The U.S. Election Process

Thad Hall, Ph.D.
Overview

• Election Cycle and Governance
• Laws, Rules, Policies, and Procedures
• Registration
• Voting
• Ballots and Ballot Counting
• Recounts, Challenges, and Audits
Election Cycle and Governance
Election Management

• US has no national Election Management Body

• Instead....
  • Election Assistance Commission
  • Federal Election Commission
  • Federal Voting Assistance Program
  • Department of Justice
Election Governance

• State Election Office
  • Usually a partisan, elected Secretary of State
  • Appointed election director

• Local Election Office (~9,700)
  • County or municipality
  • Elected person or appointed person/board
GOVERNANCE FACT I:

• The median election jurisdiction has ~1,900 registered voters.
• More than 80% of jurisdictions have fewer than 15,000 registered voters.
GOVERNANCE FACT II:

• Two-thirds of all Americans live in just 10% of the counties (~310 counties) in the United States.
Laws, Rules, Policies, Procedures
Right to Vote: Gender and Age

- 19th Amendment
- 26th Amendment
Right to Vote: Race and Income

- 15th Amendment
- 24th Amendment
When We Vote

“The Tuesday next after the 1st Monday in November, in every even numbered year”

• 2 U.S. Code § 7 (1875)
Help America Vote Act (HAVA)

• Created the Election Assistance Commission (EAC)

• Funded improved election administration systems and new voting technologies

• Created minimum standards for states to follow
Right to Vote: Military and Overseas

- Uniformed and Overseas Civilians Absentee Voting Act (UOCAVA)
  - Federal Post Card Application (FPCA)
  - Federal Write-in Absentee Ballot (FWAB)
- Military and Overseas Voter Empowerment Act (MOVE Act)
  - New deadline for sending ballots to voters
  - Electronic transmission requirements
Right to Vote: Individuals with Disabilities

- Voting Rights Act of 1965 (Section 208)
- The Voting Accessibility for the Elderly and Handicapped Act
- Americans with Disabilities Act
- HAVA
LEGAL FACT:

The Elections Clause of the Constitution, Art. I, § 4, cl. 1, invests the States with responsibility for the mechanics of [federal] elections, but grants Congress "the power to override state regulations" by establishing uniform rules for federal elections...
Registration
National Voter Registration Act

- Intended to make registration easier
  - Standard registration form

- Standard locations:
  - Motor vehicle offices
  - Public assistance offices
  - Offices serving people with disabilities
Registration Innovations

- Election Day registration
  - Fifteen states and Washington, DC have enacted legislation
  - Three states are still working to implement it

- Online voter registration
  - Thirty-four states plus Washington, DC

- Automatic voter registration
  - Oregon
REGISTRATION FACT I:

In most states, in order to register to vote, a person must be:

• A U.S. citizen
• Not currently serving a felony conviction, and
• Of sound mental status.
Registration Rates 2012 (%)

- Total
- White (non-Hispanic)
- Black alone
- Asian alone
- Hispanic (any race)
REGISTRATION FACT II:

In order to vote in person:

- Sixteen states require voters to have photo ID
- Seven of these states to have “strict” photo ID laws
- Sixteen additional states require voters to have either photo or non-photo ID
Voting
Voting Rates 2012 (%)

- Total
- White (non-Hispanic)
- Black alone
- Asian alone
- Hispanic (any race)
Convenience Voting

• All mail voting (three states)

• Early and no-excuse mail voting (16 states)

• No excuse mail voting, including “in-person” absentee voting (12 states)

• Early Voting (seven states)
Ballots and Ballot Counting
### INSTRUCTIONS TO VOTER

1. To vote, completely blacken the CIRCLE (●) to the LEFT of the candidate. Do not vote for more than the authorized number of candidates.
2. Use only the #2 pencil provided.
3. To vote for a person whose name is not on the ballot, write in the candidate’s name on the Write-In line AND completely blacken the CIRCLE (●) to the LEFT of your choice.
4. If you make a mistake while voting, return the ballot to the election official for a new one. A vote that has been erased or changed will not be counted.
5. To vote for every candidate of one party, blacken the CIRCLE (●) to the LEFT of the name of the party for which you wish to vote. To vote for nonpartisan offices, blacken the CIRCLE (●) to the LEFT of the candidate for whom you wish to vote.

### STRAIGHT PARTY VOTING

- **Democratic Party**
- **Republican Party**
- **Libertarian Party**
- **Green Party**
- **Natural Law Party**

### PARTISAN OFFICES

**President & Vice-President of the United States**
- Edward Z. Jones—President
- Steve Kaiser—Vice-President

**Secretary of State**
- Matthew Prior

**Attorney General**

**Governor & Lt. Governor**
- Conrad Schweitzer—Gov.
- James Milligan—Lt. Gov.

### United States Senator

- Frank Searer
  - Democrat
- Alan Slocum
  - Republican
- Linda Fisher
  - Libertarian

**State Auditor**

- Jose Rodriguez
  - Democrat
- Roger Laird, Jr.
  - Republican
- Write-In

**State Senator District 5**

**U. S. Representative District 28**

- Larry Herman
  - Democrat
- Rebecca Rehberg
  - Republican
- William Petelos
  - Natural Law

**State Representative District 3**

- Bill Forbes
  - Democrat
- Victoria Snyder
  - Republican
- Joseph A. Jackson
  - Libertarian
- Write-In
INSTRUCTIONS TO VOTER

1. To vote, completely blacken the CIRCLE (?) to the LEFT of the candidate. Do not vote for more than the authorized number of candidates.
2. Use only the #2 pencil provided.
3. To vote for a person whose name is not on the ballot, write in the candidate's name on the Write-In line AND completely blacken the CIRCLE (?) to the LEFT of your choice.
4. If you make a mistake while voting, return the ballot to the election official for a new one. A vote that has been erased or changed will not be counted.

PARTISAN OFFICES

President & Vice-President of the United States (Vote for ONE.)

- Edward Z. Jones--President
  Steve Kaiser--Vice-President
  Democrat

- Curtis G. Tucker--President
  John Fisher--Vice-President
  Republican

- Nathan Davis--President
  Phillip Knox--Vice-President
  Libertarian

Governor & Lt. Governor (Vote for ONE.)

- Conrad Schweitzer--Gov.
  James Milligan--Lt. Gov.
  Democrat

- Joyce McGrath--Gov.
  Ethan J. Edwards--Lt. Gov.
  Republican

Secretary of State (Vote for ONE.)

- Matthew Prior
  Democrat

- Write-In

Attorney General

- Write-In

United States Senator (Vote for ONE.)

- Frank Searer
  Democrat

- Alan Slocum
  Republican

- Linda Fisher
  Libertarian

- Write-In

State Auditor (Vote for ONE.)

- Jose Rodriguez
  Democrat

- Roger Laird, Jr.
  Republican

- Write-In

U. S. Representative District 28 (Vote for ONE.)

- Larry Herman
  Democrat

- Rebecca Rehberg
  Republican

- William Petelos
  Natural Law

- Write-In

State Senator District 5 (Vote for ONE.)

- Bill Forbes
  Democrat

- Victoria Snyder
  Republican

- Joseph A. Jackson
  Libertarian

- Write-In

State Representative District 3 (Vote for no more than TWO.)

- Cheryl Adams
  Democrat

- Jonathan Davis
  Democrat

- Leonard Arnold
  Republican

- Samantha Bolin
  Republican

- Jeffrey Jones
  Libertarian

- Michael R. McCloud
  Libertarian

- Helen Barclay
  Natural Law

- Write-In

- Write-In
**Fun Ballot Fact**

There were 623 different ballot types in San Diego, California for the November 2016 General Election. On a typical ballot, voters were presented with 10 office races and 31 ballot questions.
Recounts, Challenges, and Audits
Recounts

- Conditional in 20 states and Washington, DC
- Loser can petition in 43 states and Washington, DC
Post-Election “Audits”

- Automatic recounts (29 states and Washington, DC)
- Triggered recounts (four states)
- Procedural audits (one state)
Thank You

www.ForsMarshGroup.com