

## Introduction<sup>1</sup>

With the help of concerned citizens like you, Verified Voting Foundation is researching information about how ballots are accounted for, both on election day and during the period known as “early voting” or “advance voting” where voting prior to election day is allowed. This questionnaire looks at early voting from that perspective. We’re also evaluating the level of “observability” of the early-voting phase of elections in general.

Other aspects of early voting are important, including all of the issues you would be concerned with on election day, since this is just a series of advance “election days” and we encourage you to be vigilant for such issues. We wrote a guide to poll-monitoring in 2004 (available at <http://verifiedvoting.org/article.php?id=5171> ) which may provide additional guidance. This survey deals just with the end-of-day poll closing and ballot-accounting procedures for the early voting time period, but feel free to include in the notes or comments section any other details you observed or learned in the process (including machine malfunctions, for example).

More details about the importance of ballot accounting and what we hope to learn from it are below.

## About Early Voting

1. Approximately 35 states permit either ***in-person absentee voting*** (where your marked ballot is treated as with other mailed absentee ballots) or ***voting early in person*** on voting systems as may be provided in that jurisdiction. Such early voting (sometimes called “advance voting”) or in-person absentee voting might be available at only one location (e.g. county elections office) or at more locations in a voting jurisdiction (county, township, parish).

In the case of in-person absentee voting, there is probably not a roster of voters “signed in” since the ballots are likely to be treated as they would be if mailed (in other words, held until they can be processed with all other absentee ballots).

If “in-person absentee voting” in your jurisdiction does not include ballots being cast on machines, and/or paper ballots filled out but not actually scanned at that time and tabulated at the end of each day, then your observation is not required for this project. Only if your jurisdiction is using voting machines and signing voters in, checking them against voter rolls, etc. and tabulating votes each day will there be an end of day set of numbers to reconcile, and that’s what we’re seeking to observe in this project.

**To participate in this project**, check that your jurisdiction allows early voting on voting equipment (not just marking and/or drop-off of an absentee ballot). This link

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<sup>1</sup> Acknowledgement: Verified Voting Foundation thanks the Miami-Dade Election Reform Coalition (MDERC) for sharing their work on this subject with us. Take time to read MDERC’s outstanding 2004 Report “Get It Right The First Time” for more information. <http://www.reformcoalition.org/index/StudiesReportsLetters.htm>

## Early Voting and Ballot Accounting Project

will show you a preliminary checklist of the states that allow early and in-person absentee voting. <http://electionline.org/Default.aspx?tabid=474>

2. **Date ranges** vary for early voting, usually starting several *weeks* before and ending a few *days* before Election Day. The chart above indicates the date ranges for those jurisdictions allowing early voting.

To participate in this project, please try to team with someone you know or with a group, to make sure you are able to cover the poll-closing/ballot-accounting process at a particular early voting site for each day that early voting occurs there, including the final day of early voting (usually a day or several days prior to the actual election day – e.g. Friday preceding Election Day). Take a new blank questionnaire for each day of observation.

3. **Rules** for early voting vary. CHECK THE RULES in your jurisdiction for how early voting is conducted and for the public’s right to observe the poll-closing process for early voting – KNOW YOUR RIGHTS IN ADVANCE.

4. **Credentials** may be required. Find out IN ADVANCE if you must obtain credentials either from a candidate, a political party or as a member of an interested organization, depending on the rules in your jurisdiction. If credentials are required, you probably won’t be able to get in to observe unless you already made those arrangements.

**Note:** some states require credentials for pollwatchers, observers, challengers or monitors during the polling hours, but may waive that requirement once polls close. Others require credentials for both time periods. A few do not require any credentials for observation. Be sure!

5. Be aware that even if there are clear **rules** allowing for the public observation of early voting poll-closing procedures, you may find that some officials or election boards vary in how they comply with those rules. Your goal is to try to obtain the data about voter counts, but if you are **restricted** from doing so even if you have complied with any and all rules, that information is important also and you should report it to us.

In a pilot project of observation of early voting conducted in Florida by the Miami-Dade Election Reform Coalition, the ability to observe ranged from full compliance with Florida’s statutory right of citizens to witness the poll-closing processes from start to finish, to the public being “*sequestered such that it could not witness the counts, the verification, the reconciliation or the reporting processes. On at least two occasions, the election boards went so far as to resort to whispering the totals in order to prevent the public from hearing them.*”<sup>2</sup>

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<sup>2</sup> MDERC “Get It Right The First Time” Report, Appendix, letter to election official of Miami-Dade County <http://www.reformcoalition.org/ressources/GetItRightAppendices.pdf> page six

# Early Voting and Ballot Accounting Project

## About Ballot Accounting

1. Ballot accounting – whether for election day or for each day that comprises the early voting phase – is an essential process designed to help ensure that uncounted votes are caught and corrected. In general an observer should be able to **confirm that the number of voters who came to vote that day matches the number of votes recorded**, and there should be some process for checking those totals against one another and recording/reporting any discrepancy.

- In a paper ballot jurisdiction, ballots are typically numbered and counted before being sent to the precincts for voters' use. To conduct ballot accounting at the end of the day, election workers would count total unused ballots, total spoiled ballots, total provisionally voted ballots. They would check the number of counted ballots (the total scanned), and then add the total number of ballots together. That number should match the number of voters who signed in to vote that day.
- In an electronic ballot jurisdiction (where DREs are used), electronic ballots are *not* numbered nor counted. Instead, they are electronically generated on demand throughout the voting period. Thus the only way to account for electronic ballots is to compare the number of voters who sign in to the number of ballots cast.

Voting machines provide a total "public count" which should indicate the number of ballots cast on that machine that day. The public count numbers from all voting machines in use in the polling place would be totaled, added to any paper provisional ballots or paper emergency ballots used that day, and that new total compared to the number of voters who signed in.

- In a mixed jurisdiction, where some paper ballots are used (such as optical scan) and some electronic ballots are cast (the use of a DRE for voters with disabilities, for example), again, the total number of votes cast on the electronic voting machine must be added to the total number of paper ballots used, and the sum total compared to the number of voters who signed in to vote that day.

2. Ballot accounting **rules** also vary from state to state, and indeed how those rules are carried out in any given voting jurisdiction within a state may vary, despite the existence of a clear rule.

### Timing:

At **poll closing time**: typically election staff will announce that polls have closed, and will establish that the last person in line at that time may vote but will turn away any others. Citizen observers who wish to witness the poll-closing process should be permitted to enter at that time, or in some cases just prior. **Poll closing time may vary** – in some jurisdictions, hours may be staggered on different days

## Early Voting and Ballot Accounting Project

to allow for participation of persons with differing work schedules, for example. Check before you go to observe! (Get there about 15 minutes early.)

*NOTE: requirements for entering the polling place to observe varies from state to state, and may vary depending on whether you are observing during polling hours or once the polls have closed. You must check your state's requirements in advance—and obtain credentials if they are required—in order to ensure you will have access to observe.*

Election staff should not initiate the ballot accounting process until after the last voter has voted. Generally, equipment/materials should not be shut down or put away until counting, verification, reconciliation, and reporting are complete.

### Questionnaire:

Instructions to help you answer the questions on the early voting questionnaire . <http://www.verifiedvotingfoundation.org/downloads/EarlyvotingQ.pdf> are below.

- Take a printed copy of the questionnaire with you to note your observations and the voter count data, etc. for each day you go to observe.
- After you have collected the information, you will be able to either (a) enter the data into an online survey/web-form which corresponds to the hard copy you used, or (b) fax us a copy of your hard-copy survey form. If you prefer, you can scan and email to [observer@verifiedvoting.org](mailto:observer@verifiedvoting.org)).

If you have questions about any part of the early-voting observation questionnaire, please contact [observer@verifiedvoting.org](mailto:observer@verifiedvoting.org) for information.

### Instructions for Observing Poll-Closing for Early Voting

Thank you so much for volunteering your time to observe early voting poll-closing procedures. Following is guidance to help you through the process. *This section assumes you have obtained any credentials or approvals you may need.*

#### The Public May Observe But Not Interfere

The closing of polls is (or should be) a public event but some clerks and poll workers may not be accustomed to members of the public coming to observe (even with credentials and advance approval).

As an observer, you should line up outside the polls before closing time (which may vary – check before you go) even though you shouldn't be allowed in until after the last voter has voted. Introduce yourself to the election worker / Poll Deputy at the door, and explain that you are there to observe the closing of the polls.

It's important to assure the election workers you understand you are not to interfere with their work. Keep in mind that election workers are trying to finish important work at the end of a long, hard work day. Verified Voting is grateful for

## Early Voting and Ballot Accounting Project

the hard work election workers do on behalf of voters, and as an observer feel free to express appreciation for their efforts when you arrive.

Election workers are not required to talk to you, but we hope they will be friendly and cooperative. If a clerk tells you to leave them alone, or refuses to give you information, make a note of it, but back off. In general, the public (you) has the right to observe the poll after it has closed (*in accordance with any local rules about credentials or advance approval*), even if there are still voters in line and voting.

Observe what you can, be polite, and stay until the clerk has called in the machine count numbers, the voter certificates have been tallied, and the two totals have been reconciled. Then say thank you and leave quietly. You do not need to watch until the lights go out.

NOTE: When the clerk calls in the numbers, that's a good time to record the public counts, simply by unobtrusively listening. There's a worksheet on the final page of the questionnaire you can use to note the information.

### Inside the Early Voting Polling Place:

The Election Workers: Early voting polling places vary as to staffing. Some are located in county elections offices, and are staffed by people who usually have other tasks to do as well as processing early voters. Others may be located in courthouses, malls, or elsewhere, and may have staff dedicated to this purpose only. We are interested to learn how early voting is done in your jurisdiction.

Please indicate on your questionnaire what staff are present, what roles they play (*management of tasks; checking voters in; showing voters how to use equipment, such as demo machines; activating ballot for voters; maintaining order and/or security; technician or rover, etc.*).

Please also indicate whether there is any vendor staff there and/or non-regular elections office staff such as a technical rover for support.

Following is a detailed example from Miami-Dade County (your early voting location may have more or fewer people):

*Clerk – overall management of tasks, activities and workers.*

*Registrars – checks voters in at computers*

*Data Entry Specialists – checks voters in at computers*

*Demonstrator - shows voters the demo machine so they can practice*

*Ballot Activator – aids voters by activating ballot on voting machines, selecting correct ballot style, language preference, etc. (often the demonstrator is also the activator)*

*Election Specialist (E. S.) – computer expert responsible for voting machine operation and computers*

*Poll Deputy – keeps order at the door and outside*

*There may also be a Technical Specialist or a Roving Supervisor responsible for several locations.*

## Early Voting and Ballot Accounting Project

### The Equipment:

Please make note of the voting equipment as directed on your questionnaire. Voting machines at the early voting site may be separated into groups depending on different ballot styles that would be used (corresponding to precincts, for example). The election worker should direct or take each voter to a machine in their correct group depending on that voter's ballot style.

The polling place may have one or more Demonstration voting machines (Demo), which should be placed separately from the machines used to cast real votes. Demo machines allow voters to practice before they cast their actual vote. You will not take down any public count or other information from any demo machines, as these do not represent actual votes.

### Reconciling the Counts:

The election workers should not start doing end of the day counts and closing down machines until after the last voter has voted.

The **Public Count (Machine Count)**: Each machine keeps a record of votes cast on it and displays the count on the screen. After the polls close, election workers, working together in pairs, should collect this "public count" from each machine and record it on a form. You should watch this closely, and write down the totals on your own questionnaire where indicated. (Note: These are NOT the results of the election – just a count of how many voters cast ballots on each machine.)

*In some states **a voter certificate is used** – it may be called something different, but it is a piece of paper or card given to the voter when s/he signed in to vote, and which is surrendered before the voter leaves. These are counted at the close of polls, **as a way of checking the number of voters who signed in to vote that day.***

*If these certificates or slips are not used in your state, you may derive the **number of voters from the list or roster where voters sign in** to vote on Election Day.*

The **Voter Certificates** (Paper Count): Election workers screen the voters as they enter the poll, and identify the ballot style each voter will be using to vote. (In some cases, voting machines will be designated for specific election districts, precincts, wards and/or ballot styles, and voters directed to the appropriate machine/s.) Each voter fills out and signs a Voter Certificate.

After the polls close, election workers count the certificates by hand. You should observe how carefully this is being done and note any problems.  
Reconciling: The total public count should be the same as the total number of voter certificates. It is very important to observe the comparison of these two numbers and what the election workers do if they do not match.

## Early Voting and Ballot Accounting Project

There may be a separate set of certificates or separate sign-in roster for voters who voted provisionally. **Note:** at this time we are not certain if casting a provisional ballot on the electronic voting machine itself actually causes the public counter to increase at that time or not. Since the ballot is not added into the tally until/unless the provisional voter is approved as eligible, in theory it should not. Please let us know what you find out.

### Other Ballots:

Ask the Clerk about the number of Absentee Ballots, Provisional Ballots, and Substitute (emergency) Paper Ballots and mark the information on your questionnaire. Try to determine if there were problems using these ballots.

### WHEN YOU COMPLETE YOUR OBSERVATION:

**Urgent incident reports: Call 415-487-2255** if you observe any major problems in end-of-day poll-closing procedures for the early voting period.

Fill in your observations using our simple **webform**. You'll use the notes you took on the hard-copy questionnaire to fill in the online version. We'll send you an email with a link so that you can fill in the form.

If for any reason you are unable to fill in the online version, please fax or **email** your completed questionnaire to us.

FAX: Call 415-487-2255 for correct fax number

EMAIL: [observer@verifiedvoting.org](mailto:observer@verifiedvoting.org)

Or mail to:

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