50 States: Defending America's Elections*, Center for American Progress, February 12, 2018, <https://www.americanprogress.org/issues/democracy/reports/2018/02/12/446336/election-security-50-states/>.

⁹ For a good discussion of postelection audits see: <https://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx> and Lynn Garland, Mark Lindeman, Neal McBurnett, Jennifer Morrell, Marian K. Schneider, Stephanie Singer, Principles and Best Practices for Post-Election Tabulation Audits," December 2018, available at <https://www.verifiedvoting.org/wp-content/uploads/2019/01/Audit-Principles-Best-Practices-2018.pdf>.

¹⁰ *Report and Recommendations of the Presidential Commission on Election Administration (Commission)*, available at: <http://web.mit.edu/supportthevoter/www/>, accessed April 9, 2020.

¹¹ *Commission* pp. 54-58.

¹² *Ibid*, p. 55.

To register for the absentee voter list, voters fill out an absentee ballot application form, which also allows them to check a box and become a permanent absentee voter.¹³ The form is available on the Montana Secretary of State's website and on many county websites as well.¹⁴ Voters can mail, e-mail, send via facsimile, or drop-off in person the absentee ballot application to their county election administrator. Any request received the day before an election will be granted. Obviously, if the request is made the day before the election, there will not be time to mail the ballot, but the voter is allowed to pick it up and drop it back off before 8pm on Election Day. The voter also can provide the name of a designated person who will pick up the ballot for them.

The vote-at-home model empowers voters because they get to decide when, how, and where they vote. It also empowers voters to research candidates with ballot in hand. To cast their ballot, voters do not have to take time off work or stand in line. Ballots in this model arrive automatically and voters, importantly, can choose how to cast their vote. They are not required to send in their ballot by mail, although that is the most commonly utilized option.

Montana's permanent absentee list is very popular. In the November 2018 general election, 61% of registered voters were sent absentee ballots and 73% of voters voted early absentee. In the November 2016 general election, 51% of registered voters were sent absentee early ballots and 65% of voters voted early absentee.¹⁵ Since 2012, Montana has been a majority early absentee voter state. These facts demonstrate that most Montanans have embraced the absentee early vote system. Voters are sent a ballot 25 days before Election Day and can return it by mail or in-person or have someone else return it for them by mail or in-person.¹⁶ Voters can also pick up their ballots in-person or have a designated person pick up their ballot up to 30 days before the election.¹⁷

All of Montana's early voting takes place through absentee ballots. There is no independent early in-person process in Montana; all early voters must vote absentee either through the mail or by dropping their absentee ballot envelope in-person at a county election office, precinct on election day, or any designated place of deposit.¹⁸ According to Montana statute (§ 13-19-307) each designated place of deposit "must be staffed by at least two election officials." Thus, under Montana statute, no 24-hour unstaffed ballot drop boxes are allowed. I realize testimony from 2 election administrators, one in Gallatin County and another in Cascade, indicated they had been using drop boxes until a recent change to the law.¹⁹ However, Montana statutes do not allow unstaffed drop-off locations. This rule is not inconsistent with other states who have laws about ballot harvesting, though methods deployed to ensure compliance varies. In Colorado and New Mexico, for example, ballot drop boxes are monitored by video surveillance. New Mexico

¹³ <https://sosmt.gov/Portals/142/Elections/Forms/Application-for-Absentee-Ballot.pdf>.

¹⁴ *Ibid.*, see also <https://www.missoulacounty.us/government/administration/2016-election-toolkit-8391>;
<https://www.co.yellowstone.mt.gov/elections/>; <https://beaverheadcounty.org/departments/election-office-new/>

¹⁵ <https://sosmt.gov/elections/absentee/>.

¹⁶ *Ibid.*

¹⁷ Mont. Code Ann. § 13-13-214.

¹⁸ Mont. Code Ann. §§ 13-13-201, 13-19-307.

¹⁹ See Driscoll Plaintiffs' Responses and Objections to SOS first Discovery Requests for Admission, Interrogatories, and Request for Production of Documents.

limits drop-offs to family members only.²⁰ Colorado limits a voter to dropping off ballots to a total of 10 ballots.²¹

Voters also can keep track of their ballot through an online portal, the Montana *My Voter Page*,²² which tells a voter when their ballot was processed, whether it was counted, and if not counted, the reason why the ballot was not counted. The ballot tracking system allows voters to monitor their ballot and to determine if they should request another ballot because theirs was lost, or if they should vote provisionally on Election Day if their ballot has not arrived. A tracking system is also a recommendation of the *Commission* and is considered a safeguard to ensuring that voters have every opportunity to have their vote counted and participate in the franchise.²³ In addition, voters can also send an email to soselections@mt.gov or call a hotline at 888-884-VOTE (8663) to determine if their vote has arrived and been counted.²⁴

The Montana *My Voter Page* also provides information on voter registration, registration address, location of and directions to the voter's county election office, whether or not the voter is on the permanent absentee list, and the status of a mailed ballot (sent, received, accepted, rejection and reason). In addition, voters can access a sample ballot on the *My Voter Page*.

Besides mailing their ballot, voters who do not trust the mail or do not complete their ballot in time to have it delivered by mail before the Election Day have the option of dropping off their absentee ballot at any county election office or designated drop-off location before Election Day. On Election Day, voters can drop off their absentee ballot in the county election office, precinct polling place, or other designated drop-off location by 8:00 PM.

This means that early absentee voters may return their ballot through the mail in time for its receipt by the time polls close on Election Day or deliver it in-person by the same deadline. This is the same deadline that in-person voters have. Thus, delivery options accommodate voters who want to wait up until Election Day to make their candidate choices. In addition, voters who requested an absentee ballot because of a health emergency that happened between 5:00 PM on the Friday before Election Day and the close of polls on Election Day can ask a special absentee election board to have an election worker bring an absentee ballot to them, wait for them to vote, and take it back with them to be counted.²⁵

Montana also has laws in place to allow a voter to cure absentee ballots that arrive without signatures or where signatures do not match. Upon arrival to the election office, the local

²⁰ See N.M. Stat. Ann. 1978, § 1-6-9, available at: <https://codes.findlaw.com/nm/chapter-1-elections/nm-st-sect-1-6-9.html>.

²¹ Colo. Rev. Stat. § 1-7.5-107, 8 Colo. Code Regs. § 1505-1-7.5, available here: <https://casetext.com/regulation/colorado-administrative-code/departments-1505-department-of-state/division-1505-secretary-of-state/rule-8-ccr-1505-1-elections/section-8-ccr-1505-1-7-elections-conducted-by-the-county-clerk-and-recorder/section-8-ccr-1505-1-75-receipt-and-processing-of-ballots> and <https://codes.findlaw.com/co/title-1-elections/co-rev-st-sect-1-7-5-107.html>.

²² See the Montana *My Voter Page*: <https://app.mt.gov/voterinfo/>.

²³ *Commission*, p. 47.

²⁴ See <https://sosmt.gov/elections/contact/>.

²⁵ See <https://sosmt.gov/elections/faq/#absentee-voting>; Mont. Code Ann. §§ 13-13-211(2); 13-13-212(20(a)); 13-13-229; see also <https://sosmt.gov/wp-content/uploads/Mail-Ballot-Process.pdf>.

election official reviews the signature envelope to qualify the ballot.²⁶ If there is a missing signature, or if the signature does not match, the election administrator attempts to contact the voter by the most expedient method available (which may include by mail, facsimile, or electronic means) to resolve the issues as soon as possible and preferably before the end of Election Day when the ballot becomes a provisional ballot.²⁷ At that point, the voter has until 5:00 PM the next day to resolve any issues, and until 6 days after Election Day for that information to arrive at the county election office if it is postmarked the day after the election.²⁸ A voter can thus resolve the issue by mail, electronic means, facsimile, or in-person.²⁹

Election administrators also try to locate voters whose ballots are undeliverable.³⁰

Voters may also request a replacement ballot if their original ballot is destroyed, lost, or not received.³¹ The replacement ballot is a regular ballot, not a provisional ballot.

Finally, voters can participate in late registration if they are not registered 30 days before the election. Late registration begins the day after registration closes and goes through Election Day, except from 12:00 PM to 5:00 PM the day before the election.³² Late registration provides opportunities for all qualified voters to participate in the election.

When I compare Montana's early absentee procedures and opportunities to vote to other states,³³ as I do in Table 1 below, I find a voting system that provides many opportunities for voters to exercise the franchise.³⁴ I find an election system that is fundamentally working for voters and election administrators alike. Montana compares favorably to most VBM states and, of course, provides more accessibility than states that are not predominantly VBM states. Voters can drop off their ballot in-person during early voting or in-person on Election Day. Voters can track their ballot to learn of its status so they can get a replacement ballot if theirs never arrives or vote provisionally on Election Day if they see their ballot has not arrived by mail. And, although Montana requests that voters include postage on their ballots, in the most recent primary election held on June 2, 2020, the counties provided postage to everyone, and during normal elections, if someone forgets their postage, it is still returned to the election office, which then pays for the mailing cost of the ballot. Some counties also staff designated drop boxes

²⁶ Mont. Code Ann., § 13-13-241.

²⁷ Mont. Code Ann. § 13-13-245.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ Mont. Code Ann. § 13-13-204.

³² See late registration information at: <https://sosmt.gov/elections/faq/>

³³ These data come from the National Conference of State Legislatures available at:

<https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>, accessed May 1, 2020, and data on VBM receipt deadlines from https://www.voteathome.org/wp-content/uploads/2018/11/Vote-at-Home_50-State-Report.pdf. I also reviewed the election law in states that appeared to have no curing period. Some states, such as Idaho and Hawaii have no formal legislative process, but it is their norm to attempt to cure these ballots. In these cases, I went with statute because it's unclear how the norms are applied and if they are applied consistently.

³⁴ I note that, in 2020, New Mexico passed a law allowing for drop-boxes for VBM ballots. However, none have been installed yet.

during early or Election Day voting that provide additional locations for ballot drop-off.³⁵ Montana allows a curing period and attempts to contact voters when there are ballot problems. Montana also helps voters who are ill by providing emergency mobile absentee boards that will take a ballot to the voter the weekend before the election.

Importantly, these options allow absentee voters who are unsure of their candidate choice to wait up until 8:00 PM on Election Day to return their ballot in-person at any polling location in their county. These practices demonstrate a state that administratively encourages and supports voter participation. Indeed, registered voters in Montana on the permanent absentee list have a very low cost of voting relative to in-person voters, and most voters take advantage of this convenience.

Table 1. 50 State Absentee VBM Policies

State	Drop Off at any Early Voting Location	Drop off at any Election Day Voting Location	Ballot Drop-boxes	On-line System to Track VBM ballots	Pays for Postage	Election Day or Before VBM Receipt Deadline	Signature Matching Problem Notification (# of days)	No Signature Notification (# of days)
Alabama						✓		
Alaska	✓	✓		✓				
Arizona	✓	✓	✓	✓	✓	✓		
Arkansas						✓	5	ED
California	✓	✓	✓	*	✓		2 days prior to certification	2 days prior to certification
Colorado	✓	✓	✓	✓		✓	8	8
Connecticut						✓		
Delaware				✓	✓	✓	0	0
Florida				✓		✓	ED	ED
Georgia						✓	ED	ED
Hawaii	✓	✓			✓	✓	0	0
Idaho				✓	✓	✓	0	0
Illinois							14	14
Indiana					✓	✓	0	0
Iowa				✓	✓			
Kansas	✓	✓	✓		✓		0	0
Kentucky						✓	0	0
Louisiana						✓		
Maine						✓	0	0
Maryland				✓				
Massachusetts				✓		✓	ED	ED
Michigan						✓	ED	ED
Minnesota				✓	✓	✓		
Mississippi						✓		
Missouri					✓	✓		
Montana	✓	✓	✓	✓		✓	1	1
Nebraska			✓	✓		✓	0	0
Nevada					✓		7	7

³⁵ Drop boxes vary quite a bit by state. Montana allows for staffed drop boxes, but other states, to ensure security, mandate that a camera observe ballot drop-offs.

New Hampshire						✓		
New Jersey							0	0
New Mexico	✓	✓	✓		✓	✓		
New York							0	0
North Carolina	✓	✓						
North Dakota				✓			0	0
Ohio				✓			7	7
Oklahoma						✓		
Oregon	✓	✓	✓	✓	✓	✓	14	14
Pennsylvania						✓	0	0
Rhode Island					✓	✓	7	7
South Carolina				✓		✓		
South Dakota						✓	0	0
Tennessee						✓	0	0
Texas							0	0
Utah	✓	✓	✓	✓	✓		7-14	7-14
Vermont						✓		
Virginia						✓		
Washington	✓	✓	✓		✓		21	21
West Virginia				✓	✓		0	0
Wisconsin					✓	✓	ED	ED
Wyoming						✓		
Total State	12	12	10	19	18	34		

Note: ED stands for election day.

* Some counties have ballot tracking.

VI. The Voting Deadline: 8:00 PM on Election Day

All voters, regardless of voting mode, are required to have their ballot to county officials by the close of the polls on Election Day, which is 8:00 PM. This deadline is not arbitrary, and it makes all voters equal across the state by presenting the same deadline for every voter. This makes for a perceivably fair election system across voters, and it does not prevent voters from casting their ballot up to Election Day if they are uncertain.

Montana's deadline for absentee voting was codified into law in 2009,³⁶ but as far back as 1985, Montana law indicated that mail ballots must be received on Election Day to be counted.³⁷ Thus, the Election Day deadline has been part of Montana's absentee early voting mores since at least 1985, or at least 35 years. This makes it very reliable and consistent—meaning it is the same every election—and not arbitrary or capricious.

The same deadline for every voter is simpler and clearer than having different deadlines for different voters. “I need to have my vote to the state by the end of Election Day,” is a clear message about what every voter has to do to ensure their ballot is counted, and as discussed above, Montana provides many ways for voters to cast an early absentee ballot or replacement ballot by the end of Election Day. People are used to deadlines and successfully conform to them regularly. For example, mortgage payments, car payments, and credit card bills do not rely on postmarks. Even when people engage in electronic billing, they have to consider how long it

³⁶ See Mont. Code Ann. § 13-19-106 (2009); see also *Driscoll v. Stapleton*, DV 20-0408, Doc. 43 at 4–5, Miller Decl., Doc. 48, ¶¶ 2–3.

³⁷ *Ibid.*; Mont. Code Ann. § 13-19-106 (1985).

takes for their bank to transfer the money to another entity. Their creditor does not consider when the transfer started, only when they received the money. Thus, voters commonly face these issues in their daily lives and adapt accordingly.

An Election Day or before receipt deadline for VBM is the law in 68% (or 34) of the states. These states are noted in the red column of Table 1. Montana's law is consistent with several states that rely predominantly or exclusively on VBM, including the state of Colorado, which has the most sophisticated VBM operation of all the states, the states of Arizona and more recently Utah and Hawaii, which are also *mostly* VBM states, and the state of Oregon which is entirely a VBM state. Thus, Montana's election administration ecosystem is similar or better than other similarly situated states.

The Election Day receipt deadline has not negatively impacted turnout. Montana voters have a long history of being civically engaged, both before and after the advent of an early absentee voting system. Montana's own records of state turnout, which use voter registration data as the denominator, indicate consistently high turnout for federal elections.³⁸ A test of means of the roughly 20 years before absentee early balloting (1982-1999) was allowed compared to the 20 (2000-2018) years after shows no significant differences in turnout.³⁹ Turnout in Montana has always been consistently high.

VII. Late-Rejected Ballots

Although, we know that late-rejected ballots exist, there is no evidence that changing the deadline will actually increase the number of voters who get their ballots in on-time. There is no guarantee that extending the deadline would have the expected effect of reducing the number of ballots rejected as late. In fact, changes in voter or campaign behavior due to changes in the law could actually *increase* the number of ballots rejected.

If voters are told their ballot will be counted if it is postmarked on Election Day and received by the Election Administrator within 6 days after the election as the lawsuit suggests, the voter still has to consider delivery time. If voters wait until the last minute on Election Day to send their ballots, relying on the postmark deadline, many ballots will likely arrive too late to be counted, or arrive with no postmark at all, a late postmark, or an unreadable postmark disqualifying the ballot.

Postmarks are not necessarily a saving grace because the postal service is not completely reliable in their use of postmarks, and postmarks may not always be placed on ballots or may be unreadable or dated postelection. For example, in a self-study by the post office after Wisconsin's primary debacle in April 2020, during the early stages of the pandemic, ballots were found in postal processing centers after the polls closed, ballots were not delivered to voters, and

³⁸ Comparative data also places Montana consistently in the top 1/3 or so in turnout across states, sometimes in the top 5. In 2018, Montana ranked 4th place; in 2016, 17th place; in 2014, 15th place; in 2012, 15th place; in 2010, 13th place; in 2008, 18th place; and in 2006, 3rd place. See Michael McDonald's website on state historical turnout <http://www.electproject.org/>.

³⁹ See <https://sosmt.gov/elections/voter-turnout/>.

ballots were not post-marked.⁴⁰ Changing the process, therefore, could change voter habits by delaying when voters send in their ballots, resulting in more after-election ballots, more uncounted ballots, and subsequent disenfranchisement.

In addition, an Election Day receipt deadline encourages voters to use the online ballot tracking system to monitor their ballot and determine if it arrives by Election Day. Voters whose ballots have not arrived by Election Day can vote provisionally at any precinct in their county. Voters who wait until Election Day to send their ballot do not have this fail-safe. The Secretary of State encourages absentee voters to track their ballot status and includes the information about the *My Voter Page* system on the absentee ballot instruction form. I have included a copy of the form from the June 2 primary in Appendix B.

The State also provides information about the ballot deadline on the ballot instruction form twice and on the ballot secrecy envelope. On the instruction form it is first at the top of the form, "Ballots must be received by the election office by 8:00 p.m. on June 2, 2020," (emphasis in original) and second at the bottom of the form, "Ballots must be received at the election office by 8 p.m. on Election Day, June 2, 2020." The ballot secrecy envelope says, "Return your ballot to your county election administrator so it is received by 8 p.m. on Election Day." Thus, voters have 3 chances to learn the date from the paperwork and instructions associated with the process if they do not already know it from its long state history. A copy of the ballot secrecy envelope is included in Appendix C.

The instructions also indicate that the USPS recommends that voters mail their ballot at least "one week before the election, or drop off ballot at your county election office." And the instructions provide the name and address for the county office (see Appendix B). Thus, voters have clear instructions about how early they should send their ballot, can follow their ballot's mail history through the *My Voter Page*, and if they so choose, can drop off their ballot up to Election Day. Thus, voters are given a great deal of information, and opportunities, to ensure their vote counts and can make choices according to their needs.

The data indicates voters are aware of this deadline because very few ballots come in late. In 2018, according to Montana Secretary of State records, there were 385 late-rejected out of 509,213 total ballots counted, or .08%; and in 2016, there were 290 late-rejected ballots out of 516,901, or .06%. The difference across the elections is likely due to election saliency that increases in presidential election years. These rates are low compared to other states (see section IX).

If we break down that data by county, in 2016 and 2018, the county mode for late-rejected ballots is 0. Table 2 shows the results. In 2016, 30 counties reported no late-rejected ballots; in 2018, it was 26. The range in 2016 is 70 and in 2018 it is 62. The average number of late-rejected ballots per county in 2016 is 4.71, and in 2018 it is 6.75. The raw numbers in relation to the total number of ballots counted suggests that this is not a large problem for Montana, that

⁴⁰ See <https://www.uspsaig.gov/sites/default/files/document-library-files/2020/20-235-R20.pdf>. For a good overview of postmark problems see: <https://www.sdtc.com/content/ttc/en/tax-collection/secured-property-taxes/postmark-mistakes.html>.

very few voters are caught late, and that voters are very aware of the Election Day receipt deadline.

Table 2. Number of Late-Rejected Ballots by County

County	# Late		County	# Late		County	# Late		County	Late #	
	2016	2018		2016	2018		2016	2018		2016	2018
Beaverhead	4	0	Flathead	70	61	McCone	2	0	Roosevelt	0	2
Big Horn	0	4	Gallatin	0	0	Meagher	0	0	Rosebud	0	0
Blaine	0	1	Garfield	0	0	Mineral	1	0	Sanders	4	12
Broadwater	0	0	Glacier	5	0	Missoula	56	69	Sheridan	1	2
Carbon	0	8	Golden	0	0	Musselshell	1	0	Silver Bow	0	0
Carter	0	1	Granite	2	1	Park	7	13	Stillwater	4	12
Cascade	32	4	Hill	7	7	Petroleum	0	0	Sweet Grass	0	0
Chouteau	0	2	Jefferson	11	7	Phillips	0	2	Teton	1	5
Custer	4	5	Judith	0	0	Pondera	2	4	Toole	1	3
Daniels	0	0	Lake	0	0	Powder River	0	0	Treasure	0	0
Dawson	4	5	Lewis & Clark	43	47	Powell	0	7	Valley	7	7
Deer Lodge	3	1	Liberty	2	0	Prairie	0	0	Wheatland	0	0
Fallon	0	0	Lincoln	0	21	Ravalli	14	0	Wibaux	0	0
Fergus	0	0	Madison	2	8	Richland	0	2	Yellowstone	0	62

VIII. Timing of Ballot Delivery

Data in Montana's absentee voter system provides information on when and how ballots were cast. This provides us with detailed information on voter timing and use of in-person drop off and mail balloting, so we do not have to make an inference about ballot delivery method and date as Dr. Mayer does in his report.

I focus on data from the 2016 and 2018 elections because they are recent and provide the best current information about ballot rejections. These recent elections are large, statewide contests where mobilization efforts, campaign activity, and lots of candidate spending help to increase turnout such that even low-propensity voters are likely to participate.

Going back in time to elections as early as 2006 presents a picture of election administration that is not current. A focus on recent elections, in contrast, provides us the most insights to absentee voter current habits and ballot delivery methods. For example, in 2011, Montana revamped its election code, suggesting that earlier election years may not reflect the current statutory scheme. During this same period, the USPS made significant changes that likely effected mail delivery. In particular, the USPS started consolidating its processing centers in 2012, and continued to do so through 2014, resulting in significant changes to mail processing and likely postmarking.⁴¹ In Montana, there are only 3 locations (Billings, Great Falls, and Missoula) at which a postmark is applied.⁴² Ballots dropped off in a USPS drop-box will not be

⁴¹ Ron Nixon, May 17, 2012, "Post Service to Consolidate 48 Mail processing Centers in Summer," New York Times A19.

⁴² See Keller Decl., Doc. 51.

stamped until they reach a central processing facility.⁴³ Finally, campaigns have also likely changed mobilization tactics during this time period because of changes in the election code, and because of substantial increases in VBM. Recall, a majority of voters started voting early absentee in 2012. Finally, by focusing on recent general elections, I can also bring in comparative data from other states reported in the Election Administration and Voting Survey (EAVS).

While the 2020 June primary could also offer some interesting lessons because it was done entirely by mail and during the pandemic, it was not a typical election for Montana because it was an all VBM election. Every eligible registered voter was sent a ballot, which forced most voters into a single voting mode, and one that many normally do not participate in. On this election 84% of voters ballots arrive through the mail, compared to 67% in typical general elections. Second, because it is intraparty vote decisions are more difficult because party cues are absent for decision-making and therefore vote choices are made later in the process than during general elections. Both factors likely affect the number of rejected ballots. Therefore, because this election was not typical, I do not rely on it. Nevertheless, I have placed Figure A1 in Appendix A that shows voter ballot delivery methods for the 2020 primary by the number of days before and after the election. It shows how irregular the 2020 primary was and that nearly all voters voted by mail, and very few voters dropped off their ballot in-person. Recall, there was no in-person voting on election day, all eligible voters were sent an absentee early ballot.

Absentee ballots can be recorded as: 1) In-person, 2) Mail, 3) Absentee Team, 4) Designated Person, 5) E-mail, 6) FAX, or 7) Place of Deposit.⁴⁴ I focus on only those absentee early voters who are indicated to have delivered their ballot either in-person or by mail. Other designations represent only a small portion of the data and are essentially special cases, such as e-mail and facsimile, which are methods of voting used by UOCAVA voters; absentee team, which is when poll workers visit a nursing home to assist voters; or place of deposit, which based upon testimony may or may not be staffed by two workers. I include ballots that were either rejected or accepted and ignore ballots that were voided. Voided ballots are spoiled ballots either because someone made a mistake and wanted a replacement, because their ballot never arrived and the voter needed a new one, or because the voter moved.

Figure 1 and Figure 2 show the daily number of absentee ballots that were hand-delivered and arrived by mail. The graphs are arranged so the number of days before Election Day are coded negative, the number of days after Election Day are positive and, of course, Election Day is coded 0. The graph starts at day -30, which is the first day in which ballots are required to be available to voters who want to pick them up in-person.⁴⁵ Ballot delivery for 2016 and 2018 is fairly consistent except on weekends, when ballot delivery drops off as expected.

⁴³ *Ibid.*

⁴⁴ Ballots are also given a status as void. These ballots are ballots that were undeliverable or spoiled or the voter moved. These ballots are excluded from the graphs. Thus the graphs represent ballots that were either rejected or accepted. These designations are from Montana's absentee voter file. Other information about the voter file can be found here: <https://app.mt.gov/voterfile/about.html>.

⁴⁵ There are a small number of voters that voted as early 57 days before the election in 2016 and 47 days before the election in 2018. These appeared to be largely UOCAVA voters, given the large number of e-mail ballots, who are required by federal law to have their ballots to them at least 45 days before the election. Data after 7 days in both charts was collapsed because of the small number of straggling cases after that.

We can see that, throughout the election period, Montanans take advantage of both the drop-off and mail-in convenience associated with the absentee early process.

The two general-election graphs show a lot of similarity, and both elections clearly show that many voters chose to make voting decisions early in the process, given that some voters returned their ballots as soon as they were printed and, of course, it is clear that ballots were returned over the entire pre-election period. One week before the election in both 2016 and 2018, 67% of all absentee ballots had been received, leaving a substantial number of ballots arriving the last week. The graphs also show that, while most absentee voters are mail voters, large numbers of voters take advantage of drop off opportunities throughout the election. Yet, even up to Election Day, many ballots are still arriving by mail.

In 2016 we see that, from day -30 through day -22, more ballots arrive from in-person drop off than from the mail. For the remainder of the election, a majority arrive by mail all but 3 days of the election period. These include Election Day (43.2% mail, 56.8% in-person), the day before Election Day (49.8 mail, 50.2 in-person), and 4 days before Election Day (48.9% mail, 50.1 in-person). In 2018, we see a similar early pattern: from day -29 to day -22, Montana saw more in-person drop-offs than mailed deliveries. However, from day -21 through the rest of the election, a majority of ballots arrive by mail.

Most importantly, these data show us that Dr. Mayer is mistaken that most of the ballots that arrive the last couple of days are in-person drop offs. Instead, in two recent elections, we find that the majority of ballots were delivered by mail throughout the election, and in one case, we find that in-person was more popular on 12 different days: 8 days in the earliest stages of voting, and 4 days in the week before the election. But even on those days, there were many, many voters mailing in their ballot, with 18,024 arriving on Election Day, 10,051 arriving on day -1, and 9,322 arriving on day -4. Many Montanans send their ballot through the mail, no doubt within the recommended 6 days of the election, and do so successfully. Indeed, if we consider all the ballots cast, both rejected and accepted, we would find that, in 2016, 99.95% of all ballots were counted, and in 2018, 99.93% of all ballots were counted.

Figure 1. 2016 Absentee Ballot Receipts by Delivery Method

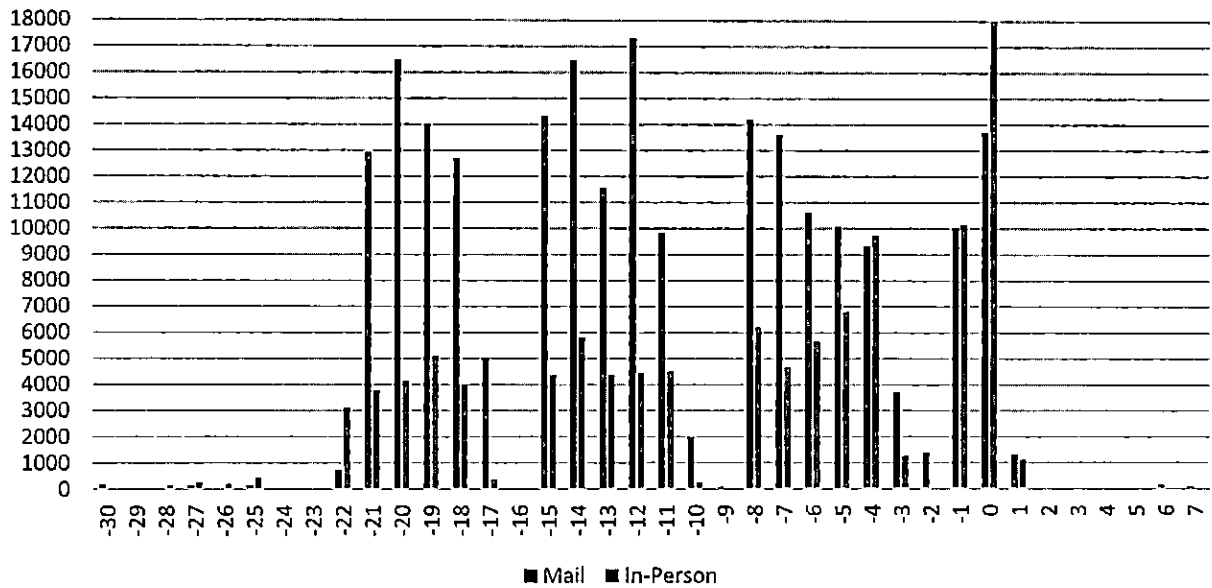
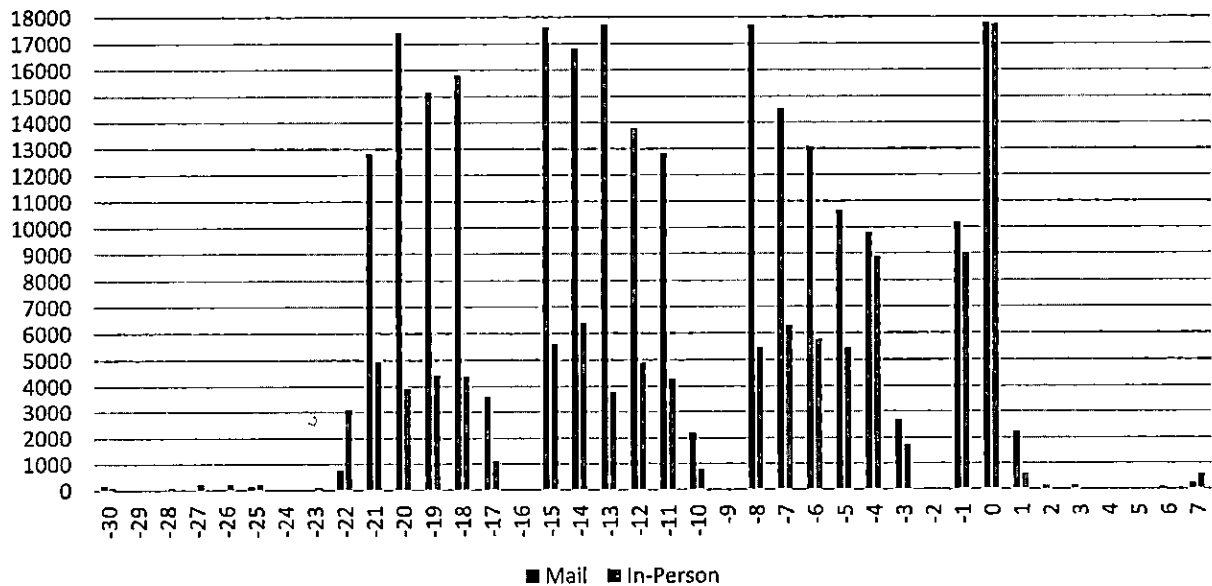


Figure 2. 2018 Absentee Ballot Receipts by Delivery Method



IX. How do Montana's Late-Rejection Ballot Results Compare to Other VBM or Predominantly VBM States?

California, Arizona, and Utah are very similar states to Montana in that they are mostly VBM states. A mostly VBM state has a permanent VBM list, and has a majority of registered voters currently on the permanent absentee or VBM list. Some voters, however, remain in-person voters and are not sent a ballot. Colorado, Oregon, and Washington are all VBM states. I define all VBM states as those states that mail a ballot in each election to every eligible voter.

Like Montana, Arizona, Colorado, and Oregon have a due date of Election Day. Utah requires the ballot arrive before the official canvass (7-14 days after the election), with a required postmark of the day before Election Day. California, in 2016 and 2018, allowed a voter to vote up to Election Day as long as the ballot was postmarked by Election Day and it arrived within 3 days of the election. Washington allows voters up to 21 days, or just before election certification, for their ballot to arrive, as long as it is postmarked by Election Day. Thus, these states represent a wide variety of rules for late arrivals, though importantly most states require the ballot to arrive on Election Day.

If the election deadline matters, we would expect the proportion of ballots in California, Washington, and Utah to be lower than in Montana and the other states.

There are different ways to consider and calculate rejection rates. Dr. Mayer in his report counts late-rejected ballots at a rate of 1,000 ballots for all ballots submitted. I calculate the rate as a percentage instead, i.e. as a rejection rate per 100 voters, a more common indicator of rate. It is also better to focus on the rate of rejection in any particular election because the impact of any policy change would be felt each election. Therefore, I focus my analyses on each individual election.

There are also choices for denominators. Dr. Mayer's calculations use only absentee early ballots submitted as the denominator. I, instead, use all absentee ballots counted and also total ballots counted as the denominators. I prefer calculating the rate as a percent of all ballots counted because it takes into account the state's entire election ecosystem and gives us a true estimate of the impact on rates of overall participation. This is also consistent with how the Election Performance Index (EPI) calculates rejected ballots across election jurisdictions.⁴⁶ Thus, my preferred formula for the percent or rate of late-rejected ballots for 100 voters for Montana in 2016 is 290/509,213, or .06% of all ballots counted, and in 2018 is 385/516901, or .08%.

And there are choices as to the raw data for the number of late ballots rejected. In all cases, I rely on the ballot dispositions provided by the Secretary of State's office in their official voter records and do not infer from the data ballot dispositions. This is the most reliable source for final ballot disposition. Dr. Mayer instead adds ballots that arrive after Election Day, but are not designated as late-rejected ballots into his total. He states: "The data suggest that the number of absentee ballots arriving late is undercounted. Although the 2018 data from the Absentee Voter File show 376 absentee ballots rejected for arriving late there were actually 573 ballots that

⁴⁶ See <https://elections.mit.edu/#indicatorProfile-ABR> for a description of how indicators to the EPI are calculated.

arrived after Election Day, with 207 recorded as rejected for other reasons. The total rejection rate for late was 1.55 per 1000 ballots received...⁴⁷ His rates are thus based on an assumption, and do not indicate the actual rate of ballots rejected for being late.

Table 3 shows the results.⁴⁸ Of the three mostly VBM states, in 2018, Montana's rate of rejection was the smallest and it was the second smallest in the four mostly VBM states in 2016. In both 2016 and 2018, Washington and Utah, both states that use a postmark rule and have the longest postelection window, had the highest percentage of late-rejected ballots. California seems low in 2018 compared to 2016. That is probably because California was missing 4 counties' data in 2018 compared to only 1 county in 2016. Thus, California rates are likely higher in both years. If I average across states that have election day receipt rules and postmark rules, I find that on average states that use the postelection postmark rules have consistently higher rejection rates.

⁴⁷ See Dr. Mayer's Report p. 11.

⁴⁸ Data for number of late-rejected ballots come from the Election Administration Voting Survey. The data for total ballots cast absentee and overall turnout were found on the secretary of state's website for California and Montana. For California see here: <https://www.sos.ca.gov/elections/historical-absentee/>; for Montana see <https://sosmt.gov/elections/absentee/> Arizona and Utah's number of absentee ballots was calculated from EAVS using variable C4a and substitute variable F1d if it was missing.

Table 3. Late-Rejected Ballot Information for 2016 and 2018

Year	State	Number of Late-Rejected Ballots	Number of absentee ballots Counted	Turnout	% of ballots counted by absentee	% of ballots counted by turnout
2016	MT	290	337,926	516,901	.09	.06
2016	AZ	2313	1,987,663	2,661,497	.12	.09
2016	CO	1918	2,859,216	2,859,216	.07	.07
2016	OR ⁴⁹	932	2,056,310	2,056,310	.05	.05
2016	UT*	1709	772,888	1,152,369	.22	.15
2016	CA*	20,130	8,443,594	14,610,509	.24	.14
2016	WA	4650	3,363,440	3,363,440	.14	.14
			2016 Election Day State Average		.08	.06
			2016 Postelection Day State Average		.20	.14
2018	MT	385	372,400	509,213	.10	.08
2018	AZ	3175	1,886,499	2,409,910	.17	.13
2018	CO	2214	2,583,580	2,583,580	.09	.09
2018	UT*	2041	973,915	1,082,972	.21	.19
2018	CA*	13243	8,302,488	12,712,542	.16	.10
2018	WA	9220	3,133,448	3,133,448	.29	.29
			2018 Election Day State Average		.12	.10
			2018 Postelection Day State Average		.22	.19
			2016-2018 Election Day State Average		.10	.08
			2016-2018 Postelection Day State Average		.21	.16

Bold states require ballots to arrive by the end of Election Day

*Some county data are missing, thus these results underestimate the total number of late-rejected ballots—there are most certainly additional ballots in CA, which is missing 1 county in 2016 and 4 in 2018, and Utah, which is missing 3 counties in 2016 and 1 in 2018.

These results suggest two conclusions. First, there will always be some VBM ballots that go uncounted because they are postmarked late, do not arrive on-time, have unreadable postmarks, or have no postmark at all. It also suggests that allowing Election Day postmarks and a post-election window may not be enough to reduce or eliminate late-rejected ballots. Indeed, the fact that the states with the longest window for acceptance have the highest rate of late-rejected ballots suggests that the postmark rule may actually shift voter behavior to later in the process, resulting in a greater number of disenfranchised voters.

I note that these data are consistent with conversations I have had with local election officials in other jurisdictions who use mail balloting. A significant portion of the postmarks are not present or are unreadable. If voters are relying on the postmark rule to ensure their ballot is qualified, it may disenfranchise more voters because they may wait until Election Day to send their ballot, only to have it arrive without a postmark, an unreadable postmark, or arrive after the post-election arrival deadline. Encouraging voters to get their ballot in by when the polls close on Election Day provides a bright line for everyone, and there is no need to rely on the postal

⁴⁹ Oregon reports unreasonably low (total =81) numbers in 2018, especially compared to 2016, and are highly suspect and therefore excluded from the table.

service to postmark ballots. We know little about postmarks and their efficacy or how many voters drop their ballot in the mail after the election and receive a late postmark, but in 2018, Pima County shared postmark data in a similar case in Arizona. This data showed one-third of ballots that arrived late were voted either after Election Day, didn't have a postmark, or had an unreadable postmark.⁵⁰

In addition, an Election Day receipt deadline encourages voters to use the online ballot tracking system to monitor their ballot and determine if it arrives by Election Day. Voters whose ballots have not arrived can get a replacement ballot at their county election office up to Election Day.

X. Background to Montana's Curing Law

Montana voters have had the opportunity for ballot curing since at least 1985, making Montana possibly the earliest adopter of a law solving VBM ballot problems.⁵¹ Although the language was changed in 2011 to make procedures more consistent between all mail elections and regular elections that are predominantly absentee, the substance and interpretations for curing are largely the same.⁵² Election administrators are required to attempt to contact the elector "as soon as possible" by "the most expedient" means available if the ballot's validity is in question due to the lack of a signature or the inability to verify the signature.⁵³ This means that election administrators are qualifying early absentee ballots from the moment ballots are dropped off at their polling place or the election office on or before Election Day. Because ballots can be dropped off through 8:00 PM on Election Day, local precincts organize in-person Election Day voters and absentee voters into different lines for processing. Both groups of voters simply return completed ballots to the election judges, and only the election judges are involved in counting the ballots either at the precinct location or at a central location. While most counties use some form of machine counting, 11 Montana counties count their votes by hand.⁵⁴

Once the ballot is received either by mail or in-person it is examined by local judges as soon as possible, sometimes while the voter is standing there, to determine ballot validity so that any ballot problems have the possibility of being resolved or cured. When election judges discover a missing or mismatched signature, they contact the voter and explain how to fix the problem. Voters have up to until 5:00 PM the day after the election to cure their ballots in-person, or have up to the 6th day after the election by 3:00 PM for the qualifying information to arrive in the mail so long as it postmarked by the day after the election.

In addition to in-person contacting by local election officials, information on missing or mismatched signatures is also provided in Montana's ballot tracking system that provides on-going information about a voter's ballot status. Thus, election administrators take action, but also voters can be pro-active. Of course, over 99.8% of ballots have no problems, but the process is

⁵⁰ See Lonna Atkeson's report in *Voto Latino Foundation*, ECF No. 44-1.

⁵¹ See Mont. Code Ann. § 13-19-313 (1985).

⁵² State hearing recording on HB 99 in 2011, available at <http://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20170221/-1/21810?agendaId=99704>.

⁵³ See Mont. Code Ann. § 13-13-245.

⁵⁴ See <https://sosmt.gov/elections/systems/>.

in place to help enfranchise as many voters as possible and has a long history in Montana's election ecosystem.

Unlike in-person voting, VBM takes place in an unsupervised environment, probably the voter's home. Because the voter does not appear in person, election officials must verify the authenticity of the voter to ensure that the ballot they are receiving comes from the intended voter. In-person Election Day voters likewise face voter ID laws, so they are also required to authenticate themselves through a voter identification policy. Among states, the most common method for VBM ballot authentication is signature verification. Thirty-two, or 63%, of states, including Montana, use signature verification matching as their primary means for voter authentication.⁵⁵ Eighteen states rely on other methods, including requiring signatures plus additional information such as witnesses or notaries, requiring a copy of an ID, using other information on the outer ballot envelope, or requiring a signature but not doing matching.

Among the 32 states that primarily rely on signature matching to verify and qualify ballots 16, or 50%, do not have any statutes that require them to attempt to contact the voters of unqualified ballots to try and rectify the problem. These states are coded 0 in the last two columns of Table 1. For these states, ballots are simply rejected. Thus, ½ the states that use signature verification offer ballot curing, and the other half do not.

Among the remaining states that rely on signature verification, sixteen states, or 50%, attempt to contact the voter to help resolve or "cure" the mismatch or signature problem. In some states, voters are allowed additional time after the election to cure their ballot; in other states, the cure period ends on Election Day; indeed, the most common curing period ends on Election Day. This is true for 6 states.

Other curing periods vary quite a bit by state. Three states provide for a 7-day period, while Colorado allows 8. Utah requires a cure be completed the day before the local canvass is complete, which is between 7 and 14 days after Election Day. Washington allows 21 days, and Oregon allows 14 days to cure a ballot postelection. California, as of the 2020 election, allows voters to cure their signature up to 2 days before state certification.⁵⁶ However, in 2016 and 2018, in California, voters who had no signature were allowed only 8 days post-election to cure an unsigned ballot and up to 2 days before certification to cure a mismatch signature problem.⁵⁷ Arizona prior to 2019 required a curing period of election day, but changed their law in 2019 to allow a 5 days postelection window for curing mismatched signatures, but not missing signatures.

In Montana, ballots not cured by the end of Election Day become provisional ballots, and all provisional ballots are treated the same. To cure either a ballot signature problem or an in-person problem like voter ID, the required information must be received by the election administrator by

⁵⁵ States include the District of Columbia for a total of 51 states.

⁵⁶ See https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC§ionNum=3019 for California's current laws.

⁵⁷ See <https://calmatters.org/politics/election-2018/2018/11/did-you-vote-by-mail-if-your-signature-doesnt-match-that-might-mean-a-rejected-ballot/> for a discussion of the 2018 election rules for these ballots in California.

the day after the election at 5:00 PM for in-person responders, or by mail by 3:00 PM on the 6th day after the election with an envelope postmarked by the day after the election.

Therefore, voting always leads to some cast ballots not being counted. This is true for both in-person and absentee. In-person voters are often disqualified because they are not a registered voter or they lack the proper ID. Montana's voter ID law is not strict, and it allows in-person election-day voters to show a driver's license and other types of identification. Voters who do not have sufficient ID must cast a provisional vote. These voters are then subject to the same deadlines to cure, as explained above.

Absentee voting has similar authentication processes, which also lead to some ballots not being counted. Ballots are primarily not counted because they are late or fail a validity check. Unfortunately, there is no data that tells us how many ballots were cured in each condition. The only data we can look at is the number of the ballots that fall into each category—no signature and mismatched signature.

In 2016 and 2018, Montana rejected a total of 611 and 586 ballots, respectively, or .12% of all ballots counted each election, for no signature. In 2016, Montana rejected 241 ballots, or .05% of all ballots counted, and in 2018, 391, or .08% of all ballots counted, for a mismatched signature. These are not comparatively "high" rates as discussed below.

Counties are the election jurisdiction in Montana and therefore that is where local election administration takes place. Therefore I break this information down by county in Table 4 to examine how election jurisdictions compare across Montana in the number of ballots rejected for missing or mismatching signatures. I find that, in 2016, the mode is 0, with 23 out of 56 counties reporting no rejected ballot for missing signature. Another 22 counties report only in the single digits. Only Yellowstone, the most populated county, has over 100 ballots rejected for a missing signature, and they had 147. The remaining 10 counties report between 10 and 82 ballots rejected for missing signature.

When I look at 2018 data, I find a very similar pattern. Here, 20 counties have a mode of 0, and another 23 have between 1 and 9 rejected ballots for a missing signature. Once again, Yellowstone County had the largest number of ballots rejected for a missing signature and was the only county to report this type of rejected ballots in the hundreds (163). The range for the remaining 12 counties is from a low of 10 to a high of 78.

Table 4. Number of Ballots with no signature by County, 2016, 2018

County	# No Sign		County	# No Sig		County	# No Sig		County	# No Sig	
	2016	2018		2016	2018		2016	2018		2016	2018
Beaverhead	1	0	Flathead	82	74	McCone	0	0	Roosevelt	2	6
Big Horn	9	15	Gallatin	74	78	Meagher	1	4	Rosebud	3	0
Blaine	0	5	Garfield	0	0	Mineral	1	1	Sanders	5	0
Broadwater	0	0	Glacier	13	11	Missoula	11	12	Sheridan	0	1
Carbon	5	8	Golden	1	2	Musselshell	0	2	Silver Bow	47	26
Carter	1	0	Granite	1	1	Park	10	20	Stillwater	5	10
Cascade	82	38	Hill	3	0	Petroleum	0	0	Sweet Grass	0	1
Chouteau	0	0	Jefferson	4	4	Phillips	1	3	Teton	0	2
Custer	0	1	Judith	1	0	Pondera	1	3	Toole	4	2
Daniels	0	0	Lake	30	21	Powder River	0	0	Treasure	0	0
Dawson	0	0	Lewis & Clark	40	28	Powell	4	1	Valley	2	9
Deer Lodge	5	2	Liberty	0	0	Prairie	0	0	Wheatland	0	0
Fallon	0	0	Lincoln	0	4	Ravalli	0	8	Wibaux	0	0
Fergus	12	12	Madison	3	4	Richland	0	4	Yellowstone	147	163

When looking at the same data for mismatched signature, *see* Table 5, in 2016 I find the mode is 0, with 31 out of 56 counties reporting no ballot rejected for mismatched signatures. Another 21 counties reported numbers in the single digits between 1 and 9, and the remaining 4 counties have between 13 and 110 ballots.

When looking at 2018, I find the mode is 0, with 27 counties reporting no rejected ballots for a mismatched signature, 19 counties reporting between 1 and 9 rejected ballots for a mismatched signature, 9 counties with double digits from 10 to 80, and 1 county, Gallatin, the 3rd largest county, had 112 ballots rejected for a mismatched signature.

Table 5. Number of Mismatched Signatures by County 2016, 2018

County	# Mismatch		County	# Mismatch		County	# Mismatch		County	# Mismatch	
	2016	2018		2016	2018		2016	2018		2016	2018
Beaverhead	1	1	Flathead	8	28	McCone	0	0	Roosevelt	0	7
Big Horn	0	1	Gallatin	110	112	Meagher	0	4	Rosebud	1	0
Blaine	0	0	Garfield	0	0	Mineral	1	0	Sanders	2	0
Broadwater	0	0	Glacier	0	10	Missoula	20	24	Sheridan	0	0
Carbon	3	2	Golden	1	0	Musselshell	0	4	Silver Bow	5	10
Carter	1	0	Granite	0	0	Park	4	4	Stillwater	3	9
Cascade	0	17	Hill	6	0	Petroleum	0	0	Sweet Grass	6	0
Chouteau	0	0	Jefferson	1	6	Phillips	1	3	Teton	0	2
Custer	0	1	Judith	0	0	Pondera	1	6	Toole	0	0
Daniels	0	0	Lake	3	11	Powder River	0	0	Treasure	0	0
Dawson	1	0	Lewis & Clark	13	23	Powell	0	1	Valley	0	0
Deer Lodge	1	4	Liberty	0	0	Prairie	0	0	Wheatland	0	0
Fallon	0	2	Lincoln	0	0	Ravalli	0	11	Wibaux	0	0
Fergus	0	4	Madison	1	3	Richland	1	1	Yellowstone	46	80

The county data confirms that signature issues are not a large problem for Montana voters with the most common entry of 0 for both types of signature problems. They also confirm that very few voters have their ballot rejected for a signature problem. Importantly, these figures only account for the number of ballots rejected. They do not contemplate whether there was any attempt by the voter to cure the deficiency after being alerted by an election official.

XI. How does Montana Compare to Other States in Ballot Disqualification?

In Table 6, below, I examine the states that are either all VBM or majority VBM to see how Montana compares with other states in terms of ballot rejections for problems like mismatched or missing signatures.⁵⁸ I include the actual number of ballots rejected in each category, and then calculate the percent of no-signature rejections and mismatched signature rejections as a percent of total ballots counted. This is consistent with how the Election Performance Index calculates rejected ballots.⁵⁹

Dr. Mayer discusses the calculus of voting and how the relationship between the costs and the benefits of voting influence turnout. Of course, because the benefits of voting are discounted by the probability that the vote will be decisive, costs are always higher than the benefit since the probability of a single vote changing the election outcome is next to 0. This yields a prediction that no one will vote, which of course is not the case. Instead, the duty term becomes relatively important and, of course, the costs are very, very low making the expected utility worthwhile.⁶⁰ Costs of voting Montana are extremely low because voters can get on the permanent absentee voter list, be mailed a ballot early, and return it by mail or in-person up to Election Day.

However, the costs of voting likely change after the election, when the results are widely known. At this point, the game is over and, unless a race is razor thin, the voter has increased incentives not to participate. Therefore, the duty term has to be very high for any individual voter to attempt to cure their ballot after the election. A cure deadline of Election Day or the day after Election Day, such as Montana's, helps to motivate voters to participate and resolve any claims as soon as possible. If you contact a voter about a curing problem and tell them they have until 21 days after the election to cure the problem, as they do in Washington, the voter may not be incentivized to cure the problem before the election, and then after the election their incentive decreases even further because the outcomes are known. Thus, it is not clear that longer curing times necessarily lead to more votes being counted.

Table 6 shows the results for Montana and other mostly or all VBM states and demonstrates that Montana's cure deadlines are effective. Because some states are all VBM states, and because other state are mostly VBM states, I compare them as a percent of all ballots counted. Here we see that the 2 states in 2016 with the shortest deadlines, Arizona and Montana, had equal rates of rejection for ballots missing signatures of .12. California and Colorado also show low rates of rejection of .10 and .09, respectively, but other states with late curing periods have ballot rejections rates of .16 to .27.

⁵⁸ I do not include Hawaii or Utah because of missing data problems.

⁵⁹ See <https://elections.mit.edu/#indicatorProfile-ABR> for a description of how indicators to the EPI are calculated.

⁶⁰ See Andre Blais, 2000, *To Vote or Not to Vote: The Merits and Limits of Rational Choice Theory*, University of Pittsburgh Press.

We see a similar pattern in 2018, with Montana having a rate of rejection of .12, while other states range between .07 and .18. Importantly, these results do not suggest that expanding the curing period would have significant effects on the proportion of ballots accepted. States with longer cure periods do not see substantively more ballots counted, and in 2016, the results suggest that, on average, states that have longer periods actually have more ballots as a percent of all ballots cast being rejected.

We come to a slightly stronger conclusion with the data on rejections for mismatched signatures, because the spread is much greater between early curing deadline states and later curing deadline states. The states with the shortest curing period, Arizona and Montana, have the lowest percentage of ballots rejected for a mismatched or missing signature, while Colorado, with an 8 day cure period, has the highest (.5). Washington, which has the longest cure period (21 days,) sees the second highest rate of rejection for mismatched signatures. Thus, the data demonstrates that a curing deadline on or one day after the election produces the *lowest* rates of rejected ballots for mismatched signatures, consistent with my conclusion that the incentive to vote drops precipitously after the election.

Table 6. 2018 and 2016 VBM Ballot Rejections for No signature and Mismatched Signature in VBM or Mostly VBM states

State	# no signature rejected	% of counted ballots	# mismatch rejected	% of counted ballots
<i>2016</i>				
Montana	611	.12	241	.05
Arizona	3079	.12	2657	.10
California	14781	.10	25965	.18
Utah	2247	.21	3215	.30
Colorado	2542	.09	16149	.56
Oregon	5630	.27	9637	.47
Washington	5219	.16	17592	.52
<i>Average non bolded states</i>		.12		.08
<i>Average Bolded States</i>		.17		.41
<i>2018</i>				
Montana	586	.12	391	.08
Arizona	2435	.10	1516	.06
California	10215	.08	16116	.13
Utah	1989	.18	2443	.23
Colorado	2498	.10	13027	.50
Washington	4310	.14	17228	.39
<i>Average non bolded states</i>		.11		.07
<i>Average Bolded States</i>		.13		.31

Bold indicates states that allow curing to happen more than 1 day after the election for both types of ballots.

XII. Administrative Interests in Keeping Election Day and Cure deadlines

First, if the Election Day deadline changed to a postmark deadline, as proposed by Plaintiffs, voters who wait until Election Day to send a ballot may be disqualified from the ability to cure. Montana has laws and practices that allow voters who have a signature mismatch or missing signature to cure that problem up to 5:00 PM the day after the election in-person, or if arriving

by mail up to the 6th day after the election by 3:00 PM so long as it postmarked by the day after the election.

However, if the election day postmark rule was in play, voters who wait until Election Day to send a ballot may be disqualified for this service if an extended deadline with postmark is used. Thus, a process that is meant to enfranchise more voters on the one hand, may actually lead to greater disenfranchisement because more voters wait until very late in the process jeopardizing their opportunity to resolve any problems with their ballot. As Montana Election Director Dana Corson declares, “If a person does not mail a ballot until 8pm on election day, it may not be received in time for the election administrator to notify the voter of an issue and allow the voter to correct it.”⁶¹ Encouraging voters to get their ballot in by when the polls close on election day provides a bright deadline for everyone, and there is no need to rely on an only somewhat reliable postal service to postmark ballots and deliver them in a timely fashion.

Second, the State has an administrative interest in completing its early ballot process to ensure statutory deadlines are met. Although Montana law may not provide a specific deadline for counties to certify their results, there are a number of dates and mandates in the election code to make for an orderly, efficient and timely counting and certification process. For example, election judges must provide results to the election administrator “immediately” after ballots are counted, Mont. Code Ann. § 13-15-101; the vote count must begin “immediately upon the closure of the polls,” Mont. Code Ann. § 13-15-207; the county canvass board must meet no later than 14 days after an election to canvass the vote, Mont. Code Ann. § 13-15-401; and the State Board of Canvassers must complete the canvass in a timely manner, which per Mont. Code Ann. § 13-15-502, means no later than 27 days after the election. In addition, county election administrators must complete a postelection audit to ensure that the vote counting was accurate before the county canvass is certified, Mont. Code Ann. § 13-17-503. Audited precincts must be chosen “no sooner than 7 days after the election and no later than 9 days after the election,” Mont. Code Ann. § 13-17-505, and the audit must be completed at least 1 day before the county canvas, Mont. Code Ann § 13-17-506.

Thus, the entire statutory scheme behind Montana elections is focused on a series of deadlines ensuring orderly voting and that vote counts begin as soon as the polls close. The change proposed in the Complaint would make it extremely difficult, if not impossible, to complete the election process under current statutory limits.

Finally, it is important for an election to end because delayed elections and changes in processes create concerns in voter’s mind about the fairness and legitimacy of the process. A fair process is one that treats every voter the same. The fact is, in Montana, as in 33 other states, all voters have to have their ballots to local election officials by the end of Election Day. This is done for numerous administrative reasons across states to ensure a fair voting process for all qualified voters, and to maintain the integrity of the election system.

⁶¹ See Declaration of Dana Corson, May 22, 2020.

XIII. Voting, COVID and the 2020 Election

This spring, the COVID-19 pandemic has upended some of our nation's election systems with over a dozen states rescheduling their primary elections and several more implementing changes to attempt to move more voters to VBM.⁶² It is unclear at this point whether life will be normal when the 2020 federal general election happens in November due to COVID-19. In an election environment, the pandemic raises serious questions about the safety of voters, poll workers, and other election staff for in-person voting.

One way in which an election can be more safely conducted during a pandemic is to shift to all or mostly VBM so voters and poll workers do not have to come into contact. This minimizes the spread of the virus.

Montana is one of the few states that is in a strong position to make this transition with relative ease. This is because Montana, unlike most states, is almost effectively a full VBM state, with 7 in 10 (73%) voters voting by mail in 2018.⁶³ Only full VBM such states as Colorado, Oregon, and Washington have more VBM voters. Thus, Montana has the experience and preparedness to shift its election to nearly all VBM, and is administratively structured for an increase in VBM ballots. See the items discussed above in Section X.

Montana also has good voter registration list maintenance. VBM states invest a lot of time and effort to maintain a high quality and accurate voter list to help ensure that ballots are correctly addressed. Simply put, because Montana already processes large quantities of mail ballots, it has the organization and staff necessary to qualify and count VBM ballots quickly and efficiently. Thus, all things considered, Montana is one of only a few states that is in a strong position to ensure both the safety of its voters and a fair VBM system in the November 2020 election.

In contrast, changing the laws generally, but especially at this late stage of the process, could result in higher rates of late-rejected ballots. The challenges posed by COVID-19 pandemic may make these adverse effects worse.

XIV. Election Integrity and Voter Confidence

As stated above, within election administration there is a need for both voter access and election security. On the one hand, the State wants to provide voters with every opportunity to

⁶² See "16 States Have Postponed Their Primaries Because of Coronavirus. Here's a List," The New York Times, April 9, 2020, available at <https://www.nytimes.com/article/2020-campaign-primary-calendar-coronavirus.html>, accessed April 23, 2020. The New Mexico Secretary of State and County Clerks filed a lawsuit to move to all VBM for the June, 2020 primary, *see*: https://www.santafenewmexican.com/news/local_news/new-mexico-county-clerks-request-mail-in-primary-election/article_659eeebc-6e00-11ea-b712-b3ed157b8b2b.html.

⁶³ The percent VBM is based on the EAVS data, summing the question to C4a-absentee ballots returned counted—(participation absentee) for all 15 counties. In the data, I substitute the amount in question F1d for Apache County, which did not report any data in C4a. The total participation in 2018 was 2,409,910 according to the Arizona Secretary of State (<https://azsos.gov/elections/voter-registration-historical-election-data>). I note there is some error in the EAVS data because of how different counties define absentee-early, but this is a very close approximation.

fulfill their democratic responsibility and engage civically, while on the other it has a responsibility to ensure that only qualified electors participate to maintain the integrity and the legitimacy of the election outcome. There is a continuous tension in election administration between these two goals, access and security, yet both are critical to a free and fair election.

Election integrity and voter confidence are critical components to U.S. elections.⁶⁴ The perception that citizens have about the accuracy and integrity of their vote, and the accuracy and integrity of the larger electoral process, especially as it relates to the counting of all the votes in an election jurisdiction or at the state level, provides the glue that makes democracy work successfully.⁶⁵ Elections are the fundamental link between citizens and elected leaders. If voters do not have faith in the outcome of elections and the correct counting of votes, then the legitimacy of representative government is at risk.

Montana, which has a large absentee early election ecosystem, has reasonably high voter confidence with its current system. One way to examine voter confidence is through surveys that ask voters their level of confidence that their ballot and all the ballots in their state are counted correctly. We can use the 2008, 2012, 2014, and 2016 Survey of the Performance of the American Elections (SPAЕ) to answer this question. The SPAЕ is a postelection, nationally representative state sample of registered voters in each of the 50 states and the District of Columbia, with roughly 200 respondents in each state. The survey asks about different levels of voters confidence, including at the personal level (“How confident are you that **your vote** in the General Election was counted as you intended?”) and a question at the state level (“Now, think about vote counting throughout [respondent’s state]. How confident are you that votes in [respondent’s state] were counted as voters intended?”). The response options for both questions are: (1) not at all confident, (2) not too confident, (3) somewhat confident, and (4) very confident. The state voter confidence question was not asked in 2008, and the SPAЕ was not administered after the 2018 election.

Voters in VBM states tend to have lower levels of voter confidence, on average, than voters who vote in-person.⁶⁶ Experimental evidence suggests the average lower evaluations by VBM voters is due to the fact that these voters do not get to place their ballot through the counting

⁶⁴ Research suggests that voter confidence is distinct from other measures of system level or diffuse system support (see Lonna Rae Atkeson, R. Michael Alvarez, and Thad E Hall, 2015, “Trust in Elections and Trust in Government: Why Voter Confidence Differs from Other Measures of System Support,” *Election Law Journal* 14(3): 207-219) that tends to test the evaluation of elected leaders in government (Jack Citrin and Samantha Luks, 2001, “Political Trust Revisited: Déjà Vu All Over Again?” In *What Is it about Government that Americans Dislike?*, eds. John R. Hibbing and Elizabeth Theiss-Morse. New York: Cambridge University Press.), and an accumulation of grievances and disappointments within and across administrations (Arthur H. Miller, 1974, “Political Issues and Trust in Government: 1964-1970.” *American Political Science Review* 68:989-1001.).

⁶⁵ See Lonna Rae. Atkeson, 2014, “Voter Confidence Ten Years after Bush V. Gore,” in *Election Administration in the United States: The State of Reform after Bush V Gore*, edited by R. Michael Alvarez and Bernard Grofman, Cambridge University Press.

⁶⁶ See R. Michael Alvarez, Thad E. Hall and Morgan Llewellyn, 2008, “Are Americans Confident Their Ballots Are Counted?” *Journal of Politics*. 70(3): 754-766; Lonna Rae Atkeson and Kyle L. Saunders. 2007, “Voter Confidence: A Local Matter?” *PS: Political Science & Politics*, 655-660; Charles Stewart III, R. Michael Alvarez, & Thad E. Hall, 2010, “Voting technology and the election experience: the 2009 gubernatorial races in New Jersey and Virginia.” VTP Working Paper #99. CalTech/MIT Voting Technology Project.

machine.⁶⁷ Therefore, I focus on an examination of similarly situated mostly VBM or all VBM states that I have examined previously, and then compare Montana to the average of all states.⁶⁸ Table 7 presents the average voter and statewide voter confidence levels. If we look at the combined column, we can see that Montana's average voter confidence and statewide voter confidence levels are higher than any other mostly or all VBM states.

Table 7. Average Voter Confidence mostly and all VBM States, 2008-2016

	2008	2012	2014	2016	Combined
Voter Confidence					
Montana	3.57	3.65	3.64	3.70	3.64
Arizona	3.53	3.31	3.53	3.49	3.51
California	3.56	3.50	3.65	3.46	3.55
Colorado	3.50	3.48	3.58	3.65	3.55
Oregon	3.54	3.32	3.65	3.73	3.58
Washington	3.46	3.30	3.62	3.55	3.54
State Voter Confidence					
Montana	NA	3.38	3.45	3.45	3.46
Arizona	NA	2.86	3.18	3.12	3.11
California	NA	3.24	3.28	3.23	3.23
Colorado	NA	3.24	3.18	3.42	3.28
Oregon	NA	3.05	3.40	3.53	3.27
Washington	NA	3.12	3.18	3.32	3.21

Note: Data are from the SPAE

When I compare Montana's Voter confidence to all the states, as I do in Table 8, I find that it is close to or above the average of all states. This is especially true for the statewide voter confidence measure, which is both statistically and substantively higher. Indeed, Montana's statewide voter confidence level is in the top 10 when we rank all the states from highest to lowest state confidence.

⁶⁷ See Lisa A. Bryant, (Forthcoming) "Seeing is Believing: An Experiment on Absentee Ballots and Voter Confidence," *American Politics Research*.

⁶⁸ I exclude Utah and Hawaii because they are more recent VBM states and only include Colorado since 2014, which is the first year it was an all VBM state.

Table 8. Average Voter and State Voter Confidence, Montana Compared to All States, 2008-2016

		2008	2012	2014	2016	Combined
Montana	Voter Confidence	3.57	3.65	3.64	3.70	3.64
Average of all States	Voter Confidence	3.65	3.51	3.68	3.61	3.62
Montana	State Voter Confidence		3.38	3.46	3.53	3.46
Average of all States	State Voter Confidence		3.24	3.29	3.35	3.27

Montana currently has a strong election ecosystem with generally high turnout. This is no doubt because of the services of election administrators and a legislature that has put into practice a fair election system that promotes both access and integrity. Montana's election ecosystem is fundamentally working for its citizens, provides equity between in-person and VBM voters, and promotes a fair and accessible system of elections. Any significant changes to this system, such as changing the ballot receipt delivery deadline to a postmark deadline, or extending the cure window, may adversely affect the public's perceptions of the system's integrity.

XV. Conclusion

Montana's election ecosystem is a well-functioning, mostly early absentee system that provides many different methods in which voters can cast an in-person ballot or an absentee ballot.

The Election Day deadline puts Montana in line with the vast majority of states (68%) that have a deadline for delivery of ballots on or before election day. This deadline results in a remarkably low percentage of late ballots. It also provides for a smooth functioning administrative system postelection, including meeting the numerous postelection counting deadlines. And it allows sufficient time for defective ballots to be cured. It has worked well in Montana for at least 35 years and the available data does not indicate changing it to a postmark deadline will result in increased ballot return rates or increased voter confidence in the integrity of Montana's election system.


On the contrary, changing the process may well result in more confusion and increased disenfranchisement. Voters may no longer feel a need to return their ballot early, and instead may choose to send in their ballot on Election Day because they believe it will arrive within the required time and have a postmark. These late-mailed ballots may, however, not arrive in sufficient time or may not be postmarked, or both, resulting in more late ballots and thus more uncounted ballots. An increase in rejection rates may then lead to less voter confidence.

Montana's cure process and deadlines also work well and result in an admirably low rate of rejected ballots. Local election officials are required to attempt to notify the owner of a ballot with a mismatched or missing signature "as soon as possible" by "the most expedient" means available so it can be rectified. The voter then has the opportunity to rectify the problem by the

day after Election Day. Prior to that, the voter can request a replacement ballot by mail, pick up another ballot in person or have a designated individual do so, or vote a provisional ballot at any precinct location or county election office on Election Day.

Montana's postelection day cure period puts it ahead of the 15 other states that use VBM signature verification but have no cure process. Even more significant, for largely VBM states, the rate of rejected ballots as a percent of all ballots counted is very small, and it is even smaller for states that have the shortest cure periods such as Montana. This is likely because the incentive to vote drops precipitously after the election.

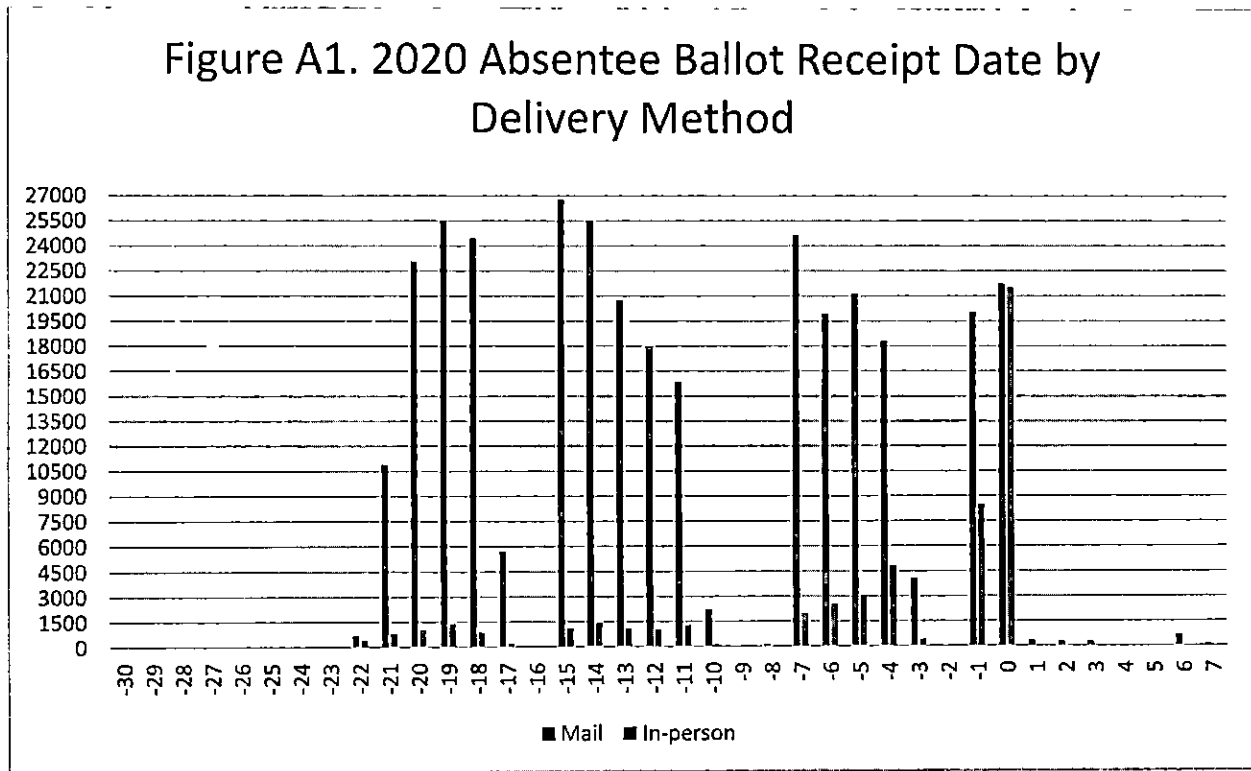
The State has an interest in both ensuring the security of votes and voter access. How to balance election security and increased access are issues best left to legislators who are elected by the people to perform these tasks. Based on the data described above, the balance struck by Montana is supportable and results in high voter confidence and low ballot rejection rates.

A handwritten signature in black ink, appearing to read "Lonna Atkeson", written in a cursive style.

Lonna Atkeson, PhD

XVI. Appendices

Appendix A. Graph of Voter Delivery Method by Date for June 2, 2020 Montana Statewide Primary



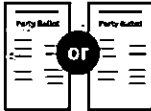
Appendix B. Instructions for Absentee Ballot



ABSENTEE VOTING INSTRUCTIONS – PRIMARY BALLOT

Read and follow all directions – Vote only one party ballot.
Ballots must be received by the election office by 8 p.m. on June 2, 2020
Failure to follow directions may invalidate part or all of your ballot

- 1 Choose one party ballot to vote.



- 2 Vote your ballot with a blue or black pen.



- 3 Seal your voted ballot in the ballot secrecy envelope.



- 4 Make sure your name and address are printed correctly on the return envelope. Read and sign the Voter's Affirmation.



- 5 Seal your ballot secrecy envelope inside the return envelope.

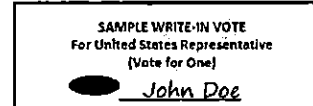
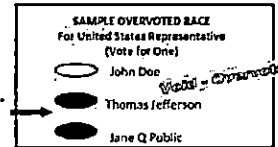


- 6 Return your ballot by mail or in person. Your ballot must be received by 8pm on Election Day, 06/02/2020.



VOTE ONLY ONE PARTY BALLOT

- ✓ Completely fill in the oval for each race using only **black or blue ink pen**.
- ✓ Vote in all columns, both sides, and all pages of the **ONE PARTY** ballot. *Skipping a race will not invalidate your ballot.*
- ✓ Do not make an X, V, or another mark.
- ✓ 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). Overvoted races will **NOT** be counted.
- ✓ To write in a candidate's name, completely fill in the oval to the left of the line and print the name in the blank space.
- ✓ If you make a mistake or spoil your ballot, request a replacement from your county election office.



PREPARE BALLOT TO SEND

- ✓ Place party ballot that you VOTED in the **SECRECY ENVELOPE** and seal the envelope.
- ✓ Discard and **DO NOT** return your **UNVOTED** party ballot(s).
- ✓ **SIGN the voter affirmation** on the Return Signature Envelope. Do not sign for another person.
- ✓ Failure to sign may invalidate your ballot.
- ✓ If your signature does not match your signatures on file, the ballot may be rejected.
- ✓ Place the Secrecy Envelope containing your VOTED party ballot into the Return Signature Envelope and seal the envelope.

RETURN BALLOT

Mail your ballot: Postal Service recommends mail at least one week before the election; or drop off ballot at your county election office:

COUNTY ELECTION OFFICE

Address _____

City/Zip _____

DO NOT FORGET POSTAGE
_____ cents postage required

Ballots must be received at the election office by 8 p.m. on Election Day, June 2, 2020. A postmark is not accepted. If you mail your ballot make sure there is enough time for it to reach your election office.

RETURNING BALLOTS FOR OTHERS: To drop off a ballot for another person, you must be related to them as a caregiver, family member, household member, or acquaintance. If you drop off a ballot for someone else, you must sign a Ballot Collector Registry form (see back).

ASSISTANCE FOR VOTERS WITH DISABILITIES - There are options for voters with disabilities including equipment for individuals with visual and mobility impairments. Contact your county election office for information.

TRACK YOUR BALLOT - View the status of your absentee ballot and review the Voter Information Pamphlet on "My Voter Page" at sosmt.gov/Elections.

MILITARY/OVERSEAS VOTERS - Active-duty absent military or overseas citizens can register and vote electronically. See sosmt.gov/Elections.

IF YOU HAVE QUESTIONS CONTACT YOUR COUNTY ELECTION OFFICE AT

Phone: _____ Fax: _____ Email: _____

Appendix C. Secret Ballot Envelope

BALLOT SECRECY ENVELOPE

DIRECTIONS TO VOTER

After you have marked your ballot, seal it in this envelope. Put only your ballot(s) in your secrecy envelope.
In a Primary Election, put only your voted ballot in the secrecy envelope.

Do not write on or make any mark of identification on this envelope; doing so may invalidate your ballot.
After you have sealed your ballot(s) in this envelope, put this Ballot Secrecy Envelope in the Signature Envelope. The Signature Envelope includes the voter's affirmation that must be signed and is addressed to your county election administrator.

Do not put anything other than your voted ballot(s) in this Secrecy Envelope.

CAUTION TO VOTERS

Be sure to return your ballot so that it is received no later than the day of the election.

Appendix D. Curriculum Vitae Last 10 Years

Lonna Rae Atkeson
Curriculum Vitae
May 2020

ACADEMIC and ADMINISTRATIVE APPOINTMENTS:

- 2006-Present Professor, University of New Mexico
- 2019-Present Board Member, American National Election Study
- 2018-Present Associate Editor *Political Analysis*
- 2017-Present Board Member MIT Election Data Science Lab (MEDSL)
- 2016-Present Director, Institute for Social Research, University of New Mexico
- 2010-Present Director, Center for the Study of Voting, Elections and Democracy, University of New Mexico
- 2001- 2006 Associate Professor and Regents Lecturer, University of New Mexico
- 1995-2001 Assistant Professor, University of New Mexico

EDUCATION:

- 1995 Ph.D., Political Science, University of Colorado, Boulder
Dissertation Title: *Divisiveness or Unity? Reassessing the Divisive Nomination Hypothesis in the Presidential Selection Process* (Chair: Professor Walter J. Stone)
- Summer 1990 ICPSR Summer Training in Quantitative Methods for Social Science Research, University of Michigan.
- 1987 BA, Political Science, University of California, Riverside

BOOKS:

- R. Michael Alvarez and Lonna Rae Atkeson. 2018. *Oxford University Press Handbook on Polling and Survey Methods*. New York: Oxford University Press.
- Alvarez, R. Michael, Lonna Rae Atkeson and Thad E. Hall. 2013. *Evaluating Elections: A Handbook of Methods and Standards*. Cambridge University Press.
- Alvarez, R. Michael, Lonna Rae Atkeson and Thad E. Hall (Editors). 2012. *Confirming Elections: Creating Confidence and Integrity Through Election Auditing*. Palgrave.
- Atkeson, Lonna Rae and Cherie D. Maestas 2012. *Catastrophic Politics: How Extraordinary Events Redefine Perceptions of Government*. Cambridge: Cambridge University Press.

PEER REVIEWED ARTICLES:

- Stein, Robert M et al. 2020. "Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-County Study," *Political Research Quarterly* (forthcoming), available online: <https://doi.org/10.1177/1065912919832374>
- Atkeson, Lonna Rae and Brian T. Hamel. 2020. "Fit for the Job: Candidate Qualifications and Vote Choice in Low Information Election," *Political Behavior* (Forthcoming). Online: <https://DOI:10.1007/s11109-018-9486-0>.
- Atkeson, Lonna Rae and Andrew Taylor. 2019. "Partisan Affiliation in Political Science: Insights from Florida and North Carolina." *PS: Political Science and Politics* 52(4): 706-710.

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- Kerevel, Yann and Lonna Rae Atkeson. 2017. "Campaigns, Descriptive Representation, Quotas and Women's Political Engagement in Mexico," *Politics, Groups and Identities* (4): 454-477.
- Atkeson, Lonna Rae & Cherie D. Maestas. 2016. "Presidential Primary Turnout 1972-2016," *PS: Political Science & Politics* 49(4): 755-760.
- Associated Blog: "Atkeson, Lonna. 2016. "Primary Turnout and the Importance of Party Position." *Mischiefs of Faction*. Vox.com. Available at: <http://www.vox.com/mischiefs-of-faction/2016/3/24/11301108/presidential-primary-turnout>"
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- Kerevel, Yann and Lonna Rae Atkeson. 2015. "The Effect of Disconfirming Stereotypes on Perceptions of Female Political Leaders in Mexico," *Political Research Quarterly* 68: 732-44.
- Atkeson, Lonna Rae, R. Michael Alvarez, Thad E. Hall. 2015. "Trust in Elections and Trust in Government: Why Voter Confidence Differs from Other Measures of System Support," *Election Law Journal* 14(3): 207-219.
- Atkeson, Lonna Rae, R. Michael Alvarez, Andrew Sinclair, Thad E. Hall. 2014. "Balancing Fraud Prevention and Electoral Participation: Attitudes Toward Voter Identification." *Social Science Quarterly* 95(5): 1381-98.
- Atkeson, Lonna Rae, Yann Kerevel, R. Michael Alvarez, Thad E. Hall. 2014. "Who Asks for Voter Identification?" *Journal of Politics* 76(4): 944-57.
- Associated Blog: "Poll Workers Rely on their own Attitudes and Beliefs to Determine How to Apply Voter ID Laws" The LSE US Center's Daily Blog on American Politics and Policy (available at: <http://blogs.lse.ac.uk/usappblog/2014/08/20/poll-workers-rely-on-their-own-attitudes-and-beliefs-to-determine-how-to-apply-voter-id-laws/>)
- Atkeson, Lonna Rae, Alex N. Adams, and R. Michael Alvarez. 2014. "Nonresponse and Mode Effects in Self and Interviewer Administered Surveys," *Political Analysis* 22(3): 304-320.
- Associated Blog: Improving Survey Methodology a Q&A with Lonna Atkeson(available at: <https://blog.oup.com/2014/08/improving-survey-methodology-q-a-with-lonna-atkeson/>)
- Kerevel, Yann and Lonna Rae Atkeson. 2013. "Explaining the Marginalization of Women in Legislative Institutions." *Journal of Politics* 75(4):980-993.
- Atkeson, Lonna Rae, Lisa A. Bryant, Alex N. Adams, Luciana Zilberman, Kyle L. Saunders, 2011. "Considering Mixed Mode Surveys for Questions in Political Behavior: Using the Internet and Mail to Get Quality Data at Reasonable Costs." *Political Behavior* 33:161-178.
- Atkeson, Lonna Rae, Lisa Bryant, Thad Hall, Kyle L Saunders and R. Michael Alvarez. 2010. "New Barriers to Voter Participation: An Examination of New Mexico's Voter Identification Law." *Electoral Studies* 29(1):66-73.
- Atkeson, Lonna Rae and Cherie D. Maestas. 2009. "Meaningful Participation and the Evolution of the Reformed Presidential Nominating System," *PS: Political Science & Politics* 42(1):59-64.
- Reprinted in *Current Controversies: Federal Elections*, Volume 1, Gale/ Cengage Learning (Greenhaven).
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- Atkeson, Lonna Rae and Timothy Krebs. 2008. "Press Coverage of Mayoral Candidates: The Role of Gender in News Reporting and Campaign Issue Speech" *Political Research Quarterly* 61 (2): 239-53.

- Atkeson, Lonna Rae & Lori Tafoya. 2008. "Surveying Political Activists: An Examination of the Effectiveness of a Mixed Mode (Internet and Mail) Survey Design." *Journal of Elections, Public Opinion and Parties* 18(4): 367-386.
- Atkeson, Lonna Rae & Kyle L. Saunders. 2007. "Voter Confidence: A Local Matter?" *PS: Political Science & Politics* 40(October):655-660.
- Atkeson, Lonna Rae & Nancy Carrillo. 2007. "More is Better: The Impact of Female Representation on Citizen Attitudes Toward Government Responsiveness," *Gender and Politics* 3(1): 79-101.
- Atkeson, Lonna Rae. 2003. "Not All Cues are Created Equal: The Conditional Impact of Female Candidates on Political Engagement," *Journal of Politics* 65(4): 1040-61.
- Atkeson, Lonna Rae and Ronald B. Rapoport. 2003. "The More Things Change the More they Stay the Same: Examining Differences in Political Communication, 1952-2000," *Public Opinion Quarterly* 67(4):495-521.
- Atkeson, Lonna Rae and Randall W. Partin. 2001. "Candidate Advertisements, Media Coverage, and Citizen Attitudes: The Agendas and Roles of Senators and Governors in a Federal System," *Political Research Quarterly* 54(4): 795-813.
- Atkeson, Lonna Rae. 1999. "'Sure, I voted for the Winner!' Over Report of the Primary Vote for the Party Nominee in the American National Election Studies," *Political Behavior* 21(3): 197-215.
- Atkeson, Lonna Rae and Randall W. Partin. 1998. "Economic and Referendum Voting and the Problem of Data Choice: A Reply," *American Journal of Political Science* 42:1003-1007.
- Atkeson, Lonna Rae. 1998. "Divisive Primaries and General Election Outcomes: Another Look at Presidential Campaigns," *American Journal of Political Science* 42:256-271.
- Rapoport, Ronald O. Walter J. Stone, and Lonna Rae Atkeson. 1996. "Candidate Chances, Ideological Moderation and American Nomination Politics: A Simulation Approach," *European Journal of Political Research* 29:147-168.
- Atkeson, Lonna Rae and Randall W. Partin. 1995. "Economic and Referendum Voting: A Comparison of Senate and Gubernatorial Elections," *American Political Science Review* 89:99-107.
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- Stone, Walter J., Lonna Rae Atkeson and Ronald Rapoport. 1992. "Turning On or Turning Off: Mobilization and Demobilization Effects of Participation in Presidential Nomination Campaigns," *American Journal of Political Science* 36:665-691.

BOOK CHAPTERS, MONOGRAPHS:

- Benstead, Lindsay J., Lonna Rae Atkeson, and Mohammad Adnan Shahid. 2019. "Why Does Satisfaction with a Non-Democratic Regime Increase Support for Democracy? The Role of Perceived Corruption," in *Informal Practices and Corruption in the Middle East*, edited by Ina Kubbe and Aiysha Varraich. Routledge.
- Atkeson, Lonna Rae and Alex N. Adams. 2018. "Mixing Survey Modes and Its Implications," in the *Oxford University Handbook on Polling and Polling Methods*, edited by Lonna Rae Atkeson and R. Michael Alvarez, Oxford University Press.
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- Atkeson, Lonna Rae. 2014. "Voter Confidence Ten Years after Bush V. Gore," in *Election Administration in the United States: The State of Reform after Bush V Gore*, edited by R. Michael Alvarez and Bernard Grofman, Cambridge University Press.

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- Bryant, Lisa A. and Lonna Rae Atkeson. 2012. "The Cost of Election Audits: Time and Money," in *Confirming Elections: Creating Confidence and Integrity through Election Auditing*, edited by R. Michael Alvarez, Lonna Rae Atkeson and Thad E. Hall, New York: Palgrave McMillan.
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- Rocca, Michael, Lonna Rae Atkeson, Yann Kereval and Lisa Bryant. 2010. "Moving from Red to Blue: The 2008 New Mexico Presidential, Senate, and First Congressional District Races," in *The Change Election: Money, Mobilization, and Persuasion in the 2008 Federal Elections*, edited by David Magleby, Philadelphia: Temple University Press.
- Rapoport, Ronald, Kira Allman, Daniel Maliniak, Lonna Rae Atkeson. 2010. "Internet-ization of American Parties: The Implications of the Unity08 Effort," in *The State of the Parties*, 6th edition Edited by John Green, Boulder: Roman and Littlefield.
- Atkeson, Lonna Rae. 2010. "The State of Survey Research as a Research Tool," in the *Oxford Encyclopedia of American Elections and Political Behavior*, edited by Jan Leighley, Oxford, Oxford University Press.
- Atkeson, Lonna Rae. 2010. "Voter Decision-Making on the Heels of Iowa," in *The Rise of the West*, eds. David Patton and Jennifer L. Robinson. Salt Lake City: University of Utah.

GRANTS:

- | | |
|---------|--|
| 2018-19 | New Mexico Secretary of State, "2018 Election Administration and Security Voter Survey," (\$49,587) |
| 2017-18 | National Science Foundation, "Emotion Regulation and Extraordinary Political Events" (\$200,000) |
| 2016-17 | Bernalillo County, New Mexico 2016, "2016 New Mexico Election Study," (\$49,871) |
| 2016-17 | Thornburg Foundation, Santa Fe, New Mexico, "A Look at Campaign Finance in New Mexico," (\$9000) with Wendy L. Hansen. |
| 2016-19 | New Mexico Department of Transportation, "New Mexico Dust Storm Study," (160,000) |
| 2014-15 | Bernalillo County, New Mexico 2014, "2014 New Mexico Election Ecosystem " (49,763) |
| 2012-13 | "Bernalillo County, New Mexico 2012, "2012 New Mexico Election Administration An Examination of Vote Centers" (47,700) |
| 2011 | "Pew Charitable Trusts, Center on the States, Turnout and Mobilization in Low Voter Turnout Projects," (\$12,281) |
| 2011 | Tom Golisano Foundation, "New Mexico, the Nation and the National Popular Vote Initiative," (\$66000) |
| 2010-11 | Bernalillo County, New Mexico, "2010 New Mexico Election Administration Report" (\$25000) |

AWARDS:

- | | |
|------|---|
| 2015 | Society for Political Methodology's Excellence in Mentoring Award |
|------|---|

- 2013 Mentoring Award, College of Arts and Sciences, University of New Mexico
- 2013 Lucius Barker Award for the best paper, "Latino Descriptive Voting: Evidence in The 2010 Gubernatorial Race in New Mexico," presented at the 2012 Midwest Political Science Association Meeting on Race or Ethnicity
- 2010 Jack Taylor Best in Government Award, presented by Common Cause New Mexico
- Fellowship, Political Methodology Conference, Society for Political Methodology, University of Iowa

Public Policy Reports, Amicus Curiae Briefs, encyclopedia entries, blogs, and other non-peer reviewed items:

- Atkeson, Lonna Rae, Adriana Crespo-Tenorio, Jeff Gill, D. Sunshine Hillygus, Daniel H. Hopkinds, Xun Pang and Betsy Sinclair. 2018. "Comments on Single-Blind Reviewing from the Editorial Staff," *Political Analysis* 26(3): 255-57.
- Atkeson, Lonna Rae and Wendy L. Hansen. 2017. "Albuquerque's Upcoming Election is Unlike the Others," Huffington Post Listen To America Tour, (available at: https://www.huffingtonpost.com/entry/albuquerque-upcoming-election-is-unlike-the-others_us_59ea6333e4b00f08619ed2db)
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- Atkeson, Lonna Rae. 2017. Voter Identification. *Sage Encyclopedia of Political Behavior*, edited by Fathali M. Moghaddam. Thousand Oaks: Sage
- Alvarez, R. Micahel, Atkeson, Lonna Rae and Thad E. Hall. 2016. "Are U.S. elections 'rigged?' Here's how to help voters believe that they're not," *The Washington Post, The Monkey Cage* (https://www.washingtonpost.com/news/monkey-cage/wp/2016/09/28/are-u-s-elections-rigged-heres-how-to-help-voters-feel-confident-that-theyre-not/?postshare=1331475070527091&tid=ss_in)
- Atkeson, Lonna. 2016. "Primary Turnout and the Importance of Party Position." *Mischiefs of Faction*. Vox.com. Available at <http://www.vox.com/mischiefs-of-faction/2016/3/24/11301108/presidential-primary-turnout>.
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- Atkeson, Lonna Rae and R. Michael Alvarez. 2014. Introduction to Political Analysis Mini-Symposium on Advances in Survey Methodology. *Political Analysis* 22(3): 281-284.
- (Associated Blog: <http://blog.oup.com/2014/08/improving-survey-methodology-q-a-with-lonna-atkeson/>).
- Atkeson, Lonna Rae, Lisa A. Bryant and Alex N. Adams. 2013. "The 2012 Bernalillo County Election Administration Report. Typescript, University of New Mexico. Available at: <http://www.unm.edu/~atkeson/newmexico.html>.
- Atkeson, Lonna Rae. 2012. "Don't Go Coloring New Mexico Blue Just Yet?" Op-ed Albuquerque Journal, Sunday, November 18, 2012. (Available at: <http://www.abqjournal.com/main/2012/11/18/opinion/dont-go-coloring-nm-blue-just-yet.html>).
- Atkeson, Lonna Rae., R. Michael Alvarez, Alex N. Adams, Lisa Bryant. 2011. "The 2010 New Mexico Election Administration Report. Typescript, University of New Mexico. Available at: <http://polisci.unm.edu/common/documents/c-sved/papers/nm-2010-general-election.pdf>.

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- Atkeson, Lonna Rae, R. Michael Alvarez, Thad E. Hall. 2009. "Provisional Voting in New Mexico," Pew Charitable Trusts, The Center for the States, *Provisional Ballots: An Imperfect Solution*.
- Adams, et al. 2009. Statement to the National Institute of Technology regarding Voluntary Voting Standard Guidelines in relation to post election audits, October 2009.
- Atkeson, Lonna Rae, Matt A. Barreto, Lorraine C. Minnite, Jonathan Nagler, Stephen A. Nuno and Gabriel Ramon Sanchez, 2009, *Amicus Curiae Social Science Brief to the Indiana Supreme Court*, League of Women Voters of Indiana and leagues of Women Voters of Indianapolis v. Todd Rokita.
- Atkeson, Lonna Rae, Alex Adams, Lisa Bryant, Angelina Gonzalez-Aller, Willard Hunter, Yann Kerevel, Kimberly Proctor, Lisa Sanchez and Lori Tafoya. 2010. "The City of Albuquerque 2009 Mayoral Election Administration Report," Available at: <http://polisci.unm.edu/common/documents/c-sved/papers/nm-abq-2009-mayor-race.pdf>
- Atkeson, Lonna Rae. R. Michael Alvarez, Thad E. Hall. 2010. "Assessing Electoral Performance in New Mexico using an Eco-system Approach: New Mexico 2008," Typescript, University of New Mexico. Available at: <http://www.unm.edu/~atkeson/newmexico.html>

COURSES TAUGHT:

Undergraduate

Introduction to American Politics
Public Opinion and Political Behavior
Women in American Politics
Junior Honors Seminar
Introduction to Political Research

Graduate

Political Behavior
American Politics Pro-seminar
Introduction to Statistics
Topics in Advanced Research Methods: Linear
Structural Equation Modeling
Introduction to Methods of Political Science
Research/Scope and Methods
Survey Methodology
Writing for Research

PROFESSIONAL ACTIVITIES:

Invitations

- "Disenfranchisement, Gerrymandering and the Black Vote," Sandia's Diversity Cinema, African Americans and the Vote, February 25, 2020
- "2016 Primary Voting and the Economy," Iowa Conference Caucus, University of Iowa, Iowa City, IA, February 1-3, 2020.
- "Economic Voting in the 2016 Presidential Election: It's Manufacturing," University of Massachusetts, Amherst, February 6, 2020.
- "Economic Voting in the 2016 Presidential Election: It's Manufacturing," University of Georgia, Athens, GA., January 20, 2020.
- "Messaging and Public Perception: Understanding what Voters, communities, and election officials think about Vote By Mail," Pantheon Analytics, Washington DC, June 20, 2019.
- "The Election Landscape," Corrales Independent, Corrales, NM April 17, 2019
- "The Science of Elections," Taos Democrats, Taos, NM March 4, 2019.
- "Reflections on the 2018 Midterm Elections," Albuquerque League of Women Voters, Albuquerque, December 13, 2018.

"Another Electoral College Misfire," Santa Fe League of Women Voters Public Forum on the National Popular Vote, Santa Fe, NM, November 10, 2018
 "Why We Need Intellectual Humility in the 21st Century," Wednesday Women, Albuquerque, NM, August 15, 2018
 "Economic Voting in the 2016 Election," Florida State University, Tallahassee Florida, April 18-20, 2018.
 "de Tocqueville and the State of the Nation 2018," St. John's College, Santa Fe, New Mexico, February 3 & 10, 2018.
 "Social Identity Primes and Public Opinion: A comparison of Black and White Attitudes During Extraordinary Events," University of Delaware, Newark, Delaware, March 20, 2017.
 "Voting Convenience Centers," American Bar Association Standing Committee on Election Law Town Hall on Voting Convenience Centers, State Bar of New Mexico, Albuquerque, New Mexico, December 1, 2016.
 "The 2016 General Election: Change, Revolution or Status quo? Confessions of a Political Scientist," Indiana University Purdue University Indianapolis, Indianapolis, Indiana, November 17, 2016.
 Also, Santa Fe, New Mexico
 Also, University of New Mexico, Albuquerque, New Mexico
 "The Virtues of Election Observation," The National Conference of State Legislatures, Chicago, Illinois, August 7-11, 2016.
 Speaker, League of Women Voters Santa Fe, March 2016
 "The Iowa Caucus 2016," the University of Iowa, Iowa City, January 31-February 1, 2016.
 "Data Quality, Professional Respondents and Discontinuous Surveys: Issues of Engagement, Knowledge and Satisficing," *The International Methods Colloquium* (available at: <http://www.methods-colloquium.com/single-post/2015/11/06/Lonna-Atkeson-Data-Quality-Professional-Respondents-and-Discontinuous-Survey-Issues-of-Engagement-Knowledge-and-Satisficing>), November 6, 2015.
 "Protecting the Vote: Dialogues on Citizenship, Elections and the Franchise," A Symposium by the University of Kansas, Lawrence Kansas, October 8, 2015.
 Plenary – Connecting the Dots: Who Collects Election Data and How are they Doing It? Election Assistance Commission Election Data Summit, August 12-13, American University, Washington DC.
 "The Effect of Election Lines on Turnout: A Case Study in Sandoval County, New Mexico," New Research on Election Administration and Reform, MIT, Cambridge, Mass. June 8, 2015
 "Professional Respondents and Data Quality," Visions in Methodology Conference, University of Kentucky, May 13-16, 2015.
 "Do You See What I see? Panel Affects in The American Panel Study," presented at the St. Louis Area Methods Meeting (SLAMM), Washington University, St. Louis, April 24, 2015.
 "The Effect of Disconfirming Stereotypes on Perceptions of Female Political Leaders in Mexico," presented at the First Annual School of Politics and Global Studies Working Group Conference Women, Media, and Politics: A Comparative Perspective, Arizona State University, April 10-11, 2014.
 "Electoral Competition Workshop," Laguna Beach, California, December 18, 2014.
 Guest Editor, 2014, Symposium on "The State of Survey Research," *Political Analysis* 22(3): 304-320
 Guest Commissioner, The National Commission on Voting Rights Colorado/New Mexico State Hearing, March 7, 2014, Sturm College of Law, University of Denver
 "Measurement Error in Online Survey Panels: Panel Conditioning and Data Quality," presented at the American Panel Survey (TAPS) Workshop, Washington University, St. Louis, November 8-9, 2013
 Speaker, League of Women Voters, January 2013
 Visions in Methodology Conference, Florida State University, April 26-27, 2013.
 Electoral Competition Workshop, Australian National University, Canberra, Australia, February 18-22, 2013.
 "Panel Conditioning in Online Panels," Washington University, St. Louis, February 1, 2013.
 "Election Accessibility and Transparency," Measure of Elections Conference, MIT, June 18-19, 2012
 Speaker, Women's Press of Albuquerque, December 2012
 "Catastrophic Politics," February 28-29, 2012, Appalachian State University
 "Comparative Cross National Electoral Research Launch and Workshop," University of Exeter, September 8-9, 2011.
 "Electing the President A Citizen Panel: A Comparison of the Electoral College and the National Popular Vote," Directed 3 meetings with a citizen panel.
 "National Popular Vote Initiative Meeting," San Francisco, California, July 15, 2011.
 "Voter Confidence in 2010," Bush V. Gore, 10 Years Later: Election Administration in the United States, Center for the Study of Democracy, University of California, Irvine and the Cal Tech/MIT Voting Technology Project, April 16-17, 2011.

Judge, We the People Civics Contest, December 11, 2010 Capitol Building, Santa Fe, New Mexico
 "Election Auditing," Computer Science Department, University of New Mexico, September 17, 2010.
 "Thinking about Politics: The Role of Gender," Metro Federated Republican Women, July 14, 2010, Seasons Restaurant, Albuquerque
 "Gender of Interviewer and Gender-Related Attitudes in Morocco: A Field Experiment" by Lindsay Benstead, Discussant, Society for Political Methodology, University of Iowa, Iowa City, July 22-24, 2010.
 Speaker, "Negative Advertising," Albuquerque Republican Federation of Women, July 2010
 "Who is Asked and Who Asks for Voter ID," UT-Pan Am, April 29, 2010.
 "How Crisis Shapes Attitudes: Hurricane Katrina, External Efficacy and Public Confidence in Government," Visions in Methodology Conference, University of Iowa, Iowa City, Iowa, March 18-20, 2010 with Cherie Maestas.
 "New Mexico Politics," US State Department, A Discussion with Foreign Journalists, Albuquerque, NM, January 26, 2010

Conference Participation:

- 2020 "Looking for Election Anomalies" with Christopher Mann, Southern Political Science Association, San Juan, Puerto Rico January 8-11, 2020.
- 2020 "Election Laws and Turnout," Discussant, Southern Political Science Association, San Juan, Puerto Rico January 8-11, 2020.
- 2019 "*Mobilization or Fraud*" with Christopher Mann, Southern Political Science Association, Washington DC, August 29-September 1, 2019
- 2019 "Emotion Regulation and Survey Response Quality" with Mathew Cawvey, Cherie Maestas, Sara Levens, and Cherie Maestas, European Survey Research Association, Zagreb, Croatia, July 15-19.
- 2019 "Presidential Nomination Politics 2016: Who Voted for the Insurgent Candidate?" with Jared Clay and Wendy Hansen, Midwest Political Science Association, Chicago, IL, April 4-6.
- 2019 "It's Worth Waiting For: the Willingness to Wait to Vote Compared to Other Services," with Lisa Bryant and Paul Gronke, Midwest Political Science Association, Chicago, IL, April 4-6.
- 2018 "Fit for the Job: Candidate Qualifications and Low Information Elections," Midwest Political science Association, Chicago, IL, April 4-7 with Brian Hamel.
- 2018 "Economic Voting in the 2016 Election," Midwest Political Science Association, Chicago, IL, April 4-7, with Jacob Altik and Wendy L. Hansen.
- 2017 "Paying Attention to Inattentive Survey Respondents," American Political Science Association, San Francisco, CA, August 30-September 2,
- 2017 Summer Conference on Election Sciences, Program Chair along with Bernard Fraga, Reed College and Portland State University, Portland, OR July 26-28.
- 2017 "Public Opinion and Election Reform," Panel Discussant and Chair, Midwest Political Science Association, Chicago, IL, April 4-6, 2017.
- 2017 "Exploring Voter Overreport and Turnout in Mexico," Southern Political Science Association, January 11-14, 2017, New Orleans, Louisiana, with Yann Kerevel.
- 2016 "Are Voting Centers Convenient?" Midwest Political Science Association, April 7-10, Chicago, Illinois with Lisa Bryant.
- 2016 "The Effect of Continuous Panels on Survey Response," Southern Political Science Association, January 7-9, San Juan, Puerto Rico.
- 2015 "Data Quality in Online Panels," European Survey Research Association, Reykjavik, Iceland, July 13-17.
- 2014 "Easy Versus Hard Issues and Satisficing," International Total Survey Error Workshop, Washington D.C., Washington DC, October 3-4 with Alex Adams.
- 2014 "Controlling for Satisficing in Models of Public Opinion," American Political Science Association, Washington D.C. August 28-31 with Alex Adams.
- 2014 Discussant, "Experiments in Digital Democracy," American Political Science Association, Washington D.C. August 28-31.
- 2013 Discussant, The Determinants and consequences of Trust, Midwest Political Science Association, Chicago, Illinois, April 11-14.
- 2013 "Intragender gubernatorial Elections: Stereotypes and Vote Choice," presented at the Midwest Political Science Association, Chicago, Illinois, April 11-14.

- 2012 "Panel Conditioning in Online Panels" presented at the Pacific American Public Opinion Research, San Francisco, CA, December 5-7.
- 2012 "Latino Descriptive Voting: Evidence in The 2010 Gubernatorial Race in New Mexico," Presented at the Midwest Political Science Association, April 2-15, Chicago, IL, with Alex Adams and Shannon Terry.
- 2012 "Two Challenges in Verification: Poll Workers and the National Popular Vote," Election Verification Network Conference, Santa Fe, NM March 28-30
- 2012 "Plenary: Taking the Long View," Election Verification Network Conference, Santa Fe, New Mexico, March 28-30
- 2012 "Mobilization of Local Voters," State Politics and Policy Meeting, Houston, Texas, February 16-18 with Lisa Bryant.
- 2012 Discussant, State Politics and Policy Meeting, Houston, Texas, February 16-18.
- 2011 "Gender and Legislative Participation in Mexico's Chamber of Deputies Before and After the Adoption of Gender Quotas," Midwest Political Science Association, March 31-April 3, with Yann Kerevel.
- 2011 "Consolidating Democracy in the Arab World: The Role of Government Satisfaction in Building Popular Support for Democracy" 1st International Conference on Survey Research, "Survey Research in the Gulf: Challenges and Policy Implications" Sponsored by the Social & Economic Survey Research Institute (SESRI), Qatar University, Doha, Qatar, February 27- March 1, 2011, with Lindsay Benstead.
- 2010 "Attribution of Blame and Hurricane Katrina" presented at the American Political Science Association, Washington DC, September 2-5.
- 2010 "Assessing Data Quality across Probability Samples: An Examination of a Post General Election Mixed-Mode (Internet and Mail) and Telephone Survey," presented at the American Association of Public Opinion Research, May 13-16, Chicago, Illinois with Alex N. Adams and R. Michael Alvarez.
- 2010 "Who Asks for Voter ID," Presented at the Midwest Political Science Association, April 22-25, Chicago, Illinois with Yann Kerevel.
- 2010 "Mixed Mode (Internet and Mail) Probability Samples and Survey Representativeness: The Case of New Mexico 2008," presented at the Western Political Science Association, April 1-3, San Francisco, California, with Alex N. Adams.
- 2010 "Elections and Happiness: The Effect of Electoral Institutions on Life Satisfaction," presented at the Western Political Science Association, April 1-3, San Francisco, California, with Alex N. Adams.

Professional Service:

Selected Media Appearances and Interviews:

Numerous (1000s of) interviews with local, national and international print, radio, and TV journalists (1996-2020)

(Outlets include (selected list): Factcheck.org, *The Hill*, *Time*, *Huffington Post*, National Public Radio (NPR), Arizona Public Radio, NM public Radio, Minnesota Public Radio, New Mexico Public Radio, KUNM, *VOX*, C-net, *Washington Post*, *New York Times*, Jewish Insider, KOAT, Vermont Public Radio, *The News Hour*, *Salon.com*, *The Nation*, *USA Today*, *Albuquerque Journal*, *Albuquerque Tribune*, *Santa Fe New Mexican*, *Milwaukee Journal Sentinel*, *Atlanta Journal Constitution*, *Denver Post*, AP Reporters, *New Mexico Independent*, BBC, the *Washington Monthly*, *ABC News*, Delaware Talk News, *Congressional Quarterly*, etc.)

HuffPost, "Election Security Challenges in 2020" available at (https://www.huffpost.com/entry/election-security-challenges-in-2020_n_5e0fa491c5b6b5a713ba2c89?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlMnVbS8&guce_referrer_sig=AQAAAFxuYCW3X_vMKYHpbns8dsj86XBrPrZKa0vPVrokjiYkp8WYHshooMrZzBCKoiIpHotvx1lyGRSc9ZbfsRpM_tGewKonRY1kFrWy5fyaHOQnix6-zJKXUTleKipPd9Jp9FxFxKhBIW46HBY-UXKINfmPGohcOI_B1zOFKWm99Co2N9J)

KJZZ Arizona NPR, "Maricopa County Recorder Adrian Fontes: Arizona Moving To Mail-In Ballots Makes Sense," available at: <https://kjzz.org/content/1150546/maricopa-county-recorder-adrian-fontes-arizona-moving-mail-ballots-makes-sense>,

KOBT, NBC Affiliate, Political Commentary, Election Analyst, Primary night, General Election night, and general election coverage throughout the campaign 2016-present

KSFR, Impeaching the President, <https://www.ksfr.org/post/unm-s-lonna-atkeson-impeaching-president-trump>, October 23, 2019

KJXX, NPR, Vote-ByMail, <https://kjzz.org/content/1150546/maricopa-county-recorder-adrian-fontes-arizona-moving-mail-ballots-makes-sense>, September 3, 2019

KNME, *In-Focus New Mexico Politics*, August 9, 2019, March 24, 2020

KOBTV, Santa Fe Municipal Election, March 6, 2018

KNME, *In-Focus New Mexico Politics*, September 5, 2017

KNME, *In-Focus New Mexico Politics*, June 9, 2016

KRCW, NPR, *Background Briefing with Ian Masters*, May 26, 2016, (http://ianmasters.com/sites/default/files/mp3/bbriefing_2016_05_25full_audioport.mp3)

KSFR, Santa Fe Radio Café, "On Disenfranchised Voters in New Mexico and Beyond," May 3, 2016, (<http://ksfr.org/post/may-3-unm-professor-lonna-atkeson-disenfranchised-voters-new-mexico-and-beyond#stream/0>)

KPCC, *Airtalk*, "Are Voter Registration Rules Like New York Suppressing Votes?" April 19, 2016 (<http://www.scpr.org/programs/airtalk/2016/04/19/48086/are-voter-registration-rules-like-new-yorks-suppre/>)

NPR, *All Things Considered*, April 4, 2016, "Once Ruled By Washington Insiders, Campaign Finance Reform Goes Grass Roots" (<http://www.npr.org/2016/04/04/473005036/once-ruled-by-washington-insiders-campaign-finance-reform-goes-grassroots>)

KPCC, *Airtalk*, "Long lines and flawed lists mar presidential primaries in Arizona and beyond," March 24, 2016 (<http://www.scpr.org/programs/airtalk/2016/03/24/47472/long-lines-and-flawed-lists-mar-presidential-prima/>)

KNME, *In Focus New Mexico Politics*, November 7, 2014

KNME, *Election Night Coverage*, November 4, 2014

KUNM, *Call in Show*, October 30, 2014

KUNM, *Local NPR*, August 15, 2013

KNME, *In Focus New Mexico*, February 7, 2013, April 2014

KNME, *State of the State Address*, January 14, 2013

KUNM, *In Focus New Mexico*, February 24, 2012

KUNM, NPR, *In Focus New Mexico*, Legislative Politics and Election Reform, March 1, 2011

KRQE, *State of the State Address*, January 19, 2011

KNME, *State of the State Address*, January 17, 2011

KNME *Election Night Coverage*, November 2, 2010

National Public Radio, *All Things Considered*, June 8, 2010

KNME Interview, *In Focus New Mexico Politics*, June 5, 2008; January 8, 2010; May 2010; August 21, 2010, October 2010, March 2 2011

Department/University Committee Work/Service:

Chair, 19th Amendment 100th Anniversary Celebration
 Executive Committee, AY 2012-13, 2015-16
 Provost Promotion and Tenure Committee AY 2014-15
 Graduate Committee, AY 2012-13
 On-line Class Committee, Fall 2010, Spring 2011

Ph.D. Dissertation Committees:

Alex Adams (Chair)
 Clifford C. Clogg Award, ICPSR, 2010
 Holly Garnett (External Reviewer, PhD Spring 2017, McGill University)
 Title: *Strengthening Electoral Integrity through Electoral Management*
 Julia Hellwege (Chair, PhD Summer 2016)
 Ted Robinson Memorial Award for the best research proposal by a graduate student in the field of minority politics

Assistant Professor, University of South Dakota
 Title: *Constituency, Identity, and Surrogate Substantive Representation: Minority Women in U.S. State Legislatures*
 Kim Proctor (Chair, PhD Spring 2016)
 Janet Box-Steffensmeier ICPSR Summer Fellowship Award, 2010
 Senior Scientist, Health and Human Services
 Justin Delacour (Chair, PhD, May 2014)
 Assistant Professor, Lewis University, Romeo, Illinois
 Lisa Bryant (Chair, PhD Summer 2014)
 Assistant Professor California State University - Fresno
 Yann Kerevel (Chair, PhD Summer 2012)
 Assistant Professor Louisiana State University
 IFES Fellowship Summer 2009
 Elizabeth Wemlinger (PhD, July 2011, University of North Carolina, Charlotte)
 Prakash Adhikari (PhD, July 2011)
 Associate Professor, Central Michigan University
 Received Popejoy Dissertation Award, 2013

Manuscript Referee/Editorial Boards (30+/year):

American Political Science Review
American Journal of Political Science
American Politics Quarterly
American Politics Research
Political Research Quarterly
 Editorial Board Member, 2013-2016
Election Law Journal
American Politics Review
Journal of Politics
 Editorial Board Member, 2009-2014
Legislative Studies Quarterly
The Policy Studies Journal

Women and Politics
Journal of Theoretical Politics
Journal of Elections, Public Opinion and Parties

European Journal of Political Research
Comparative Political Studies
Political Psychology
Social Science Research
PS: Politics and Political Science
Political Science Research Methods
Social Forces
Social Influence
Sociological Perspective

British Journal of Politics
Politics and Policy
Gender and Politics
Politics, Groups and Identities
Political Analysis
 Guest Editor 2016,
 Associate Editor 2017-2020
Social Science Quarterly
State Politics and Policy Quarterly
 Editorial Board Member, 2001-2003
Perspectives on Politics
Political Behavior
 Editorial Board Member, 2014-2018
Electoral Studies
Southeastern Political Review
Journal of Women, Politics and Policy
Field Methods
Public Opinion Quarterly
International Journal of Public Opinion Quarterly
Political Parties and Identities
Sociological Methods

Statistics, Politics and Policy
Journal of Personality and Social Psychology
Sociological Research and Methods
Cambridge Elements

Grant Referee:

Canadian National Science Foundation 2020
 National Science Foundation, 1995, 1996, 1997, 1999, 2000, 2003, 2004, 2005, 2008, 2009, 2010, 2013
 (Fall & Spring)
 Time-sharing Experiments for the Social Sciences, 2003, 2010

Board of Directors Membership

ANES Board of Overseers 2019-Present

MIT Election Data Science Lab 2016-Present
Local Election Office Survey Advisory Board 2018

Associations and Association Service:

American Political Science Association

Chair, Emerging Scholar Committee Elections, Voting Behavior and Public Opinion 2017
Chair, EE Schattschneider Best Dissertation Award Committee 2014-15
Gladys M. Kammerer Award Committee, 2012-13
Section Chair, Political Methodology, 2012
Member, 2007 APSA Sullivan Award Committee (Best Graduate Student Paper), Public Opinion and Voting Behavior
Member, 2007 APSA Best Paper Award Committee Elections, Public Opinion and Voting Behavior,
Council Member, Political Organizations and Parties, 2006-2008
Section Chair, Elections, Voting Behavior and Public Opinion, 2007
Section Chair, Society for Political Methodology, 2012
Chair, Emerging Scholar Award, Political Parties and Organizations Section, American Political Science Association, 2007
Council Member, State Party and Politics, 2003-2004
Council Member, Elections, Public Opinion and Voting Behavior, 1998-2000

Election Science and Reform Association

Program Chair, ESRA First Annual Conference, Portland, OR, July 26-28, 2017

Southern Political Science Association

V.O. Key Book Award Committee 2017-18
Program Committee, 2016
Nominations Committee, 2016
Editorial Board Member, *Journal of Politics*, 2009-2013
Chair, Best Article in *Journal of Politics* 2015

American Association for Public Opinion Research

International Society for Political Psychology

Western Political Science Association

Politics, Groups and Identities Editor Search Committee 2015
Committee on Professional Ethics, 2004-2005
Member, Charles Redd Award Paper Committee, 2003-2004
Program Committee, Political Parties, 2003-2004
Chair, Betty Nesvold Women and Politics Award, 1999-2000
Program Committee, Voting and Elections, 1998-1999
Nomination Committee, 1999-2000

Midwest Political Science Association

Section Chair, Political Behavior, 2019
MPSA Pi Sigma Award Committee, Best Paper Presented at the Annual Meeting in 2015, 2015-16
Best Paper by an Emerging Scholar Award Committee, 2006-2007

Society For Political Methodology

Nomination Committee, 2019
Chair, Emerging Scholar Award Committee 2017
Associate Editor, *Political Analysis* 2017-2020.
Member, Political Methodology Lifetime Career Award Committee 2014-15, 2015-2016, 2016-17
Member-at-large, Society for Political Methodology, 2014-17
Section Chair, Political Methodology 2012
Member, Long Range Planning Committee, 2010-2012
Member, Committee on Undergraduate and Graduate Methods, Society for Political Methodology, 2008-2013
Chair, Committee on Undergraduate and Graduate Methods, Society for Political Methodology, 2006-2007
Member, Nomination Committee, 2018-2019

Southwestern Political Science Association

President, 2006-2007
President Elect, 2005-2006
Southwestern Social Science Association Nomination Committee, 2002-2005, Nomination
Committee Chair 2003-2004, 2004-2005
Nomination Committee Chair, 2002-2003, 2003-2004
Nomination Committee, 2001-2004
Vice President and Program Chair, 2001-2002
Vice President Elect, 2000-2001
Chair, Pi Sigma Alpha Award for Best Paper, Political Science Program, 2000
Council Member, 1999-2000
Program Committee, Political Parties and Interest Groups, 1997
Election Verification Network

Other Service:

Reviewer, Tenure and Promotion files, University of Kentucky, University of Georgia, Colorado State University, University of North Carolina-Charlotte, University of Texas Austin, Kent State University, American University, University of North Texas, University of New Hampshire, Auburn University, Tufts University, University of Florida, Texas Tech University

OTHER EXPERIENCE:

Expert Witness, *Voto Latino Foundation v. Hobbs*, No 2:19-cv-05685-DWL 2020
KOB-TV Election Analyst 2016-Present
Expert Witness, *Holmes, et al. v. Moore, et al.*, No. 18-cv-15292 (Wake Cnty. Sup. Ct.), 2019-2020
Exit Poll Analysis, Las Cruces Municipal Election 2019
Expert Witness, *Curling, et al. v. Brian Kemp, et al.*, C.A. No. 1:17-CV-2989-AT, 2018
Expert Witness, *Greater Birmingham Ministries, et al., v. John Merrill*, C.A. No. 2:15-cv-02193-LSC, 2015-2018
Exit Poll, Santa Fe Municipal Election 2017
Consultant, IFC, Election Administration and Voting Survey, Election Administration Commission, 2014-16
Consultant, Fors Marsh Group, Overseas Voter Project, 2015-17
Expert Witness, *Fleming et al. v. Gutierrez, et al.*, 1:13-cv-00222 WJ-RHS (D. N.M., 2014)
Expert Report, *Baca v. Berry*, No. 13CV0076, 2014 WL 11430906 (D. N.M. Aug. 29, 2014)
Consultant, SBG & FMG, Federal Voting Assistance Program, 2013-15
Expert Witness, Bernalillo County Metropolitan Detention Center, October 2012
Consultant, Penny Adrian for Judge, Summer 2006
Consultant, Duran, Giles and Rappaport vs The City of Albuquerque, Summer 2001
Consultant, Modrall, Sperling, Roehl, Harris and Sisk, September-November, 1999
Expert Witness, *The People v. Nathan Dunlap*, Change of Venue Motion, 1995
Public Opinion Research Analyst, various election campaigns, 1994, Talmey-Drake Research and Strategy, Inc.
Paul Harstedt, Project Director, Boulder, Colorado