

Elections At Risk in 2012 and Beyond? Budget Reductions May Lead to New Election Problems

By R. Doug Lewis

States need to be aware that the budget crisis for state and local governments is likely to put the 2012 presidential election—and beyond—more at risk than at any time since the 2000 election. Despite the successes of each election cycle in 2004, 2006, 2008 and 2010, severe budget constraints have the potential to cause voting concerns in 2012. Actions, if taken soon, can lessen the strain on state and local governments. Changes in state election laws and practices can result in temporary and/or permanent savings for both state and local election offices. Some federal mandates will trigger greater expenses for both near-term and long-term future decisions.

Some states and local jurisdictions will likely have significant election administration problems in 2012. Clearly budget constraints will have an impact: States and local election jurisdictions are reporting 20 percent or higher budget reductions that began in 2009 and continue. Compounding of budget cuts is causing some election administrators to worry about the impact in a major election. Presidential elections tend to bring far more voters than any other election cycle, and the increased numbers of voters can overwhelm the election process when there are fewer resources.

The drying up of federal funds for elections is compounding the budget constraints of almost all state and local governments. The Help America Vote Act pumped more than \$3 billion into state and local governments for election reforms, but the likelihood of any additional funds in the near-term is almost non-existent. Congress and the White House seem to have lost interest in continued federal funding for elections. States, of necessity, have begun to seek ways to reduce election costs.

Much coverage has been given to the idea of eliminating separate presidential primaries in many states or at least merging those primaries with primaries for other state elections. Alabama indicates it could save more than \$4 million and California estimates as high as a \$100 million savings from consolidating primary elections. Missouri is considering changing its primary to consolidation, and Kansas, Washington state and Massachusetts are thinking of political party caucuses rather than presidential primaries.

But presidential primaries are not the only places states can make changes to their election practices, procedures or laws to save considerable

funds. According to a survey conducted by The Election Center, a nonprofit organization representing city, county and state voter registrars and election administrators, other significant changes could save millions of dollars, depending on the particular practices of each state.

Higher Cost Factors Mandated by Federal Law

Legal factors affecting the 2012 election and beyond are new requirements for state and local jurisdictions to provide language assistance to voters for the first time. Many states have had bilingual or multilingual ballots for many years, but the explosive growth of Spanish and Asian language citizens is indicating the cost of elections will escalate significantly for many election jurisdictions. Since many of those will be encountering the language requirements for the first time (results of the Census Bureau's 2010 Census are now being reported to states), the extra costs of printing ballots and voting materials, translation costs, programming costs and poll worker training, among other things, will require more expenses in a time of declining budgets.

Added to this will be increased compliance enforcement by the U.S. Department of Justice for the National Voter Registration Act, the Help America Vote Act and the Military and Overseas Voter Empowerment Act. Leadership at the U.S. Department of Justice has indicated in meetings of state officials their intent to focus more on providing agency-based registration efforts in social service agencies. The Justice Department also began enforcement actions against states related to the Military and Overseas Voter Empowerment Act

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and indicates they will be reviewing state efforts again in the 2012 elections. For several years, the department has focused on increased enforcement of language minority efforts, including emphasis on having language minority poll workers at polling sites to serve voters with limited English proficiency.

Major Cost and Concern for Near Future

The Help America Vote Act mandates alone have dramatically increased the cost of elections in America. Prior to the passage of the act, the cost of voting equipment was rarely a major expenditure of governments at either state or local levels. The use of lever machines—first introduced in the 1890s—and punch card voting machines meant that local jurisdictions or state governments rarely replaced voting equipment. Such equipment was simple and relatively inexpensive to repair. The aftermath of the 2000 election forced state and local jurisdictions to eliminate those types of voting devices and replace them with either optical scan units or electronic voting machines, which dramatically increased the cost of elections.

Another impact of the Help America Vote Act has left states with a new major cost factor: The new voting equipment will not last as long as the old lever machines and punch card devices. Where it was not uncommon for election jurisdictions to use voting devices for 30 years or more—in some cases 50 years or more—the newer devices are likely to require replacements every 10 to 12 years. Many people believe those devices should be replaced even sooner with current technology realities. States and local governments are now seeing problems with older equipment due to the inability to update some devices since there are no replacement parts identical to those of the originally manufactured units.

The confluence of federal mandates, increased federal enforcement of multiple federal election laws greatly increased costs for election jurisdictions. Coupled with budget reductions, it means policymakers need to be aware that the 2012 election may be more at risk than any previous election in the last 10 years.

Determining Courses of Action

Election officials at state and local levels remain optimistic they will get through the budget crisis in 2012, but are concerned constraints beyond that may seriously affect future elections.

States can review and repeal mandates and requirements that are no longer as necessary in elections within their states. Total quality management studies in industry and government show that policymakers working with practitioners can develop better quality performance. Clearly, election administrators have had significant time to think through the myriad reforms implemented in the aftermath of the 2000 election and they are anxious to assist policymakers in making the right budget decisions that can reduce costs without threatening the viability of the democratic process.

The reality of budget constraints for the 2012 election and the ones immediately following is that the election process will be strained. Policymakers, advocacy groups and voters should be aware of the dangers to the process that such severe reductions are likely to mean in the near future. Among those consequences related to lack of resources: longer lines, more mistakes, less ability to recover from mistakes, less ability to add voters to rolls, less ability to serve voters at the polling sites and less ability to communicate with voters. Increased compliance efforts by the federal government will conflict with reduced ability to fund and manage federal mandates.

Cost Savings Recommendations

A minority of states (roughly 20 percent) require sample ballots be printed and mailed to each voter in the state. Local governments indicated, in the Election Center's national survey of election jurisdictions, this is one of their single largest costs and they could save significant sums of money if they could instead put the sample ballots on their websites. Some states require governments to prepare and distribute candidate or voters' guides, often running into 100 pages or more. The costs of preparation, printing, mailing and other distribution methods add significantly to the costs of elections in those states.

State and local election officials indicated some of the following as suggestions for saving significant sums of money so that other critical areas of the budget do not have to be cut:

- Kansas: Eliminate ballot rotation, which only a few states do. It saves significant ballot printing costs and considerable time in ballot counting.
- Ohio and Georgia: No longer require higher than necessary numbers of poll workers per polling place, especially in locations with multiple precincts at the same site.

- Ohio, California and others: Cut the number of elections by consolidating regularly scheduled elections and/or eliminating requirements for separate special elections, such as those required to fill vacancies.
- Wyoming, Colorado, California and Florida: Allow use of all-mail elections for any location less than 400 voters or in situations where overwhelming numbers of voters already are voting by mail and eliminate precinct-based voting in those cases. Multiple states listed these additional cost-savings ideas:
 - Eliminate political party offices, including precinct committee officers. Let the parties do those themselves or pay the jurisdictions for running their elections.
 - Eliminate the requirements to post legal notices of impending elections and especially the requirements that they be in newspapers that fewer voters are reading. Let those notices be posted on state and county websites. Review all laws requiring voting information to be advertised.
 - Reduce the number of days for early voting. Voters primarily use the last week of early voting, so restrict early voting to one week. Or, combine early voting with Election Day and just do four or five days of voting. (A change of this magnitude would likely need to be done in a nonpresidential election year.)
 - Many voters are voting either absentee or early voting, so restrictions on number of voters per precinct on Election Day can rise to significantly higher numbers—meaning that states with early voting methods can look at increasing the numbers of voters allowed per precinct for Election Day, which will help reduce the numbers of precincts needed.
 - Eliminate voter registration cards in states that require identification and simply use the allowed state ID.
 - Allow online voter registration to eliminate the thousands of paper registrations that must be filed and maintained. And change state laws to allow electronic storage of records rather than paper records.
 - Allow Vote Centers or consolidation of precincts to reduce the number of polling sites and poll workers required. Officials indicate it is easier for voters to find major sites—and the number one complaint of voters registered in national studies is not knowing where to go to vote.

State and local governments report the following as potential sources of concern related to their budget challenges:

- Reduced resources when the number of voters is likely to swell significantly.
- Budget reductions have meant:
 - Fewer replacement machines for voting equipment that has failed, needed spares or new machines for growth;
 - Lack of funds for maintenance of equipment;
 - Lack of funds for software upgrades to equipment;
 - Lack of funds for needed training of both permanent and temporary election workers;
 - Lack of funds to order sufficient ballots to cover the maximum number of voters;
 - Less ability to recover from election problems; i.e., rather than being able to insert resources as a problem develops, it escalates to a major problem unlikely to be resolved prior to an election;
 - Less technical support for key election functions by both government and vendors; and
 - Longer lines and/or other voter service issues become likely due to lack of resources.

Necessary Policy Decisions

State and local governments face not only financial decisions, but also policy decisions that will directly impact whether the states will be able to serve voters' interests in coming elections. In some cases, states may have to provide the overall policy leadership to ensure local governments maintain spending at an appropriate level to assure voters of services necessary for quality elections. While states need to take action to assure local governments appropriately fund the elections, states can also take actions to defer or eliminate some mandates that will protect local governments and allow for appropriate expenditures.

About the Author

Doug Lewis, a certified elections/registration administrator (CERA), is executive director of The Election Center, a nonpartisan, nonprofit organization representing the nation's election officials. He has been called on by Congress, federal agencies, state legislatures, and national and worldwide news media for solutions to voting issues.

Table 6.1
STATE EXECUTIVE BRANCH OFFICIALS TO BE ELECTED: 2011–2015

<i>State or other jurisdiction</i>	2011	2012	2013	2014	2015
Alabama.....	G,LG,AG,AR,A,SS,T	...
Alaska.....	GLG	...
Arizona.....	G,AG,SS,SPT (a)	...
Arkansas.....	G,LG,AG,A,SS,T (b)	...
California.....	G,LG,AG,C,CI,SS,SPT (c)	...
Colorado.....	G,LG,AG,SS,T	...
Connecticut.....	G,LG,AG,C,SS,T	...
Delaware.....	...	G,LG,CI	...	AG,A,T	...
Florida.....	G,LG,AG,AR,CFO	...
Georgia.....	G,LG,AG,AR,CI,SS,SP (d)	...
Hawaii.....	GLG	...
Idaho.....	G,LG,AG,C,SS,SPT	...
Illinois.....	G,LG,AG,C,SS,T	...
Indiana.....	A,SS,T	...
Iowa.....	...	G,LG,AG,SP	...	G,LG,AG,AR,A,SS,T	...
Kansas.....	G,LG,AG,CI,SS,T	...
Kentucky.....	G,LG,AG,AR,A,SS,T	...	...	...	G,LG,AG,AR,A,SS,T
Louisiana.....	G,LG,AG,AR,CI,SS,T	...	...	...	G,LG,AG,AR,CI,SS,T
Maine (e).....	G	...
Maryland.....	G,LG,AG,C	...
Massachusetts.....
Michigan.....	...	(f)	...	G,LG,AG,A,SS,T	...
Minnesota.....	G,LG,AG,SS (f)	...
Mississippi.....	G,LG,AG,A,SS	...
Missouri.....	...	G,LG,AG,SS,T	...	A	G,LG,AG,AR,A,CI,SS,T
Montana.....	...	G,LG,AG,A,SS,SP	...	...	...
Nebraska.....
Nevada.....	G,LG,AG,A,SS,T	...
New Hampshire.....	...	G	...	G	...
New Jersey.....	G,LG	...	...
New Mexico.....	G,LG,AG,A,SS,T (g)	...
New York.....	G,LG,AG,C	...
North Carolina.....	...	G,LG,AG,AR,A,CI,SS,SPT (h)	...	...	...
North Dakota.....	...	G,LG,A,CI,SPT (i)	...	...	...
Ohio.....
Oklahoma.....	...	(k)	...	G,LG,AG,A,CI,SPT (k)	...
Oregon.....	...	AG,SS,T (l)	...	G,SP	...
Pennsylvania.....	...	AG,A,T	...	GLG	...
Rhode Island.....	G,LG,AG,SS,T	...
South Carolina.....	G,LG,AG,AR,C,SS,SPT (m)	...
South Dakota.....	...	(n)	...	G,LG,AG,A,SS,SPT (n)	...
Tennessee.....	G	...
Texas.....	...	(o)	...	G,LG,AG,AR,C (o)	...
Utah.....	...	G,LG,AG,A,T	...	...	...
Vermont.....	...	G,LG,AG,A,SS,T	...	G,LG,AG,A,SS,T	...

See footnotes at end of table.