



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

April 18, 2008

To: All County Clerks/Registrars of Voters (08141)

FROM: Irene E. Capps 
NVRA Program Manager

Subject: U.S. **Election Assistance Commission** (EAC) Public Comment Period – 2008
Election Day Biennial Survey

The Election Assistance Commission (EAC) seeks comment from the public on its **2008 Election Day Survey**. This data collection effort is authorized under the Help America Vote Act (HAVA). Section 202 of HAVA requires EAC to serve as a authorized under the Help America Vote Act (HAVA). Section 202 of HAVA requires EAC to serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections. Section 202(3) authorizes EAC to conduct studies and to carry out other duties and activities to promote the effective administration of Federal elections.

As you know, under the HAVA mandate, the EAC administers a biennial survey to capture information pertaining to the impact of the National Voter Registration Act of 1993 (NVRA). HAVA also requires that the EAC collect information related to the processes and procedures used both to register voters and to serve uniformed and overseas citizens wishing to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

The EAC 2008 Election Day Biennial Survey can be completed online. To link to the online survey, please visit <http://www.eac.gov/schedule/2008-election-day-survey/>, then click on 2008 Election Day Survey. For your convenience, I have included a copy of the survey

questions. Section A is for your reference ONLY. Section B is for your responses. You are encouraged to review the survey and email or mail your comments to:

Electronic Submission: electiondaysurvey@eac.gov. **Mail:** Karen Lynn-Dyson, Election Day Survey, 1225 New York Ave., NW, Suite 1100, Washington, DC 20005. **Contact Information:** Shelly Anderson (202) 566-3100.

Please submit your comments by May 19, 2008 NOT LATER THAN 4 PM EASTERN TIME. Please remember, when completing the survey, **answer the questions as they relate to your county**. In instances where asking for statewide information, please provide your county information. Where you have raised a substantive issue, please propose a recommended change.

Please email a copy of your comments to me at icapps@sos.ca.gov or fax them to me at 916.653.3214.

If you have any questions, please feel free to contact me.

Thank you.

Enclosure

Section A

U.S. ELECTION ASSISTANCE COMMISSION



*2008 Election Administration
& Voting Survey*

SECTION I: VOTER REGISTRATION

Note: These questions refer to the period from the Federal general election day +1, 2006 through Federal election day, 2008.

- All information requested in this survey should pertain to the November 2008 Federal general election.
- Data is to be collected at the state and county (or township, independent city, borough) levels.

Where an asterisk appears (*), please refer to “Definitions” on page 12 for further explanation.

1. What was the total number of registered voters for the 2008 Federal general election?

2. What was the total number of **active and inactive** registered voters for the 2008 Federal general election?
*Active _____ *Inactive _____
3. If your state has Election Day/Same Day Registration, how many forms received on election day were:

Type of Form	Number
* New registrations	
Changes to existing registrations (e.g., name, address, etc.)	
Duplicate of existing registration	
Other	
Total number of registration forms received Note: The total is the sum of the four previous categories noted above.	

Note: This question applies only to states with Election Day/Same Day Registration – Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming.

Not applicable. My state is not an Election Day/Same Day Registration state.

4a. Does your state allow online registration by individual voters? Yes No (If no, proceed to question #5)

4b. If your state has online registration, what was the total number of individuals who used it? _____

5. How many registration application forms were received from the following sources over the previous two-year period?

Source	Number
Mail	
Motor vehicle offices	
Public assistance offices	
State funded agencies serving disabled persons	
Armed forces recruitment offices	
Other agencies designated by the state	
Other means (e.g., advocacy groups, including political parties)	
Not categorized	
Total number of registration forms received Note: The total is the sum of the previous eight categories noted above	

6. Of the total number of registration application forms received as noted in the previous question, how many were:

Type of Application	Number
Duplicates of another valid voter registration	
Invalid or rejected (other than duplicates)	
New, valid registration – no other record was found	
Changes to name, address, or party	
Moved into jurisdiction but was registered elsewhere in the state	
Not categorized	
Total number of applications received Note: The total is the sum of the previous six categories noted above.	

7. Of the total number of duplicate registration forms received as noted in question #6, how many came from the following sources:

Source	Number
Mail	
Motor vehicle offices	
Public assistance offices	

State funded agencies serving disabled persons	
Armed forces recruitment offices	
Other agencies designated by the state	
Other means (e.g., advocacy groups, including political parties)	
Not categorized	
Total number of duplicate registration forms received	

Removal/Confirmation Notices

8. Of the total number of removal/confirmation notices mailed to voters, how many were:

Response	Number
Received back from voters	
Returned as undeliverable	
Status unknown	
Not categorized	
Total number of removal/confirmation notices mailed to voters	

9. Of the total number of voters removed from the registration list as noted in question #8, how many were due to:

Reason for Removal	Number
Change of address (moved outside jurisdiction)	
Death	
Disqualifying felony conviction	
Failure to vote in two consecutive Federal general elections	
Voter requested to be removed	
Not categorized	
Total number of voters removed from the voter registration list (or moved to the inactive voter registration list) as a result of the removal/confirmation notices	

SECTION II: UNIFORMED & OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA)

10. How many of your state's UOCAVA absentee ballots were transmitted, returned, and cast? (Do not include Federal Write-in Absentee Ballots (FWAB))

a. Total number of absentee ballots transmitted to UOCAVA voters. Break the total into the following groups, when possible: (Do not include FWABs)	
	Number
Absent uniformed services voters – domestic or	

foreign	
Absent non-military/civilian overseas voters	
Status of the voter is not recorded or unavailable	
Total number transmitted (Note: this total includes the three categories listed above)	
Number	
b. Total number of ballots returned by UOCAVA voters. Break the total into the following groups, when possible: (Do not include FWABs)	
Absent uniformed services voters – domestic or foreign	
Absent non-military/civilian overseas voters	
Status of the voter is not recorded or unavailable	
Total number returned (Note: this total includes the three categories listed above)	
Number	
c. Total number of ballots *cast by UOCAVA voters. Break the total into the following groups, when possible: (Do not include FWABs)	
Absent uniformed services voters – domestic or foreign	
Absent non-military/civilian overseas voters	
Status of the voter is not recorded or unavailable	
Total number cast (Note: this total includes the three categories listed above)	
Number	
d. Total number of ballots *counted by UOCAVA voters. Break the total into the following groups, when possible: (Do not include FWABs)	
Absent uniformed services voters – domestic or foreign	
Absent non-military/civilian overseas voters	
Status of the voter is not recorded or unavailable	
Total number cast (Note: this total includes the three categories listed above)	

11a.

Total number of UOCAVA ballots not *counted: (Do not include FWABs)	
Number	
Absent uniformed services voters – domestic or foreign	
Absent non-military/civilian overseas voters	
Status of the voter is not recorded or unavailable	
Total number not counted (Note: This total is the difference between the total listed in question #11c and the total listed in #11d).	

11b. Of the number of UOCAVA ballots that were not counted as indicated in question #11a, how many were not counted for the following reasons? (Do not include FWABs)

Reason	Number
Ballot was returned undeliverable	
Ballot was returned by voter but was rejected for failure to meet requirements	

Federal Write-in Absentee Ballots (FWAB)

12. How many FWAB absentee ballots were returned and cast?

Total number of FWAB ballots returned by UOCAVA voters. Break the total into the following groups, when possible:	
Number	
Absent uniformed services voters – domestic or foreign	
Absent non-military/civilian overseas voters	
Status of the voter is not recorded or unavailable	
Total number returned (Note: this total includes the three categories listed above)	
Total number of FWAB ballots *cast by UOCAVA voters. Break the total into the following groups, when possible:	
Number	
Absent uniformed services voters – domestic or foreign	
Absent non-military/civilian overseas voters	
Status of the voter is not recorded or unavailable	
Total number cast (Note: this total includes the three categories listed above)	

Automatic Transmittal of UOCAVA Ballots

13.

How many UOCAVA ballots were transmitted:	
Number	
As part of the two-election cycle of automatic requests	
In response to a specific request by the voter	
Of the total number of ballots automatically transmitted as part of the two-election cycle of automatic requests:	
Number	
How many were returned as undeliverable	
How many were submitted for *counting (cast)	

SECTION III: ELECTION ADMINISTRATION

14. What was the total number of precincts in your state/jurisdiction? _____

15. What was the total number of polling places available in your state for voting in the November 2008 Federal general election? _____

16. What was the total number of poll workers used for election day (from beginning of any early voting through the end of election night balloting)? _____

Note: Question #16 should include the number of persons who served in all polling places in the state as poll workers, election judges, wardens, commissioners, or other similar term that refers to the person or persons who verify the identity of a voter; assist the voter with signing the register, affidavits or other documents required to case a ballot; assist the voter by providing the voter with a ballot or setting up the voting machine for the voter; and serving other functions as dictated by state law. Question #16 should not include observers stationed at the polling place or regular office staff who handled the early voting/absentee voting process.

17. The EAC is interested in the extent to which jurisdictions had a sufficient number of poll workers available for the November 2008 Federal general election. Did your jurisdictions find the number of poll workers available for election day to be sufficient? If not, how many more poll workers would have been needed to run a successful election? Please explain.

SECTION IV: ELECTION DAY ACTIVITIES

Voter Participation

18a. What was the total number of persons who voted in the November 2008 Federal general election? _____

Note: This total includes absentee and provisional voters

18b. What is the source of the number indicated in question #18a? (Please provide numbers for only one category.)

- Number of voters checked off or signed in the poll books at precincts, plus absentee/early votes _____
- Number of ballots counted, both at precincts and centrally counted (i.e. absentees, etc.) _____
- Number of voters generated after vote history has been added to their registration records _____

Voter ID

19. What was the total number of first-time voters who registered by mail, were not verified, and per HAVA (sect. 303(2a)), were required to provide identification at the polls in order to vote? _____

Absentee Ballots

20. How many voters appeared on the permanent absentee voter registration list?

21. How many absentee ballots were:

Absentee ballot status	Number
Requested	
Received	
Counted	
Not counted	

22. Of the number of absentee ballots not counted or rejected, how many were not counted or rejected for the following reasons?

Reason for Rejection	Number
Ballot missing from envelope	
Ballot not received on time/missed deadline	
Ballot returned as undeliverable	
Ballot replaced	
Ballot returned in an unofficial envelope	
Voter deceased	
Voter already voted in-person	
Envelope not sealed	
First-time voter without proper identification	
Ineligible to vote	
Multiple ballots returned in one envelope	
No ballot application on record	
No election official's signature on ballot	
No resident address on envelope	
No voter signature	
No witness signature	
Non-matching signature	
*Spoiled ballot	
Other	
Total number of absentee ballots not counted/rejected Note: this total and the total "not counted" in question #21 should be the same.	

Provisional Ballots

23. In the general election, how many provisional ballots were:

*cast (or issued)? _____ *counted? _____ rejected? _____

24. Of the number of provisional ballots that were rejected, how many were due to:

Reason for Rejection	Number
Voter already voted	
Deceased	
Elector challenged	
Incomplete ballot form	
Ineligible to vote	
Missing ballot	
Multiple ballots in one envelope	
No identification provided	
No signature	
Non-matching signature	
Voter not registered/registration purged	
Wrong jurisdiction/precinct	
Other	
Total number of provisional ballots rejected Note: this total and the total "rejected" in question #23 should be the same.	

Poll Books

25a. Were **electronic poll books** used for the Federal general election? Yes No

25b. If **electronic poll books** were used, what was the total number of machines used by your jurisdictions? _____

Not applicable. No electronic poll books were used.

25c. If **electronic poll books** were used, how were they used? (Check all that apply)

Look up polling places

Sign voters in

Track voter history

Not applicable. No electronic poll books were used.

25d. If **printed poll books** were used, did they have bar codes? Yes No

25e. If **printed poll books** were used, did the state print them and ship them to the counties/townships, etc. or did the counties/townships, etc. print them?

The state printed them and shipped them to the counties/townships, etc.

The counties/townships, etc. printed them

Combination of printing at the state- and county-levels

Voting Equipment

26. Identify the type of voting equipment used for the Federal general election as well as the number of machines used.

Type of Equipment	Make	Model	Version	Vendor	Number of Machines Used
Electronic <input type="checkbox"/> N/A. This type of equipment was not used					
Optical Scan <input type="checkbox"/> N/A. This type of equipment was not used					
Lever <input type="checkbox"/> N/A. This type of equipment was not used					
Punch Card <input type="checkbox"/> N/A. This type of equipment was not used					
<input type="checkbox"/> Hand counted paper ballots					

27. If electronic voting machines (DREs) were used, were they equipped with VVPAT (Voter Verified Paper Audit Trail)? Yes No

Not applicable. No electronic voting machines (DREs) were used.

28. For each type of voting equipment (including paper ballots), please identify the voting process in which it was used and note whether the ballots were tallied at a central location or at the precinct or polling place.

Type of Equipment	Process	Location of Vote Tally
Electronic <input type="checkbox"/> N/A. This type of equipment was not used	<input type="checkbox"/> In Precinct <input type="checkbox"/> Absentee <input type="checkbox"/> Early Vote Sites <input type="checkbox"/> Special Device *Accessible to disabled voters <input type="checkbox"/> Provisional Voting	<input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> early vote site <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place
Optical Scan <input type="checkbox"/> N/A. This type of equipment was not used	<input type="checkbox"/> In Precinct <input type="checkbox"/> Absentee <input type="checkbox"/> Early Vote Sites <input type="checkbox"/> Special Device *Accessible to disabled voters <input type="checkbox"/> Provisional Voting	<input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> early vote site <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place

Lever <input type="checkbox"/> N/A. This type of equipment was not used	<input type="checkbox"/> In Precinct <input type="checkbox"/> Absentee <input type="checkbox"/> Early Vote Sites <input type="checkbox"/> Special Device *Accessible to disabled voters <input type="checkbox"/> Provisional Voting	<input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> early vote site <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place
Punch Card <input type="checkbox"/> N/A. This type of equipment was not used	<input type="checkbox"/> In Precinct <input type="checkbox"/> Absentee <input type="checkbox"/> Early Vote Sites <input type="checkbox"/> Special Device *Accessible to disabled voters <input type="checkbox"/> Provisional Voting	<input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> early vote site <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place
<input type="checkbox"/> Hand counted paper ballots	<input type="checkbox"/> In Precinct <input type="checkbox"/> Absentee <input type="checkbox"/> Early Vote Sites <input type="checkbox"/> Special Device *Accessible to disabled voters <input type="checkbox"/> Provisional Voting	<input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place <input type="checkbox"/> a central location <input type="checkbox"/> early vote site <input type="checkbox"/> a central location <input type="checkbox"/> precinct/polling place

SECTION V: ELECTION RESULTS

29. For the November 2008 Federal general election, how many votes were cast:

	Number
At polling places (i.e., with normal precinct voting device, disabled accessible device)	
Via absentee ballot (i.e., mailed in, cast in-person in election office)	
At early vote centers	
Via provisional ballots	
Other (e.g., mail-ballot precincts)	
Total number of ballots cast Note: this total is the sum of the previous five categories above)	

30. The U.S. Election Assistance Commission welcomes any general comments the state may wish to share regarding its election day experiences (e.g., problems with machines, recounts, staffing, challenges to eligibility, long lines, etc.), or noteworthy successes in administering the November 2008 Federal general election.

Definitions:

Absentee Ballot: Ballot cast by a voter unable to vote in person at his or her polling place on election day.

Accessibility: Measurable characteristics that indicate the degree to which a system is available to, and usable by, individuals with disabilities. The most common disabilities include those associated with vision, hearing and mobility, as well as cognitive disabilities.

Active voters: Refers to all registered voters **except** those who have been sent but have not responded to a confirmation mailing sent in accordance with NVRA (42 U.S.C. 1973gg-6(d)) and have not since offered to vote.

Cast: Ballot that has been deposited by the voter in the ballot box or electronically submitted for tabulation. The ballot may or may not be counted.

Counted: Ballot that has been processed and whose vote is included in the candidates' vote totals.

Duplicate registration application: Refers to an application to register by a person already registered to vote at the same address, under the same name and personal information (i.e. date of birth, social security number, driver's license, etc.), and the same political party (where applicable).

Early vote: Ballot cast in person by a voter at a designated polling site prior to election day. Also referred to as "early in-person voting" or "on-site absentee voting."

Inactive voters: refers to registrants who have been sent but have not responded to a confirmation mailing sent in accordance with NVRA (42 U.S.C. 1973gg-6(d)) and have not since offered to vote. A voter whose name or residence address is no longer current and who has not attempted to reregister, has not voted, or appeared to vote at the address of record.

List maintenance: refers to the specific process and procedures by which state and/or local election officials update and preserve information contained on the official list of registered voters.

New Registration: No previous or duplicate registration exists.

Over-vote: Votes for more choices than are permitted in a contest.

Polling place: The physical structure where residents of a precinct go to cast their votes on election day. A polling place includes any structure that houses one or more precincts. A facility staffed by poll workers and equipped with voting equipment at which persons residing in a precinct cast ballots in person on election day.

Precinct: The geographic area to which voters are assigned. An administrative division of a county or municipality consisting of a geographic area defined by a map to which voters have been assigned by their residence addresses for voting at an election.

Provisional ballot: Ballot provided to individuals who claim they are registered and eligible to vote, but whose eligibility or registration status cannot be confirmed when they present themselves to vote. Once voted, such ballots must be kept separate from other ballots and are not included in the tabulation until after the voter's eligibility is confirmed. Also referred to as a challenged ballot.

Spoiled ballot: Ballots that are incorrectly marked or impaired in some way by the voter, turned in by the voter at the polling place, and then a replacement ballot issued so that the voter can correctly mark the ballot. Also referred to as a voided ballot.

Under-vote: Votes for fewer choices than are permitted in a contest, including the choice to not vote for any candidate in a contest or any response to a ballot question.

Section B

U.S. ELECTION ASSISTANCE COMMISSION



2008 Election Administration & Voting Survey

Statutory Overview

Please provide your state's legal citation for the responses to these questions (where applicable).

SECTION I: GENERAL

1. Is your state exempt from the National Voter Registration Act (NVRA)?
2. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.
 - a. Over-vote
 - b. Under-vote
 - c. Blank ballot
 - d. Void/Spoiled ballot
 - e. Provisional/Challenged ballot
 - f. Other terms (please specify) _____
3. How does your state define "inactive voter"? Please note other terms that might be used (e.g., suspense voter). How does your state define "active voter"? Provide your state's legal citation defining these terms, where applicable.
4. What is your state's provision for voter identification in the following circumstances?
 - a. at registration;
 - b. for in-person voting;
 - c. for mail-in or absentee voting
5. Please provide the legal citation for any changes to election laws or procedures have been enacted or adopted since the previous Federal election. For example, changes in election district boundaries; identification requirements for voters or registrants; eligibility for voting or registering; a change in the access to means of voting by mail or as an absentee.

SECTION II: VOTER REGISTRATION

6. What is the definition of voter registration normally applied by the state? Is it active registrations only; a combination of active and inactive registrations; or does the state not track inactive registrations?
7. Please describe the process used in your state for how voters are moved from active to inactive lists and from inactive to active.
8. What is your state's deadline/cut-off date for registration for the Federal general election? Are there any exceptions made after this date?
9. Does your state allow Election Day/Same Day Registration? Please provide the legal citation.
10. Is your state's voter registration database system a bottom-up or a top-down system? (Note: top-down generally refers to systems that are hosted on a single, central platform (e.g., mainframe and/or client servers) and connected to terminals housed at the local level; bottom-up systems generally gather or upload information from local voter registration databases to form the statewide voter registration list.)
11. Please describe your state's voter removal/confirmation notices processes and procedures.
12. Which agency or department is responsible for voter registration list maintenance? What is the process used to perform list maintenance?
13. Are there electronic links between the voter registrars' office and the Department/Bureau of Motor Vehicles driver license agency? Between the voter registrars' office and other state agencies?
14. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with using NCOA?
15. Please describe your state's voting eligibility requirements as they relate to convicted felons (i.e. are they allowed to vote? If no, are they allowed to register or reregister upon pardon or official release from their prison sentences? Are those on probation from a felony conviction allowed to vote? If no, are they allowed to register or reregister upon completion of their term of probation?)

SECTION III: ELECTION ADMINISTRATION

16. Please describe how any votes cast at a place other than the voter's precinct of registration are tabulated (e.g., absentee ballots, mail-in ballots, or votes cast at vote centers).
 - a. Are the votes counted centrally or at the precincts?

- b. Even if centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?
 - c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?
17. Does your state require a reason for voting absentee? (If so, please provide legal citation.)
18. Does your state keep track of the date of all ballots that are cast or submitted before election day?
19. Does your state have a provision for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these ballots reported or accounted for?
20. Do any jurisdictions in your state allow mail-in voting in place of at-the-precinct voting?
21. Does your state allow the provisional ballot of a voter who is registered in a different precinct to be counted or is that ballot automatically rejected?

SECTION IV: ELECTION DAY ACTIVITIES

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

SECTION V: OTHER

23. Additional comments about your state's election administration processes that will help to inform the EAC's interpretation of your data.