Uniformity in Election Administration: A 2008 Survey of Swing State County Clerks Virginia Edition

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Introduction

The Democracy SOS Project aims to increase transparency in election administration and to monitor the actions of election officials, starting with Secretaries of State. This series reports the results of surveys of county clerks in 10 "swing states" during the 2008 Presidential Election. FairVote staff and interns surveyed nearly every county clerk in Missouri, New Mexico, Colorado, Pennsylvania and Virginia, as well as election officials in counties with at least 500,000 residents in Ohio, Florida, Minnesota, Michigan and Wisconsin.

We asked questions designed to shed light on the practices of the county, as well as their interpretation and compliance with state law. We asked questions regarding the allocation of voting machines and poll booths in order to assess the county clerks' preparedness in ensuring that there would not be long lines and everyone would be able to vote on Election Day. We asked every county clerk if they planned to put together a written allocation plan of their machines/booths to assess if these plans have been well thought out. We inquired as to when draft and final versions of the ballot would be ready to assess their clarity and ensure the public has time to review the ballot before Election Day, which helps cut down the amount of time voters spend in the voting booth. Finally, we asked about the number of post-secondary institutions in each county and if they had on-campus polling locations to evaluate accessibility for youth voters.

There are 95 counties and 39 cities with their own election administrators in Virginia, of which we were able to contact 70 counties and 26 cities. We were unable to complete surveys with officials in the following counties: Amelia, Bath, Bland, Charlotte, Clarke, Craig, Culpeper, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Grayson, Lee, Lunenburg, Madison, Northumberland, Rappahannock, Richmond, Rockingham, Russell, Sussex, Westmoreland, Wise, York; and cities: Alexandria, Buena Vista, Colonial Heights, Covington, Franklin, Galax, Newport News, Richmond, Salem, Suffolk, Virginia Beach, Waynesboro, and Williamsburg.

Type of Voting Equipment and Number per Precinct

The first question we asked each election official clarified the voting equipment used in the county/city as well as the number of machines or booths per precinct. We looked up the systems used in each county and whether or not they had central or precinct-based count on the website *verifiedvoting.org*. We then compared the information available on the website to responses by the local officials. All counties and cities surveyed in Virginia were either able to successfully identify the type of voting equipment or describe the equipment in such a way that we could infer the type of machine.

Virginians use 7 different kinds of DRE machines, provided by 5 vendors.[1] Of the 96 counties and cities surveyed, 67 use DRE-TS at polling places for all voters. Although all of the municipalities surveyed presumably use some form of paper ballot and optical scan for absentee voting, most failed to mention the use of any optical scan equipment when asked about their voting equipment. Two of the cities that use only DRE machines at polling places actually use DRE-Dial machines rather than DRE Touch Screen machines.

Twenty-five counties offer DRE-TS as an option for voters at polling places as well as paper ballots for optical scan. In these counties, some officials explained that DRE machines are mostly for disabled voters, but other voters may use them if they prefer voting on them as opposed to using a paper ballot. Other officials said that voters without a disability are sent to DRE machines whenever one is open, without giving the voter the option of voting on paper. Finally, a few counties use paper ballots tallied by optical scan machines with a ballot-marking device for disabled voters.

Voting Equipment Combinations Used in Virginia

	DRE Touch Screen	DRE Dial with Optical Scan for absentee voters	DRE Touch Screen with Optical Scan for absentee voters	DRE Touch Screen and Optical Scan	Optical Scan and Ballot Marking Device (BMD)
Number of Counties*	57	2	8	25	4

*Out of 96 surveyed

Allocation of Voting Equipment

The allocation of DRE machines among the precincts that only use DRE equipment at the polling place is not based on a standardized formula for all cities and counties. One county described a formula where one DRE machine is given per 750 voters,[2] another said state law requires one per 350 voters[3] and most officials suggested that their allocation formula is based on complying with state law. However, the vast majority of cities and counties base their allocation on a vague definition of the number of registered voters or past turnout at each precinct. The number of DRE machines allocated to each

[1] Virginia State HAVA Implementation Plan, July 2003
http://www.sbe.virginia.gov/cms/documents/HAVA/HAVA_DRAFT_Plan_Final.pdf
[2] Albemarle County
[3] Northampton County

precinct varies from 1 to 11. Officials claimed that this allocation is based on registration data or recollection of past turnout. The most common minimum number of the machines per precinct is 2 and the most common maximum per precinct is 4 or 5 machines. Every city and county that allocated Optical Scan equipment and either DRE or BMD equipment gives one optical scan machine and one DRE or Automark machine per precinct.

Allocation of Poll Booths in each Precinct

Our next question sought to address how county clerks determine the number of poll booths needed for the November 2008 election. Only 29 counties or cities in our survey use Optical Scans at every precinct. Those counties that do use optical scans use a number of different methods to allocate poll booths. Most counties allocate their voting booths based on registered voters or turnout in past elections.

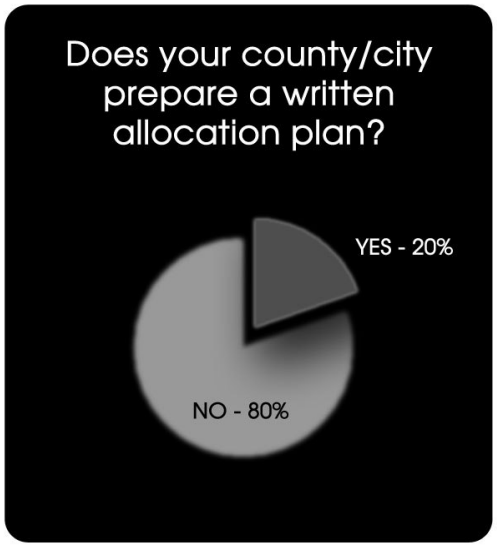
Not a single county clerk surveyed could refer to a specific scientific formula that they used for calculating the number of booths needed.

However, a number of counties use less formulaic methods. For example, one official said they simply put in as many booths as they can fit in the polling place. They claimed that the number of booths is not the cause for long lines and even if lines do develop, voters can vote almost anywhere, including cafeteria tables at the polling places.[4] Poquoson City plans to give seven booths to each of its three precincts regardless of the size of the precinct and without considering the anticipated turnout for the November election.

Not a single county clerk surveyed could refer to a specific scientific formula that they used for calculating the number of booths needed. Many referred to empirical data, such as past voter turnout or current voter registration, but did not specifically say how they used such numbers to determine an effective allocation.

Written Allocation Plan

FairVote surveyed local election officials as to whether or not they would be preparing a written allocation plan of their poll booths as a means of gauging their organization and preparedness for the November election. The plan would simply state how many booths or machines each polling location will receive on Election Day.



Our survey found that the vast majority of registrars did not have a written plan for poll booth allocation, nor were they going to draft

[4] King George County

one before Election Day. Out of 96 election officials surveyed, only 19 were preparing to create a written booth allocation plan.

Out of 96 counties surveyed, only 19 are preparing a written booth allocation plan.

Eighteen of the election officials said they do not create written allocation plans because the allocation of booths is based entirely on state guidelines. However, Spotsylvania County reported that they do not produce a written allocation plan because the number of machines allocated each election cycle changes so dramatically that it would be impractical to create a new plan each year.

Readiness of Rough and Final Drafts of the Ballot

We asked the election officials when the rough and final draft of their ballot for the November election would be ready as a means of understanding their election planning timeline, as well as to find out when we would be able to see a copy of the ballot.

In general, we found that many officials were confused by the concept of a rough draft. It appears that localities do not handle the sample ballot because most claimed that the state handled sending the ballot to the printer and therefore nearly every county received their sample ballots on the same day as their final ballots. Nearly every county and city in Virginia said that their ballots would be prepared in mid-September or 45 days prior to the election. Two counties were vague about their deadlines, reporting that ballots would be ready when determined by the printer or the state.[5]

College Campuses and Polling Locations

The final question in our survey was intended to determine which cities and counties had a post-secondary institution, and if there will be a polling place on campus for the November election. Of the 96 counties and cities surveyed, 32 have a university, college, community college or junior college in it. Of the 32 with a post-secondary institution, only 2 counties reported having a polling location on campus.[6]

Only 2 out of 32 counties with post-secondary institutions are planning on putting a polling location on campus.

Conclusions

We have concluded that the state of Virginia may not be adequate prepared for Election Day due to lack of equipment standardization, insufficient preparation for turnout and a lack of access for students on college campuses.

[5] Bedford City and Mecklenburg County
[6] Albemarle and Prince George County

We recommend that Virginia standardize DRE or optical scan use throughout the state to ensure that the highest caliber system is used in all counties, not just the counties that can afford them. Furthermore, we suggest a tougher state standard for the number of machines and booths per precinct. Even the cities and counties that will allocate machines based on the number of registered voters only allocate one machine per 750 registered voters, which is an inadequate proportion of machines to registered voters.

The state's first objective should be to develop a standard formula for the allocation of poll booths and voting machines. With only 20-percent of county and city election officials preparing written allocation plans, many voters in Virginia could experience significant Election Day problems because of lack of preparation. In addition, preparing a written plan before Election Day encourages transparency in election administration and helps election officials prepare for future elections.

All county and city officials should receive a draft of their ballot before printing the final version. As it currently stands, many officials feel that they have no control over the process because the state is ultimately responsible for preparing the ballot. Having local and public access to the ballot in advance of the election reduces the risk of errors in the final ballot and gives voters an opportunity to view the ballot before they actually vote.

Finally, many cities and counties do an inadequate job of ensuring students have access to the polls. Having polling places on campus in only two of the 32 counties and cities with post-secondary institutions is an unacceptable proportion. We recommend every post-secondary institution with student housing have a polling place on campus. Furthermore, community colleges and commuter schools should have adequate access to polls for students to vote on Election Day.

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