

**THE EARLY VOTING INFORMATION CENTER** at Reed College

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# **Ballot Integrity and Voting by Mail: The Oregon Experience**

**By Dr. Paul Gronke, Director, EVIC at Reed College**

**A Report for the Commission on Federal Election Reform**

**Co-Chairs:**

**President Jimmy Carter**

**Honorable James A. Baker, III**

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**TO:** Dr. Robert A. Pastor, Executive Director  
Commission on Federal Election Reform

**FROM:** Dr. Paul Gronke, Director, Early Voting Information Center

**DATE:** June 15, 2005

**RE:** **Ballot Integrity and Voting By Mail: The Oregon Experience\***

The following is a short analysis of Oregon's unique experience with an all vote by mail system. The review is intended to provide the Commission a "road map" for a by-mail ballot, from issuance by the elections office, to the voter's hands, back to the county office, and finally to the tally. This map will help the Commission identify best practices for vote by mail systems, highlight potential pitfalls, and guide the Commission's deliberations as they evaluate the rapid expansion of by-mail voting.

This memorandum:

- Reviews prior experiences with by-mail voting systems, including cases of absentee ballot fraud, and summarizes scholarly research on the participatory and partisan impact of voting by mail (VBM).
- Reports the results from a field study of ballot integrity under vote by mail in the State of Oregon (where by mail voting has been in place statewide since 1998).
- Provides a set of recommendations for implementing vote by mail systems.

## **Prior Implementation and Evaluation of By Mail and Absentee Voting**

For a rapidly increasing number of Americans, voting at the precinct place on election day is a historical relic. EVIC research finds that non-precinct balloting exceeded 30% in thirteen states (see Appendix I)<sup>1</sup>. Voting is an individualized act, not a community experience. Ballots are cast at the individual's convenience, weeks or even months before election day, and are delivered to election officials by the United States Postal Service (USPS).<sup>2</sup> (For a detailed flowchart of Oregon's vote by mail balloting process, see Appendix II.)

### *Absentee Balloting and Ballot Integrity: A Brief History*

The rapid expansion of early voting and no excuse absentee balloting, combined with a number of high profile cases of voter fraud involving absentee voters, have raised questions about ballot integrity when voters may never personally encounter an elections official or poll worker. Critics of VBM and no-excuse absentee balloting raise a number of security issues. First, ballots sent through the mail might be obtained and filled out by someone other than the legal voter. Second, without the necessity of appearing in person, it is easier to falsely register and vote. Third, without the

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\* Special recognition goes out to Dr. David Mandell, research director for the Early Voting Information Center. I also need to thank Catherine Mingoya, Eva Galanes-Rosenbaum, and Vincent Vecera, research assistants for EVIC, for their help. Paddy McGuire, Deputy Secretary of State, John Lindback, Director of Elections, and John Kauffman, Director of Elections for Multnomah County were generous with time, advice, procedural guidance, and data on the Oregon election system. Finally, the David Levine Research Fund of Reed College provided research support and the Public Policy Workshop of Reed College provided office space for EVIC.

privacy of the ballot booth, a vote could be coerced or unduly influenced. The Florida Department of Law Enforcement has even referred to absentee ballots as “the tool of choice for those inclined to commit voter fraud.”<sup>3</sup>

These concerns have been heightened by a number of disputed elections and documented cases of absentee ballot fraud. The November 2004 Washington gubernatorial election was the closest governor’s race in this nation’s history and was only resolved in the courts on June 6, 2005. Those contesting the results pointed to absentee ballots as a source of some of the problems. In January 2005, King county election officials announced plans to pursue the prosecution of three people suspected of casting absentee ballots for their dead relatives.<sup>4</sup> And on May 13, 2005, King County’s absentee ballot supervisor testified that, due to ongoing computer problems, absentee ballots were misplaced and not tabulated during the November ballot count.<sup>5</sup>

Absentee ballots played a key role in the 1998 Miami mayoral election fraud case. The courts overturned the original election results and installed Joe Carollo as mayor after throwing out all 4,740 absentee ballots that had been cast in the previous November’s election.<sup>6</sup> During the investigation, police discovered more than 100 absentee ballots in the home of local political boss Alberto Rossi. Other recent allegations of election fraud involving absentee ballots have occurred in Denver, Colorado; Benton Harbor, Michigan; Albany, New York; and Tallahatchie County, Mississippi.<sup>7</sup>

#### *Oregon’s Implementation of Vote by Mail*

In 1981, the Oregon legislature approved a test of VBM for local elections; by November 1998, after a series of experiments, Oregon citizens approved vote by mail in a statewide initiative.<sup>8</sup> Oregon election officials view VBM as a success. The official guide to VBM, published by the Secretary of State’s office, claims that it “raises voter participation, decreases costs and increases the overall integrity of the election process. It is a system that the vast majority of Oregonians love.”<sup>9</sup>

Some, but not all, of these claims have empirical support. The evidence on turnout is mixed. Liberalized absentee balloting leads to a small but measurable growth in turnout, although one study finds an effect only in primary elections. Vote by mail increases turnout, perhaps by as much as 10%. However, the turnout increases result from the retention of existing voters and not from the recruitment of new voters into the system, and the increase is noticeable only in low profile contests. There is no evidence that it provides any partisan advantage. In summary, there is some evidence that VBM results in a small increase in the size of the electorate, and no evidence that it changes the composition of the electorate.<sup>10</sup>

The evidence on ballot integrity is more positive. Analyses of VBM by two separate academic teams concluded that VBM (and absentee balloting systems more generally) result in a more accurate count.<sup>11</sup> Despite having moved to an all by mail voting system in 1998 and having been a battleground state in the last two presidential elections, Oregon has been relatively free from the controversies that have dogged some absentee ballot systems.<sup>12</sup> In 2004, one group claimed to have a list of six individuals who had voted twice. On further investigation it turned out that in five of these cases the claim was false. Elections officials had already caught the sixth case before this list was released and were in the middle of an investigation.<sup>13</sup>

Finally, there is no clear evidence on cost savings, at least according to a report issued by the predecessor to this commission. What does seem apparent is that an all-mail system is less

expensive to administer than a “hybrid” system of polling place and absentee balloting. On voter reactions, Oregonians consistently report strong levels of satisfaction with VBM.<sup>14</sup>

### **A Comparative Case Study of Voting by Mail in Three Oregon Counties**<sup>15</sup>

What is the view of the Oregon system from within, from those who actually implement and administer it? In a set of interviews conducted as part of this research, county officials gave four reasons why VBM has been a success. First, they argue, the choice is no longer between a by mail election and a precinct election, but between VBM and a hybrid system, where some percentage of voters go to the polls and another percentage mail in their ballots.<sup>16</sup> Second, they argue that the mandatory signature checking process combined with other tracking and safety measures insure a relatively high level of ballot integrity. Third, the longer period for processing ballots under VBM enables a more consistent and less panicked handling of unanticipated problems.<sup>17</sup> Fourth, VBM has been a cooperative endeavor, in which county election officials not only work with the USPS and other entities, such as large universities, but also with each other to learn and to disseminate best practices.

#### *Vote by Mail vs. “hybrid” elections*

All of the county election officials that were interviewed stressed that the choice Oregon faced in 1998 was between an entirely VBM and a hybrid election, not between VBM and precinct elections.<sup>18</sup> Oregonians had already been taking advantage of looser absentee ballot requirements. According to Wasco County officials, in the last election with poll sites, 86% of the voters chose absentee ballots.<sup>19</sup> As Wasco county election officer Karen LeBreton Brown put it, “we felt that our voters had voted with their feet. They had said we want Vote by Mail.”<sup>20</sup>

All of the election officials also emphasized the difficulty of supervising these “hybrid” elections where they were forced to deal with the large volume of absentee ballot requests while at the same time managing poll sites and poll workers. Absentee ballots were processed individually, and it was much more difficult to guarantee that those who cast absentee ballots didn’t also show up at the polls. Multnomah County Director of Elections John Kauffman commented that, prior to the introduction of VBM, “we were really conducting two elections at once.”<sup>21</sup> He added that, “under the old system we were putting out fires all over the county on election day.”<sup>22</sup> Benton County Supervisor of Elections Jill Van Buren concurred, commenting that now with VBM, “If someone from another county comes in and has a problem, we can contact that county and deal with that problem.”<sup>23</sup> James Morales added that the longer time frame of VBM makes it possible to address problems that could prevent a legitimate ballot from being counted. The difficulties of running both kinds of elections simultaneously increased the likelihood of confusion and of mistakes.

The longer time period also enables the election offices to issue replacement ballots when voters have lost, damaged, or failed to receive a ballot. When a voter comes into an election office and requests a (new) ballot, the election officials first make sure that the voter is registered for that county and has already been issued a ballot. If the person's registration in the county cannot be verified, the office may issue a provisional ballot and has up to ten days after the election to resolve the eligibility of the voter.<sup>24</sup> If the person’s registration can be verified, they are issued a new ballot with a new identification number. Not only is the return identification envelope marked as containing a replacement ballot, the new identification number is linked to the identification number of the original ballot. This linkage prevents both ballots from being counted.<sup>25</sup>

This replacement ballot process limits the possibility of someone casting two ballots in the same county. It does not eliminate the possibility of someone casting ballots in multiple counties. While this possibility has been widely discussed, there is no concrete evidence that this has been a widespread practice. Following HAVA requirements, Oregon will have its centralized voter registration in place by November 2006, greatly reducing this risk.<sup>26</sup>

#### *The Signature Verification Process and Other Security Measures*

Defenders of Oregon's VBM argue that the relative smoothness of recent elections is no accident and reflects safeguards that have been built into VBM, making its security superior not only to most absentee balloting systems but to most poll based elections as well.

One of the primary VBM security measures in Oregon is the signature verification process. Election workers compare the signature on every return identification envelope with the signature scanned from the voter's registration card. While the state does not consider these election workers to be handwriting experts, these workers are required to complete a signature identification course.<sup>27</sup> According to the Oregon's Secretary of State's office, in the November 2004 election 1,057 ballots were not counted because the signature could not be verified. This compares to 606 in November 2003 and 602 in November 2002.<sup>28</sup>

Benton County Clerk James Morales expressed his opinion that fewer and fewer poll workers seemed to know the names and faces of the voters who were showing up at their precincts, and that this growing level of anonymity of persons who make a physical appearance at the polls was no longer as significant a check against voter fraud as it once was.<sup>29</sup> While voters did have to sign a poll book, these signatures were never checked until after the election. And then it was impossible to link the signature and person with a particular ballot and throw out a ballot that may have been wrongfully cast.<sup>30</sup>

The signature verification process, the tracking system for each ballot, and postal services cooperation in preventing ballots from being delivered to names not recognized as receiving mail at an address reduce the risk of large scale attempts to cast fraudulent ballots.

Where there does seem to be more of a risk for election fraud is with the return of legitimate ballots. "By mail" is a misnomer. While all ballots are delivered to the voter through the mail, only some are returned that way. Others are dropped off at the election office or at official drop sites.<sup>31</sup> In Benton County, almost half of their ballots now come back through drop sites.<sup>32</sup> In 2004 in Multnomah County, Oregon's most populous, 11.5% of ballots were dropped off at the county office and 23% at drop boxes. Still others are left at unofficial drop sites or picked up at people's door by volunteers, most often sponsored by political groups or by elected officials who see this as a valued form of constituent service. While there are no documented cases in which ballots left at unofficial drop sites or picked up by volunteers being destroyed or tampered with, these practices are a cause of concern.<sup>33</sup> Election officials admit that they have no way of knowing whether they received every single ballot that was handed over to someone other than an authorized election official.

Oregon Director of Elections John Lindback notes that the Secretary of State's Office discourages voters from doing anything but dropping their ballot off at a designated site.<sup>34</sup> While the state legislature is moving to ban unofficial drop sites,<sup>35</sup> Oregon legislators are unwilling to curtail their ability to have campaign volunteers pick up ballots.<sup>36</sup>

*Voting by mail as a cooperative endeavor*

Partnership with the USPS is essential to the management and integrity of VBM. All county election offices work with their local postal service to make sure ballots are safely delivered and that postal offices are aware of VBM rules, such as that ballots are never sent to a forwarding address.

Cooperation with the USPS also helps Oregon maintain its voter rolls.<sup>37</sup> Multnomah County, the home of Portland and the most populous and urban county in Oregon, reports that 4%-6% of the ballots it sends out each election are return to them as “undeliverables.”<sup>38</sup> Other counties report different levels of undeliverables, likely due to the level of mobility in that county (see Appendix IV).<sup>39</sup> As noted earlier, election officials instruct the Postal Service to never forward a ballot. If the address on the ballot is not up to date, the post office must return the ballot to the county election office. While the ballots are never forwarded, the information from the forwarding address is used to update the voters’ registration. If there is a forwarding address from inside the county, the voter’s registration is updated with that address and a ballot will be sent to this location the next election. If the forwarding address is for out of county or out of state, the voter’s registration is marked inactive and no ballot is sent the next election. Kauffman argued that before VBM the voters’ roll was often artificially inflated, with it taking two, three or four years for election officials to discover that a voter had moved out of the county.<sup>40</sup> Still, changes in USPS procedures or erosion in the quality of their staffing could impact the integrity of the ballot under Oregon’s VBM system (or any absentee balloting system).

VBM also requires cooperation with universities, private mail services and group homes. Benton County officials stressed how important it has been for them to build a working relationship with Oregon State University (OSU), the university’s registrars and with student associations. County officials had to learn which campus addresses were dorms, which were mailing houses, and keep a list of dorms and fraternities. This has allowed them to establish contact persons at these locations to help them keep tabs on the voters at those addresses and to make sure that ballots delivered to students who have moved are returned to the county as undeliverable. Benton County has also developed a special FAQ sheet for OSU students.<sup>41</sup>

All of the county clerks and election officials we interviewed emphasized how much they cooperate with each other, sharing solutions to problems and working towards the standardization of procedures. The Oregon Association of County Clerks holds two official meetings a year in which they discuss election related issues and suggested updates to the VBM Manual. The manual is even officially described as “adopted by Oregon Secretary of State in association with the Oregon Association of County Clerks.” John Kauffman pointed to the rules that observers were asked to sign in November of 2004 as a good example of where coordination between county election officials improved the process.<sup>42</sup>

While a number of the election officials commented that the procedures used by the counties had become much more standardized and codified since the introduction of VBM, there is still much variation in what information is recorded by the various counties. The VBM manual specifies that the staff at elections must count and record such information as ballots return undeliverable and ballots returned unsigned.<sup>43</sup> However, many of the counties that we contacted did not have these data readily available. The VBM Manual also specifies that county election officials maintain “all statistical information for each precinct,” but only suggests what statistics this “may include.”<sup>44</sup>

## **Conclusions**

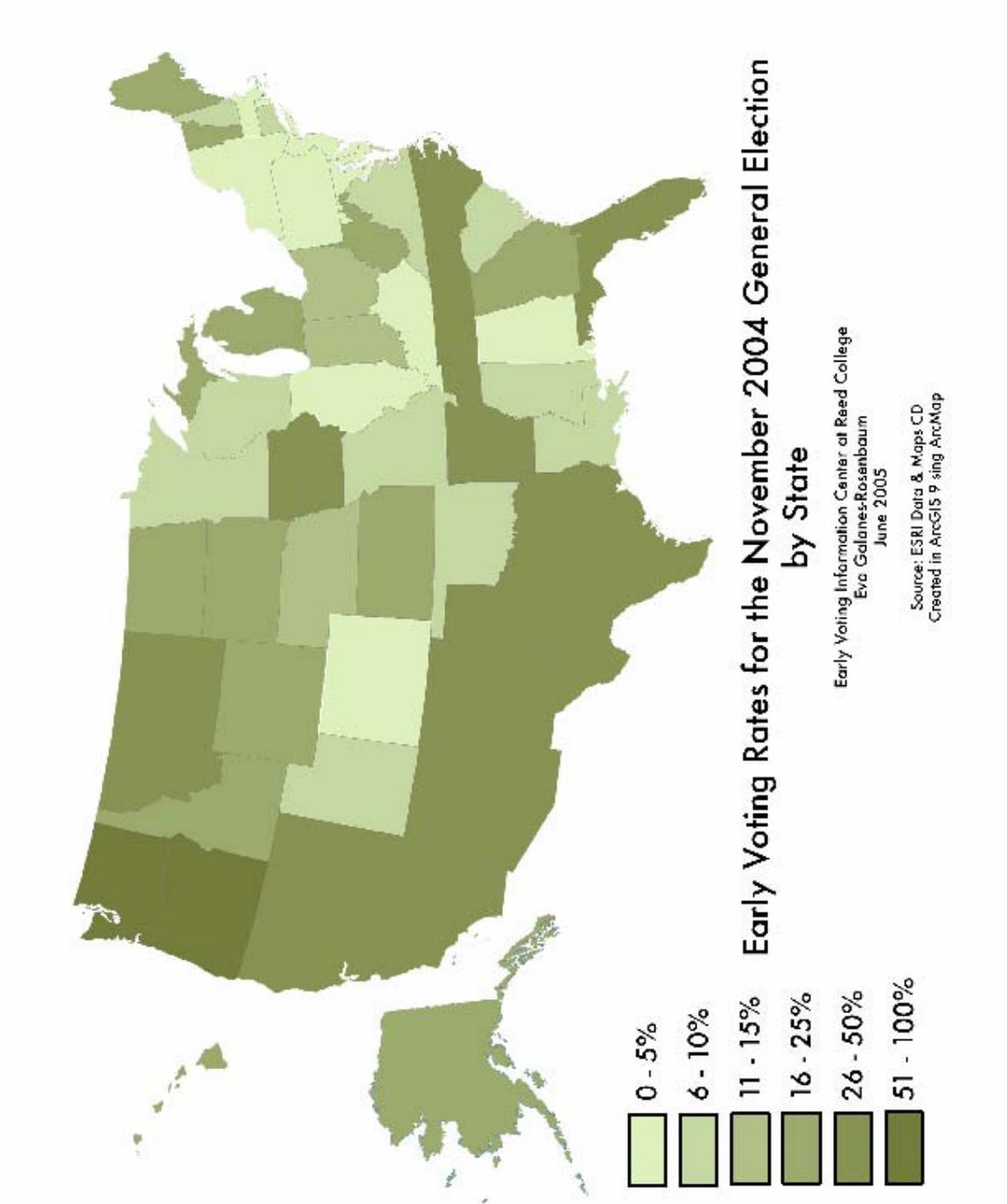
In 2001, the National Commission on Electoral Reform determined that vote by mail, along with other “early voting” systems, had the potential to modestly increase voter turnout, and that voting by mail specifically placed no additional demands on the voter (in contrast to absentee balloting). The systems allowed elections officials to provide greater administrative support to voters. The Commission expressed concern, however, over the potential for fraud and coercion under systems which lack the “fundamental privacy of the voting booth.” In many respects, these conclusions remain valid, at least when examined in the context of Oregon’s all-mail balloting system. VBM has increased participation rates in low profile contests. Oregon’s system of delivering the ballot directly to the voter places few burdens on citizens to vote. And Oregon officials point proudly to procedures that help reconcile problems before the election is completed, so that as many legitimately cast ballots as possible get counted, hopefully avoiding post-election litigation.

Demographically, Oregon is a moderately wealthy state and is ethnically homogeneous. Oregon has historically had a participative culture, and vote by mail seems to have had little impact on it (in the words of Director Lindback, “Oregon may no longer have the old rituals, but we have our own new ones.”) Oregon has historically had a clean, open, and permeable election system, with no history of machine politics or election fraud. Oregon election officials remain proud of their non-partisan tradition. The implication is that while voting by mail has worked well in Oregon, it may not work as well in regions, states, or localities with a more contentious political culture.

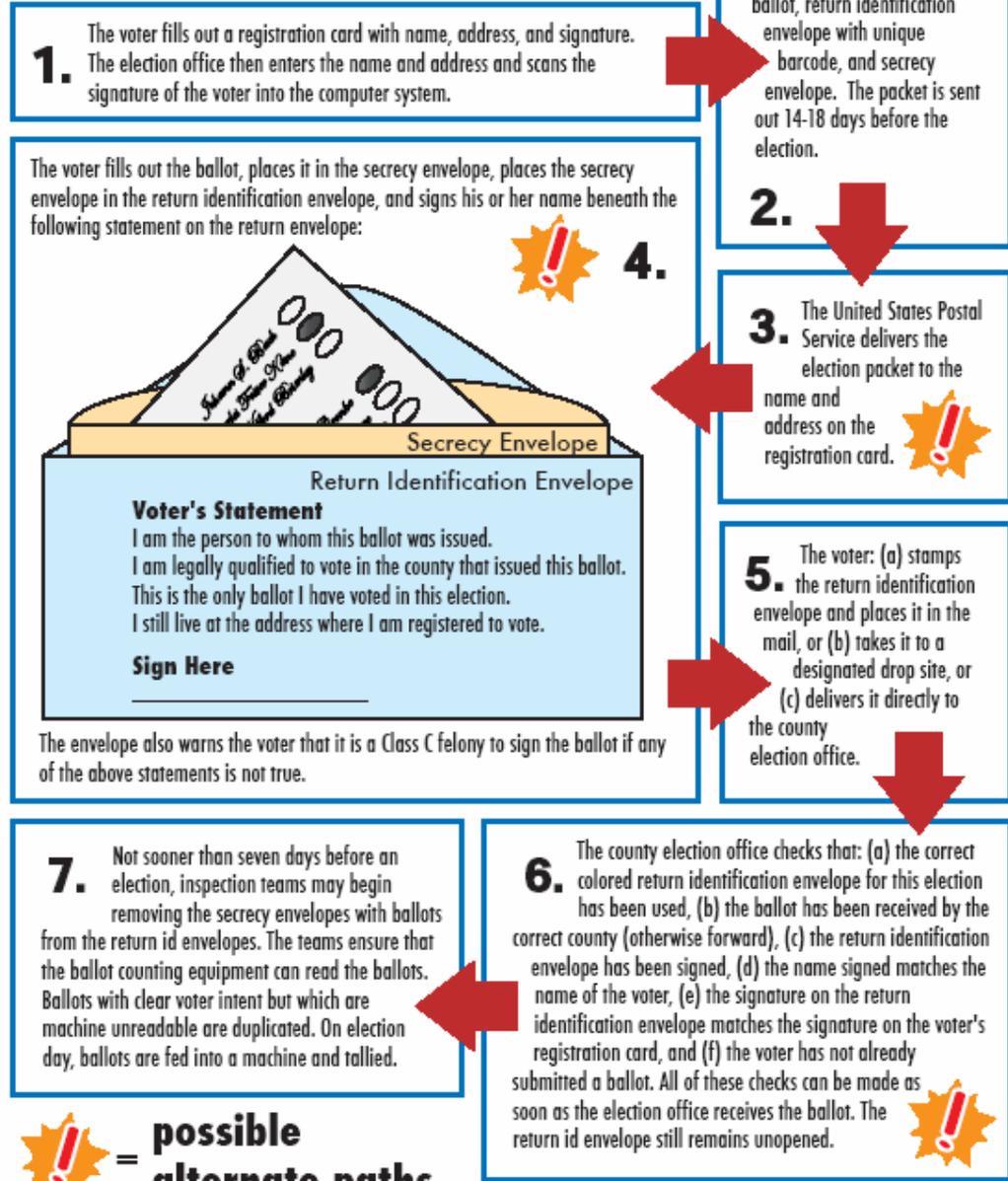
## **Recommendations**

1. States must recognize that the choice is no longer between by-mail and precinct elections, but between by-mail and hybrid elections. Hybrid elections, because they run on two tracks at once, have ballot integrity issues that all-precinct or all-by-mail elections do not.
2. While most of the discussion of ballot integrity in VBM has focused on the front end (forged or false ballots), attention also needs to be focused on the back end (making sure ballots are not intercepted on the way from the voter to the county office).
3. Voting by mail is not a panacea for declining participation and should not be adopted solely for this reason.
4. Successful VBM requires building a partnership with the USPS and other institutions with large residential populations.
5. A properly instituted VBM system can improve the quality of the registration rolls and provides a longer time frame for election officials to catch problems.
6. Evaluating new systems for voting requires clear, consistent, and readily accessible records on election administration. Rules and procedures should be established by state law. Since electronic storage is almost costless, so there is no reason to purge old records.
7. In order for VBM to work, there must be buy in from county officials who actually implement and administer the system.
8. Further research is needed to properly assess the costs and benefits of VBM and no-excuse absentee balloting, particularly how these systems may change the conduct of political campaigns and alter the contribution of elections to American civic life.

Appendix I:



## Path of Oregon's By-Mail Ballot



## What happens if the postal service cannot deliver the ballot?

The Postal Service will NEVER forward a ballot. Undeliverable ballots are returned to the county election office. All updates of voter registration are done after the election has been certified.



### ...if there's no forwarding address:

#### If the USPS reports that the voter is temporarily away

If the voter is temporarily away, the ballot is put aside for the election. No changes are made to the voter roll and the voter continues to be listed as active. If the voter contacts the election office, they will mail a replacement ballot to a temporary address.

#### Unrecognized name or address

The election office checks the address and the registration card. If there was a data entry mistake, the election packet is resent with the corrected address. If no error can be detected, the ballot is put aside for the election. After the elections, a forwardable notice is sent to the voter.



### ...if there is a forwarding address:

#### Forwarding address in the county

The ballot is put aside for the election. The voter's registration is updated. A Voter Notification Card is generated and sent to the new address. The voter will automatically be sent a ballot for the next election. The voter may appear in person to update his or her registration and receive a ballot for the current election.

#### Forwarding address in another county

The ballot is put aside for the election and the voter's registration is recorded as inactive. A forwardable notice is sent to the voter, letting them know that they need to re-register and that their old registration is now inactive. No ballot will be sent for the next election unless the voter re-registers.

#### Forwarding address in another state

The ballot is put aside for the election and the voter's registration is recorded as inactive. A forwardable notice of inactivation is sent.

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## What happens if a person does not receive a ballot?

Voters who have not received, lost, or damaged their ballot may request a replacement ballot.



### Voter not registered in the county

If the voter is not listed in the county registration record, he or she is issued a provisional ballot. All provisional ballots are researched to see if the voter was eligible (i.e. registered by the deadline but in a different county and had subsequently moved). All provisional ballots must be resolved by the date the election is certified.

### ...is the voter registered in the county?

If the voter is registered in the county and the voter's ballot has not already been received, he or she is issued a replacement ballot.

The replacement is given a new identification number and a corresponding barcode is printed on the new return identification envelope. The return identification envelope is flagged as a replacement ballot.

The new identification number of the replacement ballot is linked on the computer to the identification number of the original ballot. This prevents the ballots from both being counted.

1. If the county election office receives only the replacement ballot, the replacement ballot is processed normally.
2. If the election office receives only the original ballot, the original ballot is processed normally.
3. If the election office receives both the original and replacement ballots, the first ballot received is counted. The case is then forwarded to the office of the Secretary of State for investigation.

### Voter registered in the county

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## What happens if the signature on the envelope is questioned?

Using a computerized image of the registration card, election workers check every signature.



### ...what if there is no signature?

Election officials highlight the signature box and send back the return id envelope with instructions to sign and return the envelope by 8:00 pm on election day. If there is not enough time to send the id envelope back, an election official calls the voter and asks him or her to come into the election office to sign the return id envelop. If the envelope is not signed before 8:00 pm on election night, the ballot is not counted.

### ...what if the wrong name is signed?

If the return id envelope is signed with a name other than the voter's, a letter is sent and instructions are given to the voter on what to do in order to have his or her ballot counted.

If the elections office receives ballots where each of two members of a household signed the other's return id envelope, both ballots are counted.

### ...what if the signature doesn't match?

An election officer contacts the voter and asks him or her to come into the election office. The voter can either re-sign the return identification envelope and have that signature checked against the signature on his or her registration card or fill out a new registration card.

If the voter does not respond to inquires, the case is passed on to the Secretary of State's office. If the Secretary of State's office does not get a response, he or she may choose to forward the case to the Attorney General for further investigation. If questions are not resolved within 10 days of the election, the ballot is not counted.

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**Appendix III: Statistics for voting twice and signature not matching  
(cases reported to the state)**

<b>Year</b>	<b>DV (double voting)</b>	<b>BSV (ballot signature verification)</b>
<b>2004</b>	62	1,057
<b>2003</b>	19	606
<b>2002</b>	25	602
<b>2001</b>	6	106
<b>2000</b>	53	239
<b>1999</b>	2	130
<b>1998</b>	53	32

**Notes on “Signature not matching cases” (“BSV”) process:**

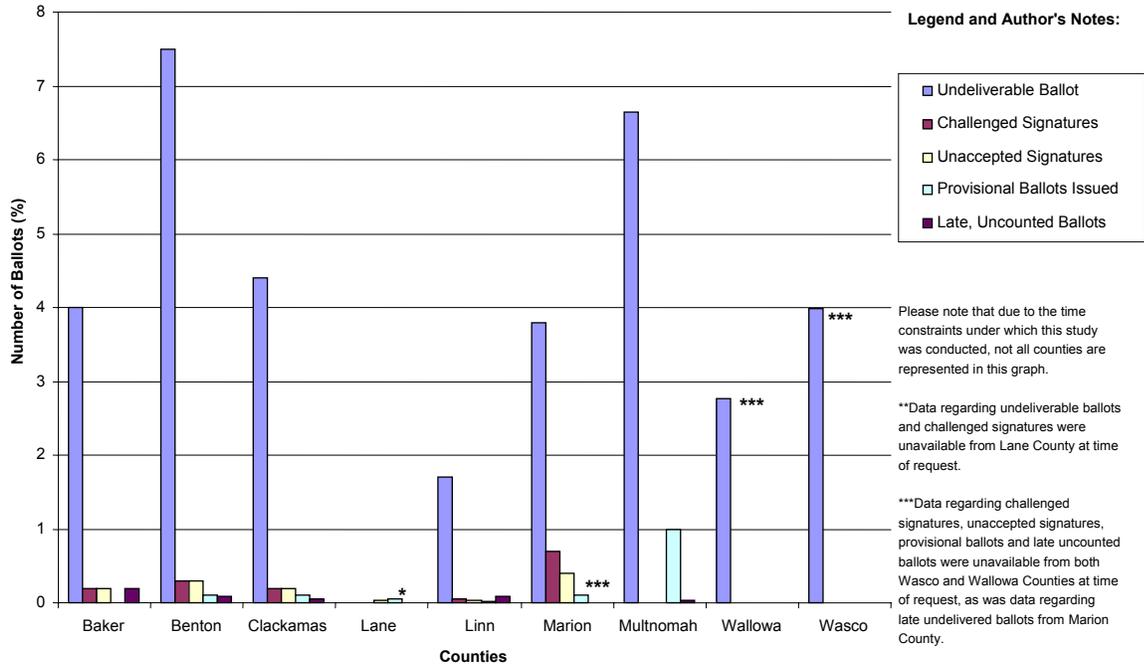
- Data provided by the Division of Elections, State of Oregon
- The process involves, briefly, the county challenging a ballot for which signature does not match voter registration signature, they send letter to elector giving them 10 days to resolve issue with ballot so ballot may still be counted.
- If the county gets no response, they are to send it to Secretary of State, per VBM manual. In all of these cases, the non-response of the elector resulted in the county not being able to count the ballot.
- We send inquiry letter and if we receive a reasonable explanation, we admonish and advise – for instance if signature has changed, then the elector needs to update voter registration.
- If they inform us they actually voted their own ballot but allowed another person (such as spouse) to sign, and this hasn’t happened before, we advise them this is not allowable and it resulted in their ballot not being counted and admonish them to never do this again.
- If no response is received, we send second and third inquiries by certified mail and attempt to call as well.
- For those with no response, or any more egregious circumstances, we send to AG for investigation.\* It takes a few months for this process to play out as we send the notices out and allow for response time.
- AG conducts more investigation, sometimes on site, and provides us with an investigation report on which to base either closing or prosecution.
- Reasons for considering prosecution of these types of “BSV” cases includes: If elector didn’t vote own ballot and other signer not authorized to do so, especially if forged other person’s name.\*
- Benefits of this process include voter education on what’s allowed, voters realizing they must update their voter registration card so future ballot signatures will match and prevent this problem again,
- Some situations of address cancellations are cleared up for county, or name problems.
- The majority of these cases are not found prosecutable as a knowing violation with criminal intent.

**Notes on “Voting twice cases” (“DV”) process:**

- The process involves, briefly, one county or more than one noting that a person has voted more than one ballot at one election.
- Our process involves again, sending inquiry letters, similar to above.
- If no response or appears more egregious, we send to AG for further investigation and possible prosecution. Some of the reasons discovered are discussed at end and also some reasons for transmitting a case of voting twice to AG.\*\*
- Benefits of this process again include voter education and also in many cases, clearing up voting records for possible duplicates in one county to another (for instance one county didn’t get cancellation notice when a person moved to another county...). Another common problem caught is name changes due to marriage... and sometimes county data entry errors on names...

## Appendix IV: County Ballot Information from November 2004

**County Ballot Information for the November 2004 General Election: Percentages Calculated  
According to Number of Registered Voters per County**



## Appendix V: Case Study Methodology

### *Personal Interviews*

We conducted personal interviews as part of this research. We selected an urban county (Multnomah), a mixed county with a large student population (Benton), and a rural county (Wasco). We also interviewed the director of elections for the state of Oregon. We contacted the county clerk or director of elections and informed them that we were studying Oregon's vote by mail system for the "Early Voting Information Center at Reed College." If asked, we also informed officials that we were writing a report for the Carter/Baker Commission. The officials we spoke to were:

1. John Lindback, Oregon State Elections Director
2. John Kauffman, Director of Elections, Multnomah County, OR
3. James Morales, Benton County Clerk
4. Jill Van Buren, Benton County Supervisor of Elections
5. Karen LeBreton Coats, Wasco County Clerk
6. Linda Brown, Wasco County Chief Deputy County Clerk

### *Interview Protocol*

We established a set of questions for each election official. The questions included:

#### **SAMPLE QUESTIONS FOR COUNTY ELECTION OFFICIALS**

- Did you supervise any elections before the introduction of VBM?
- If so, how does running an election under VBM compare to an election with polling places?
- What do you see as the advantages and disadvantages of it?
- As a mostly (rural, suburban, urban) county, are there any particular aspects of VBM that impact you differently than it might another county?
- What are some of the "red" flags that you look for: during registration, when ballots are received, when ballots are processed?
- What percentage of ballots is returned by mail, left at official drop sites and at unofficial drop sites?
- Can you describe how you use the ballots that the USPS was unable to deliver to maintain the voter rolls?
- When do you issue provisional ballots?
- How often do you receive more than one ballot with the same name on it?
- How are election workers trained to verify signatures?
- Do most of the people respond to your inquiries about their signature?
- How many signature questions never get resolved? Is this usually because the person doesn't respond in time, or because their response doesn't resolve the issue?
- How often did you have to forward a ballot with a questionable signature to the Secretary of State's office?
- Can you describe for me the process by which ballots are prepared for tallying after they have been removed from their security envelopes?
- (If Applicable)How do you handle getting ballot correctly to a student population that moves frequently?
- In cases of dorms and other dwellings with multiple voters, how do you make sure that the ballot gets to the right person?

### *Additional Sources of Information*

We contacted all 36 counties in Oregon by letter and by phone to obtain, for the 2004, 2002, 2000, and 1998 elections, the number of:

1. undeliverable ballots that the postal service was unable to deliver,
2. signatures that were originally challenged

3. ballots rejected because the signature could not be verified
4. provisional ballots tallied that were issued
5. ballots that were not counted because they were received after the deadline

Part of the goal was to not only gather the information, but to determine what information counties were gathering and in what form. We found dramatic variation in what data were archived and the costs for obtaining such data. By the time of this report, we were able to obtain these data for 2004 from only nine counties.

## Endnotes

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- <sup>1</sup> Figure 1 includes both in-person early voting and by-mail absentee balloting. Unfortunately, many states fail to distinguish between the two types of non-precinct voting. Any vote that is cast by a means other than at a precinct is counted as an “early” vote.
- <sup>2</sup> Currently, 30 states allow “no excuse” absentee balloting, with some also allowing in person early voting. A full list of requirements is available at <http://electionline.org/index.jsp?page=Early.absentee.voting>.
- <sup>3</sup> John Fund, *Stealing Elections*, (Encounter Books, 2004), pp. 47
- <sup>4</sup> “Ballots of three dead votes being sent to prosecutor,” *Seattle Times*, January 8, 2005.
- <sup>5</sup> Testimony of Nicole Way in Timothy Boarders, et al v King County et al. and Washington State Democratic Central Committee et al and Libertarian party of Washington State et al [2005] WA, No.05-2-00027, 13-30. See also Keith Ervin, “Election manager linked to false report”, *Seattle Times*, May 19, 2005.
- <sup>6</sup> John Fund, *Stealing Elections*, (Encounter Books, 2004), pp. 47-50.
- <sup>7</sup> “Hundreds in Colorado investigated for voter fraud,” *The Associated Press State & Local Wire*, March 24, 2005; “Leader of quashed recall arrested, criminally charged,” *The Associated Press State & Local Wire*, April 18, 2005; “Election inquiry on Soares’ agenda,” *The Time Union*, December 10, 2004; “Tallahatchie man sentenced on voter fraud conviction,” *The Associated Press State & Local Wire*, December 9, 2004.
- <sup>8</sup> A history of Oregon’s vote by mail system is available at the Secretary of State’s website, <http://www.sos.state.or.us/executive/policy-initiatives/vbm/history.html>
- <sup>9</sup> “Vote by Mail.” Bill Bradbury, Secretary of State. Available online at: [http://www.sos.state.or.us/elections/vbm/vbm\\_guide.pdf](http://www.sos.state.or.us/elections/vbm/vbm_guide.pdf)
- <sup>10</sup> On absentee balloting and turnout, see J. Eric Oliver, 1996, “The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout.” *American Journal of Political Science*. On VBM and turnout, see Adam Berinsky, Nancy Burns, and Michael Traugott, 2001, “Who Votes By Mail? A Dynamic Model of the Individual-Level Consequences of Voting-By-Mail Systems,” *Public Opinion Quarterly*; Priscilla Southwell and Justin I. Burchett, 2000, “The Effect of All-Mail Elections on Voter Turnout,” *American Politics Quarterly*. On compositional effects, see Berinsky et al. and Priscilla Southwell and Justin I. Burchett, 2000, “Does changing the rules change the players? Vote by mail and the composition of the electorate,” *Social Science Quarterly*.
- <sup>11</sup> Caltech/MIT Voting Technology Project. 2001. *Voting: What is, What Could Be*. California Institute of Technology and Massachusetts Institute of Technology; Michael J. Hamner and Michael W. Traugott, 2004, “The Impact of Voting By Mail on Voter Behavior,” *American Politics Research*. See also “Report of the Oregon Elections Task Force”, February 6, 2001, pg. 3.
- <sup>12</sup> For a discussion of some of the questions that did arise prior to the election see “Activists revive fears about Oregon voting,” *The Oregonian*, September 22, 2004.
- <sup>13</sup> “Election Anxiety Extends to Voting by Mail,” *The Oregonian*, November 1, 2004.
- <sup>14</sup> On costs, see John Mark Hansen, 2001, *To Assure Pride and Confidence in the Electoral Process*, Final report of the National Commission on Electoral Reform, University of Virginia, Chapter 5. On voter satisfaction, see Priscilla Southwell, 2004, “Five Years Later: A Re-assessment of Oregon’s Vote by Mail Electoral Process, *PS: Politics and Political Science*.”
- <sup>15</sup> The methodology of this research, including the list of interviews, interview schedule, and other data sources, are contained in Appendix V.
- <sup>16</sup> This claim is sustained by states such as Washington, which now exceeds 70% of ballots cast absentee, or more typically California, where 30% or more of ballots are absentee.
- <sup>17</sup> P. 34-46 of Oregon’s official guidelines, *Oregon’s Vote by Mail Manual*, December 5, 2003, available here: [http://www.sos.state.or.us/elections/vbm/vbm\\_manual.pdf](http://www.sos.state.or.us/elections/vbm/vbm_manual.pdf).
- <sup>18</sup> For a history of the Vote by Mail in Oregon see “A Brief History of Vote-by-Mail,” Oregon Secretary of State, [www.sos.state.or.us/executive/policy-initiatives/vbm/history.html](http://www.sos.state.or.us/executive/policy-initiatives/vbm/history.html) (downloaded 6/8/05)
- <sup>19</sup> Interview with Wasco County Clerk Karen LeBreton Coats and Chief Deputy County Clerk Linda Brown, June 5, 2005.
- <sup>20</sup> LeBreton’s perception of the popularity of VBM among Oregonians has been confirmed by a series of polls. Also see Southwell citations, fn. 15.
- <sup>21</sup> Interview with Multnomah County Director of Elections John Kauffman, June 7, 2005.
- <sup>22</sup> Kauffman interview.
- <sup>23</sup> Morals and Buren interview.
- <sup>24</sup> VBM Manual, p. 48.
- <sup>25</sup> VBM Manual, p. 27.
- <sup>26</sup> Kauffman notes that the centralized voter registration system will assign each voter a unique number that will stay with the voter even as he or she moves from county to county.

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<sup>27</sup> LeBreton and Brown interview. In recent litigation over the petition signature verification, a handwriting expert estimated that he would spend 2 hours or more on each signature, an amount of time not feasible in the context of an election. Testimony of John Green in *Sato, McIntire, Horton, and Piccolo v. Bill Bradbury*, US District Court Case CV-04-853-PA.

<sup>28</sup> In Appendix III, we show the total number of challenged signatures reported to the Secretary of State's office since 1998. The total number of challenges is quite low, with little variation across the counties that we were able to examine see Appendix IV for these figures. It is important to note that the number of challenged signatures also varies with the number of elections. For instance, in 2004, Oregon conducted three statewide elections, and was also a focus of an intensive voter registration campaign. Both lead to higher than normal number of challenges.

<sup>29</sup> Interview with Benton County Clerk James Morales and Supervisor of Elections Jill Van Buren, June 3, 2005.

<sup>30</sup> Morales and Buren interview.

<sup>31</sup> For the rules governing official drop sites and their security see VBM Manual, pp. 17-20.

<sup>32</sup> Morales and Buren interview.

<sup>33</sup> "Report of the Oregon Elections Task Force," pg. 8.

<sup>34</sup> Interview with Oregon Director of Elections John Lindback, June 13, 2005.

<sup>35</sup> Oregon House bill 3090, which passed on May 17, 2005 but has not yet been scheduled for a hearing in the Senate, bans unofficial drop sites ("Political Notebook," *The Oregonian*, May 18, 2005).

<sup>36</sup> For recording of this debate see HOUSE-200505171527.ram at <http://www.leg.state.or.us/listn/> (downloaded June 5, 2005)

<sup>37</sup> "Report of the Oregon Elections Task Force," p. 6-7.

<sup>38</sup> Kauffman interview.

<sup>39</sup> Undeliverable ballots include ballots from people who: had notified the post office that they were temporarily away; have moved but not given the post office a forwarding address; and had given the post office a forwarding address in county, out of county, or out of state. See "Handling Undeliverable Ballots," Benton County Elections, Oregon.

<sup>40</sup> Kauffman interview

<sup>41</sup> Morales and Buren interview.

<sup>42</sup> Kauffman interview.

<sup>43</sup> VBM Manual, p. 23.

<sup>44</sup> VBM Manual, p. 22.