

# The U.S. Election Process

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FORS|MARSH  
GROUP

# 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

- 19<sup>th</sup> Amendment
- 26<sup>th</sup> Amendment





# Right to Vote: Race and Income

- 15<sup>th</sup> Amendment
- 24<sup>th</sup> Amendment

STERED.

one years of age, and have been a resident under the Constitution and Laws of the State

LOCAL RESIDENCE	STREET
1922 PAID	1923 PAID
1922 PAID	1923 PAID
1922 PAID	1923 PAID
OVER AGE	1925 PAID

REGISTERED VOTERS, ELECTION DISTRICT No. 1

OATH TO BE TAKEN BY EACH PERSON

I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and of the State of Florida; that I am a citizen of the United States, and that I am qualified to vote.

NAME	Age	Color	Poll Tax 19.....	Poll Tax 19.....	Poll Tax 19.....	Poll Tax 19.....	OCCUPATION
1 Davidson, Lewis	21	W					Laborer
2 Davidson, Maggie	52	"					Domestic
3 Davideon, Luther	26	"					Laborer
4 Davidson, M.a.	58	"					Farmer
5 Davis, J. S.	34	"					"
6 Davis, Mrs. J. S.	57	"					
7 Dreden, Amos	72	B					Wife Farmer



# 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 makes 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

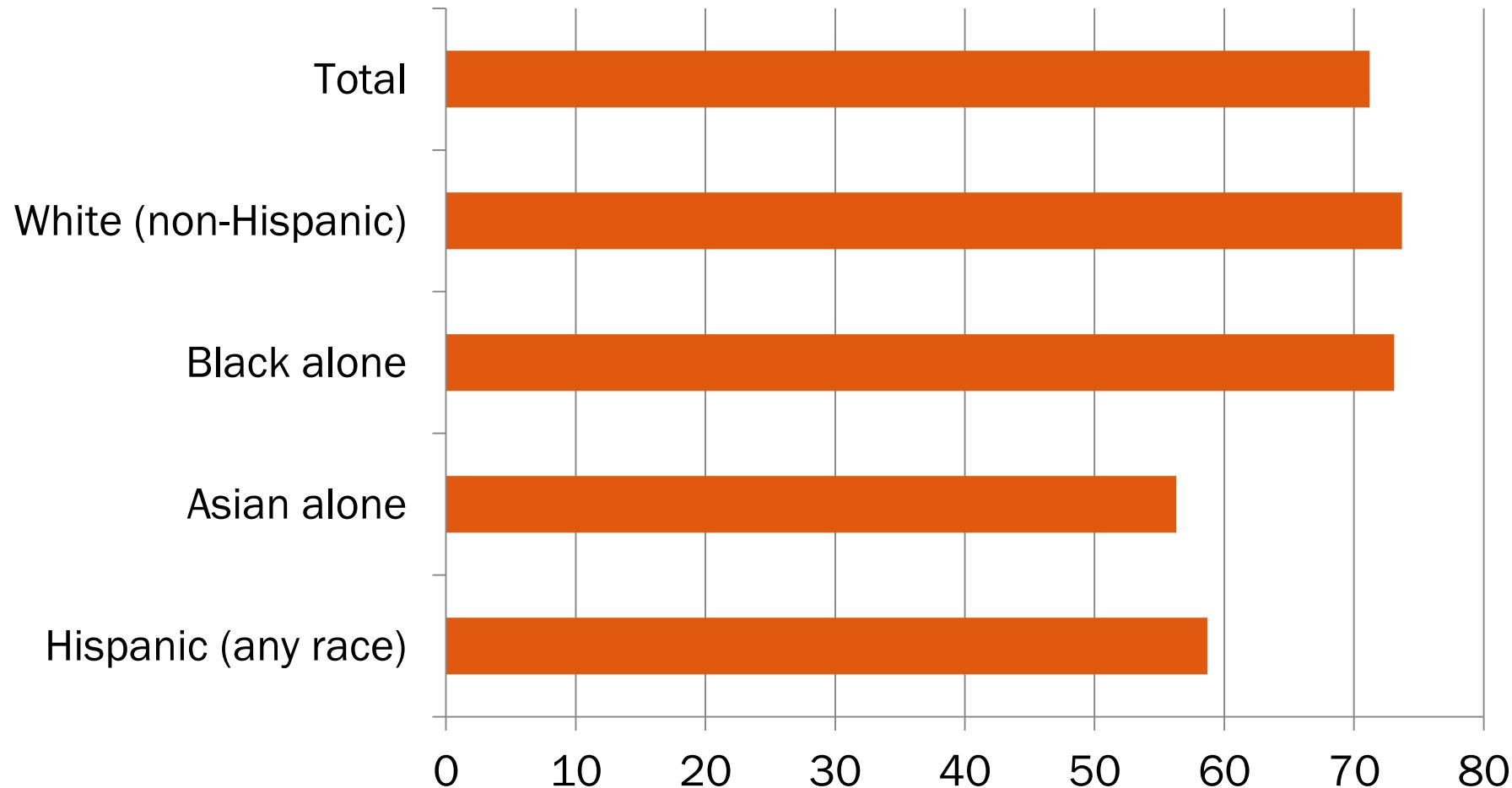
# REGISTRATION FACT I:

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 (%)



# REGISTRATION FACT II:

In order to vote in person:

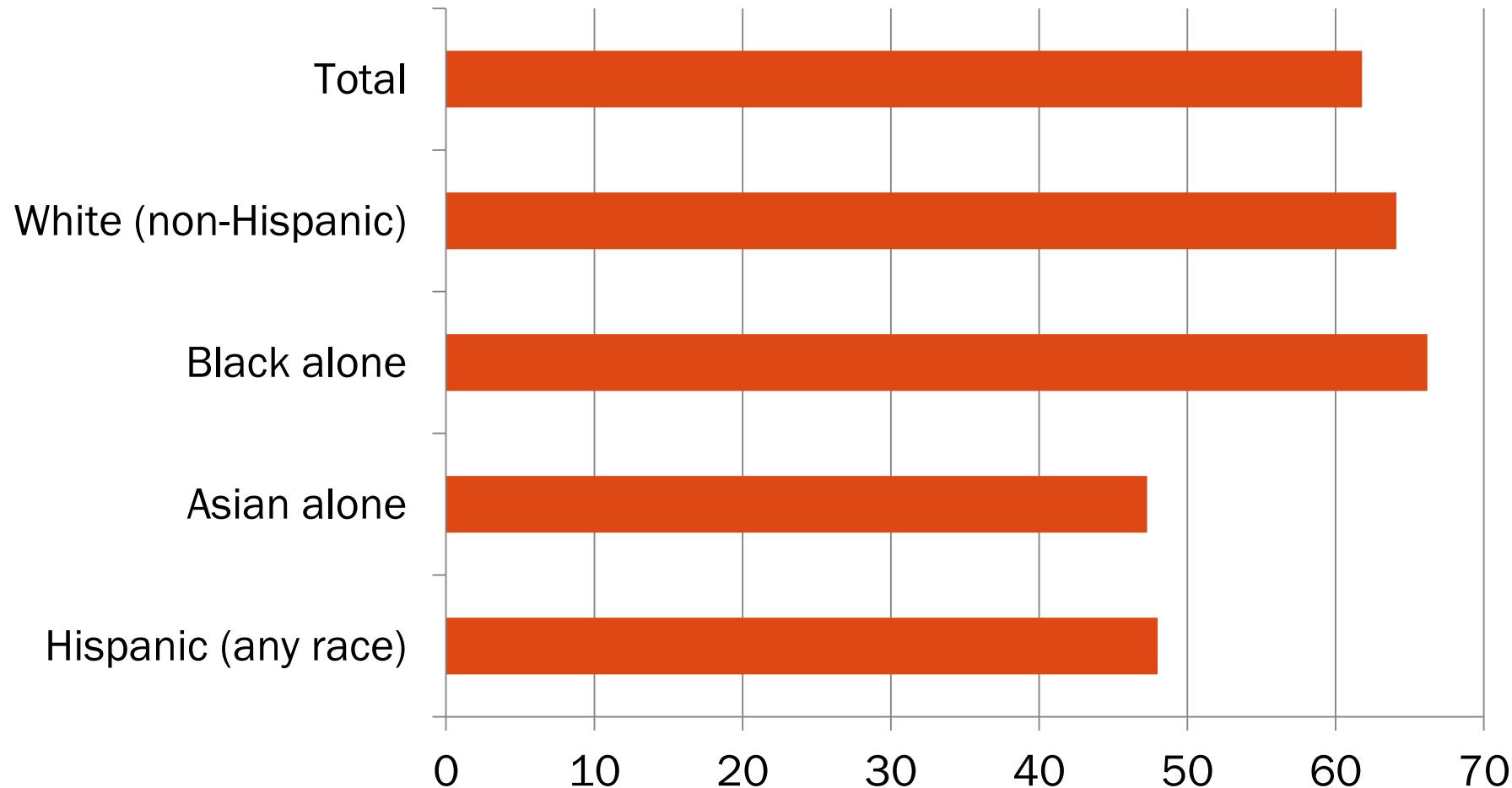
- Sixteen states require voters to have photo ID
- Seven of these states to have “strict” photo ID laws
- Sixteen additional states require voters to have either photo or non-photo ID

# Voting





# Voting Rates 2012 (%)





# 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



**OFFICIAL BALLOT**  
SALT LAKE COUNTY, UTAH  
TUESDAY, NOVEMBER 6, 2012

*Sherry Swanson*

COUNTY CLERK

**INSTRUCTIONS TO VOTERS:** Please use only ballpoint pen. To vote for a candidate or for or against a ballot proposition, fill in the oval to the left of your selection. If you make a mistake, mark the ballot so that your intent is clear, or you may request a replacement ballot. DO NOT initial or sign the correction.

**CORRECT MARKING:** 

**Write-ins:** If there is a write-in space provided, you may write the name of a valid write-in candidate and fill in the oval to the left of the name.

**Political Party Abbreviations**

CON=Constitution LIB=Libertarian

DEM=Democratic REP=Republican JUS=Justice

GRN=Green UNA=Unaffiliated

Voting Straight Party means you are voting for all candidates of one political party without having to fill in the ovals for individual candidates. You may skip it and you can skip it and vote for individual candidates. If you choose to vote a Straight Party option, you may still vote for individual candidates of other parties by filling in the oval next to the candidate's name.

**STRAIGHT PARTY (OPTIONAL)**

CONSTITUTION 

(CON)

LIBERTARIAN 

(LIB)

DEMOCRATIC 

(DEM)

REPUBLICAN 

(REP)

JUSTICE 

(JUS)

GREEN 

(GRN)

GREEN PARTY OF UTAH

**FEDERAL**

**PRESIDENT / VICE PRESIDENT OF THE UNITED STATES**  
4 YEAR TERM (Vote for One)

JILL STEIN 

(GRN)

GLORIA LA RIVA 

(UNA)

MITT ROMNEY 

(REP)

PAUL RYAN 

(REP)

BARACK OBAMA 

(DEM)

JOSEPH R. BIDEN, JR. 

(DEM)

GARY JOHNSON 

(LIB)

JAMES P. GRAY 

(LIB)

VIRGIL GOODE 

(CON)

JIM CLYMER 

(CON)

ROSS C. "ROCKY" ANDERSON 

(JUS)

LUIS J. RODRIGUEZ 

(JUS)

WRITE-IN

**U.S. SENATE**

6 YEAR TERM (Vote for One)

SHAUN LYNN McCUSAULD 

(CON)

SCOTT HOWELL 

(DEM)

ORRN G. HATCH 

(REP)

DANIEL GEERY 

(JUS)

BILL BARRON 

(UNA)

WRITE-IN

**TURN OVER ►►**

COUNTY CLERK

**Correct Marking:** 

**Write-ins:** If there is a write-in space provided, you may write the name of a valid write-in candidate and fill in the oval to the left of the name.

**Political Party Abbreviations**

DEM=Democratic REP=Republican JUS=Justice

GRN=Green UNA=Unaffiliated

CON=Constitution LIB=Libertarian

**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 non-partisan 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  
(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**United States Senator  
(Vote for ONE.)**

<input type="radio"/> Frank Searer Democrat	<input type="radio"/> Jose Rodriguez Democrat
<input type="radio"/> Alan Slocum Republican	<input type="radio"/> Roger Laird, Jr. Republican
<input type="radio"/> Linda Fisher Libertarian	<input type="radio"/> _____ Write-In
<input type="radio"/> _____ Write-In	<b>State Senator District 5 (Vote for ONE.)</b>

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

<input type="radio"/> Larry Herman Democrat	<input type="radio"/> Bill Forbes Democrat
<input type="radio"/> Rebecca Rehberg Republican	<input type="radio"/> Victoria Snyder Republican
<input type="radio"/> William Petelos Natural Law	<input type="radio"/> Joseph A. Jackson Libertarian
<input type="radio"/> _____ Write-In	<input type="radio"/> _____ Write-In

**State Senator District 5  
(Vote for ONE.)**

<input type="radio"/> Bill Forbes Democrat
<input type="radio"/> Victoria Snyder Republican
<input type="radio"/> Joseph A. Jackson Libertarian
<input type="radio"/> _____ Write-In

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

<input type="radio"/> Cheryl Adams Democrat	<input type="radio"/> Conrad Schweitzer--Gov. James Milligan--Lt. Gov. Democrat
<input type="radio"/> Jonathan Davic Democrat	<input type="radio"/> Joyce McGrath--Gov. Ethan J. Edwards--Lt. Gov. Republican
<input type="radio"/> Leonard Arnold Republican	<input type="radio"/> _____ Write-In
<input type="radio"/> Samantha Bolin Republican	<input type="radio"/> Jeffrey Jones Libertarian
<input type="radio"/> Michael R. McCloud Libertarian	<input type="radio"/> _____ Write-In
<input type="radio"/> Helen Barclay Natural Law	<input type="radio"/> _____ Write-In
<input type="radio"/> _____ Write-In	<input type="radio"/> _____ Write-In

**Attorney General**

<b>INSTRUCTIONS TO VOTER</b>	<b>United States Senator</b> (Vote for ONE.)	<b>State Auditor</b> (Vote for ONE.)
<p>1. To vote, completely blacken the CIRCLE (?) to the LEFT of the candidate. Do not vote for more than the authorized number of candidates.</p> <p>2. Use only the #2 pencil provided.</p> <p>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.</p> <p>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.</p>	<input type="radio"/> Frank Searer Democrat	<input type="radio"/> Jose Rodriguez Democrat
	<input type="radio"/> Alan Slocum Republican	<input type="radio"/> Roger Laird, Jr. Republican
	<input type="radio"/> Linda Fisher Libertarian	<input type="radio"/> _____ Write-In
	<input type="radio"/> _____ Write-In	<b>State Senator District 5</b> (Vote for ONE.)
<p><b>PARTISAN OFFICES</b></p> <p><b>President &amp; Vice-President of the United States</b> (Vote for ONE.)</p>	<input type="radio"/> Larry Herman Democrat	<input type="radio"/> Bill Forbes Democrat
	<input type="radio"/> Rebecca Rehberg Republican	<input type="radio"/> Victoria Snyder Republican
	<input type="radio"/> William Petelos Natural Law	<input type="radio"/> Joseph A. Jackson Libertarian
	<input type="radio"/> _____ Write-In	<input type="radio"/> _____ Write-In
<p><b>Secretary of State</b> (Vote for ONE.)</p>	<input type="radio"/> Joyce McGrath--Gov. James Milligan--Lt. Gov. Democrat	<b>State Representative District 3</b> (Vote for no more than TWO.)
	<input type="radio"/> Conrad Schweitzer--Gov. James Milligan--Lt. Gov. Democrat	<input type="radio"/> Cheryl Adams Democrat
	<input type="radio"/> Ethan J. Edwards--Lt. Gov. Republican	<input type="radio"/> Jonathan Davic Democrat
	<input type="radio"/> _____ Write-In	<input type="radio"/> Leonard Arnold Republican
<p><input type="radio"/> Edward Z. Jones--President Steve Kaiser--Vice-President Democrat</p> <p><input type="radio"/> Curtis G. Tucker--President John Fisher--Vice-President Republican</p> <p><input type="radio"/> Nathan Davis--President Phillip Knox--Vice-President Libertarian</p>	<input type="radio"/> _____ Write-In	<input type="radio"/> Samantha Bolin Republican
	<input type="radio"/> _____ Write-In	<input type="radio"/> Jeffrey Jones Libertarian
	<input type="radio"/> _____ Write-In	<input type="radio"/> Michael R. McCloud Libertarian
	<input type="radio"/> _____ Write-In	<input type="radio"/> Helen Barclay Natural Law
<b>Attorney General</b>		

# 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.

U.S. Postage  
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We hope you understand. We assure you that we are constantly striving to improve our processing methods in order that even a rare occurrence may be eliminated.

Please accept our apologies.

Sincerely,

Your Postmaster

PAUL LUX  
OKALOOSA COUNTY  
SUPERVISOR OF ELECTIONS  
302 WILSON ST. N.  
CRESTVIEW FL 32536-3714

REMEMBER TO SIGN & DATE  
THE BACK OF THIS ENVELOPE

OFFICIAL VOTE

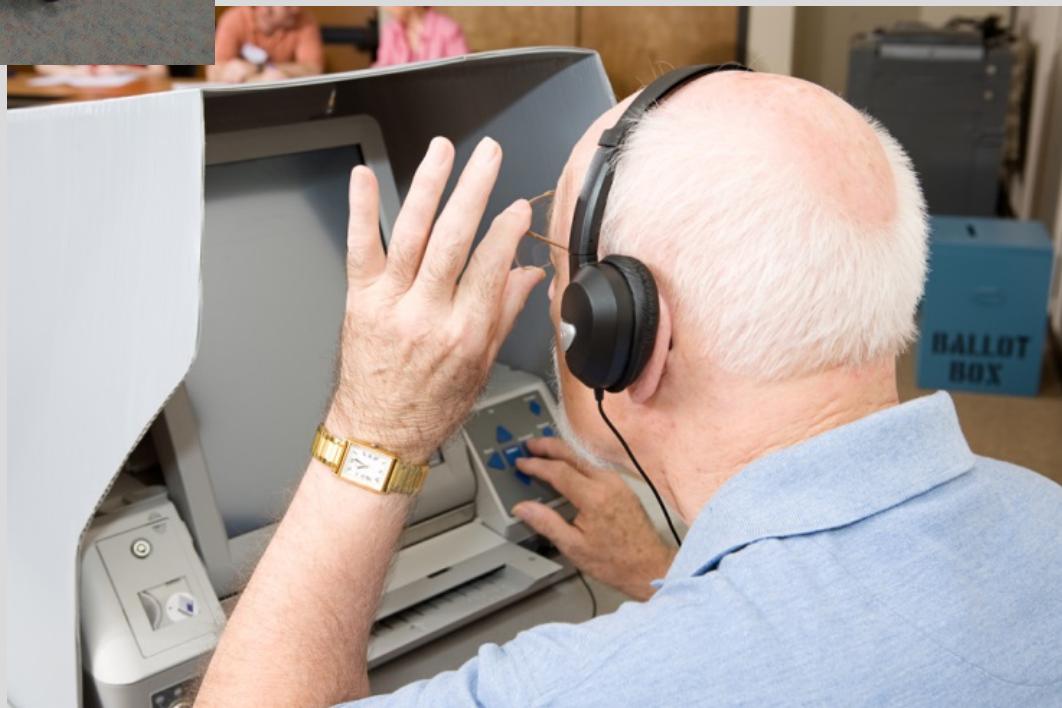
NO POS

Paul Lux, Okaloosa County Supervisor of Elections  
302 Wilson St N, Ste 102  
Crestview, Florida 32536-3474

[www.govote-okaloosa.com](http://www.govote-okaloosa.com)







# 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](http://www.ForsMarshGroup.com)

