

VOTE BY MAIL

FACTS & ISSUES

A STUDY BY THE LEAGUE OF WOMEN VOTERS OF HAWAII
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February 17, 1999

Dear Leaguers,

We are proud to send you this Facts and Issues report on voting by mail.

Marian Wilkins and her Vote By Mail Study Committee spent a year and a half collecting information from all over the United States as well as from sources in Hawaii, and then preparing this report.

We are grateful for the cooperation we received from the Elections Office, first sharing with us all the information they had compiled on the subject, then helping Marian review the draft of the committee report together with the County Clerks on all the islands.

You will find a consensus questionnaire in the back. YOUR LOCAL LEAGUES WILL ARRANGE FOR CONSENSUS MEETINGS OR SOME OTHER MEANS OF ARRIVING AT CONSENSUS.

Mahalo,

Jean Y. Cook

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A STUDY BY THE LEAGUE OF WOMEN VOTERS OF HAWAII

INTRODUCTION

Will the traditional way of voting at polling places be a thing of the past in the twenty-first century? Will we be staying at home on election day waiting for the results of our vote by mail ballots? There are many people who would like to see that day come sooner, rather than later. Others do not want it to happen, ever. Both sides have many reasons to feel as they do, so we will examine these arguments and learn something of the history of voting by mail (VBM).

A majority of Americans still vote in the traditional way, by going to polling sites. But as many states or counties have made it easier to vote absentee, there has been a tremendous increase of people voting at home in recent years. In many areas, including districts in Hawaii, nearly 50 percent of ballots cast have been absentee. In some states, but not Hawaii, it is possible to become a permanent absentee voter.¹

Honolulu has long held its Neighborhood Board elections by mail, as do most of Hawaii's largest labor unions. The League of Women Voters of Honolulu conducts many of these elections so we are very familiar with how some types of vote by mail (VBM) elections work.

A major objective of the League of Women Voters has always been citizen participation in government, which must include an informed and voting public. Because other states and municipalities have had success in conducting VBM elections, the idea has been of increasing interest to the League and to many elections offices, including those of Hawaii. In fact, a bill was introduced in the 1998 session to allow VBM for special elections. This bill was not passed, so a similar measure has been sponsored by the Office of Elections this session.

As we look at the experience of other areas that use VBM, we will also discuss how those experiences might apply to the state of Hawaii. We will also want to consider how VBM compares with polling place and absentee balloting procedures now in effect. For example, would VBM:

- ◆ Encourage greater participation in elections;
- ◆ Remove obstacles to registration and voting;
- ◆ Minimize the opportunity for fraud and manipulation of voters;
- ◆ Assure ballot secrecy and/or
- ◆ Reduce the cost of elections and vote counting?

Should all of the above be given equal priority?

HISTORY OF VOTE BY MAIL

The first bill to establish VBM was introduced in the California legislature in 1909. The bill, which would have allowed primaries to be conducted by mail, was defeated. The idea continued to surface and was actually implemented in Monterey, California in 1977 for a special election in their flood control district.² Since then, it has been used many times in many locales.

In states and municipalities other than Hawaii, citizens vote on many issues. Often these elections are not held in conjunction with a primary or general election. Municipalities, districts and states may be obliged to hold a referendum on any number of issues such as: taxes, bonds issues, power plant funding, stadium or convention center funding, school funding or any other large ticket spending that the public will be asked to pay for. There may be special elections held for referenda or recall. Also, in many areas, city and county elections may not be held at the same time as state or federal elections. Because of this, some jurisdictions may have several elections in a two-year cycle. Areas that have several elections are most interested in conducting them as frugally as possible while having a good voter turnout. VBM has been the solution for many such elections.

The use of VBM has been growing for ballot issues of all types. Washoe and Clark Counties, the two most populous counties in Nevada, conducted their Republican Presidential Preference Primaries by mail in 1996. According to Kathryn Ferguson, Clark County Registrar of Voters, the Presidential Preference Primaries are held separately from the regular primaries in Nevada, but are paid for by the state. Democrats did not hold a primary in 1996 because Bill Clinton was already the nominee. Some states require that the political parties pay for their own Presidential primaries. Some states allow the use of mail ballots in partisan elections in precincts or polling sites that have a very small number of voters.²

In 1992, the Oregon Secretary of State's elections manager, Larry Bevens, stated that "...some Oregon counties had been conducting de facto mail ballot elections by sending out applications for absentee ballots to residents of thinly populated rural sections."³

Oregon was the first state to use VBM in a statewide partisan special election of a U.S. senator in 1996. Then in 1997, Washington State held a special statewide referendum on the question of whether a new stadium should be built in Seattle. Twenty-seven of the thirty-nine counties conducted the election solely by mail. In the other counties a large proportion of voters chose to vote by mail (by absentee ballot).⁴ (Backers of the stadium paid the costs of this election.)

The publication Campaigns and Elections says that VBM is primarily a western states phenomenon, but points out that its use is rapidly increasing around the country. "Last year's experience in Oregon's special U.S. Senate election...bodes for a wider use of this technique. And it's easy to understand why: Voters like the ease, election officials save money and turnout is hiked."⁵

The Washington State Association of County Auditors (WSACA is the equivalent of a county clerks' association), has advocated VBM elections since 1983 when the Secretary of State's Office

and the WSACA convinced the legislature to pass a measure to permit the use of VBM in non-partisan, special elections. This could be done by county option. In 1993, "upon receiving significant pressure from citizens to expand the usage, WSACA went back to the Legislature ...and gained passage of a measure to permit the use of vote-by-mail in non-partisan, odd-year, primary elections." Then, in 1994, the legislature voted to give county auditors the option of conducting any election by mail for a trial period of two years. But, after the two-year trial period, the legislature did not expand VBM.⁴

According to Election Laws Study,⁶ a publication of the League of Women Voters of Oregon, the Oregon League adopted a position in 1987 that, among other things, supported a VBM pilot project. In 1995 LWV/OR re-examined that position and, in 1996, adopted a new position on VBM which contains this statement:

"The League of Women Voters of Oregon believes citizens are entitled to voting procedures which provide ease of ballot access and use and supports: 1. Use of vote-by-mail in all elections. Every effort should be made to preserve ballot secrecy to prevent fraud."⁷

In the meantime the Oregon legislature mandated VBM for all elections except the statewide primary and general elections. In 1995 the legislature passed a measure adding these elections, but it was vetoed by the governor who gave as reasons that people were not ready for all elections to be by mail, and there were not yet enough safeguards against fraud. But four months later, the governor decided to hold the special senatorial election by mail. The 66% return was considered excellent. Then a special (earlier than usual) Presidential primary was held by mail, and the turn-out was greater than all previous state primaries. It was thought that the 1997 legislature would pass a bill authorizing VBM for all elections, but it was not to be.⁶

So, the Oregon League of Women Voters joined forces with other advocates of VBM, including the Secretary of State, and sponsored a ballot initiative. The volunteer effort was successful and the measure was passed in the November, 1998 election by a margin of nearly 70% for and 30% against. Oregon has become the first state to *require* that statewide general and primary elections be by mail. The state, cities and counties may hold other elections as they wish, but most jurisdictions had already been holding their elections by mail for years.

EXPERIENCE WITH VOTE BY MAIL

Voter Turnout

Most of the documents and studies obtained from many sources by this committee indicate that voter participation is greater when VBM is used. As far back as 1984 a study of VBM elections in seven cities, large and small, in the states of California, Oregon and Washington showed that six of the cities had impressive voting rates for special elections.²

The 1996 report by the Arizona Vote-By-Mail Study Committee¹ states:

"In many jurisdictions in other states which held vote-by mail elections, voter turnout increased; e.g., in Colorado, turnout doubled or tripled in local elections; Thurston County, WA experienced a 152% increase over similar jurisdictions with polling place voting." It also states:

"Voter turnout changes in absentee/early voting should not be used as an indicator of results to be experienced from conducting elections by mail, because absentee/early voting does not appear to improve turnout. It is simply a more convenient form of voting for those who would vote anyway." [More about "early voting" on page 24]

In regard to voter turnout in the decade from 1983 to 1993, the July 1997 report by the Washington State Association of Auditors⁴ states that:

"Over the next decade, several dozen vote-by mail elections were conducted. They consistently experienced a remarkable tripling of voter turnout, reduced costs, and citizens who 'loved it' compared to traditional pollsite elections."

The records from the trial period of VBM for all elections in 1994 and 1995, in which a large number of counties opted to use VBM, show comparable results. The auditors' report also states "...the record of significantly increased participation, voter enthusiasm, and lowered costs continued."⁴

Since Washington State gave counties the option to either hold elections by mail or at polling sites, it was easy to compare the voter turnout for the stadium election. The statistics show that 59% of the eligible mail voters participated while only 34% of eligible poll site voters participated. The latter figure includes the most populated county, King, where the stadium is to be built.⁴

Not all VBM elections have had increased voter turnout. The two most populous counties in Nevada, Clark and Washoe, held their Republican Presidential Preference Primaries using VBM and actually had a small decrease in the number of voters.^{8 & 9} We will examine some of the problems they had later on in this study.

Some studies suggest that since VBM takes place over a period of several days, the media and campaigners can play an important role in reminding people to send in their ballots and explaining how to fill them out. If a person does not vote right away, the ballot may be put in the "to do" file and forgotten.

Who Likes Vote By Mail and Who Doesn't

The results of polls taken in various areas that have held VBM elections show that a majority of the people like to vote by mail. In one survey conducted in 1996 in Oregon, an overwhelming 76.5 percent of those polled (who also voted in the election) said they favored VBM. Only 15 percent preferred going to a polling site and 8.1 percent felt it didn't matter.¹⁰ The Traugott and Mason Study¹¹ of 1,483 citizens also taken in Oregon after the January 1996 special VBM election for U.S. Senator, shows that:

"Of those questioned, 55% preferred voting by mail; 28% had no preference; and 17% preferred going to the polls. Asked what they would like to see in future elections, 61% prefer voting by mail; 23% have no preference; and 15 % prefer going to the polls. Most, 79% said voting by mail is more convenient."¹

In the 1997 Washington State report on the stadium election, as was stated earlier, not all counties chose to use VBM. It is interesting to note that even in poll site counties, 41% voted by mail using absentee ballots. In one rural county the figure was 62%.⁴

The report goes on to say:

"What is more important, in the opinion of many County Auditors and knowledgeable observers, is that use of the vote-by-mail process in the primary and general elections evidences a significant gain in **informed** voting. Voters reported and observers noted that mail voting provided citizens the time and opportunity to become much better informed about issues and candidacies before casting a ballot. Overall, it appears that mail voting fits more into the life style of late twentieth century Washingtonians than poll site voting."

As stated earlier, the Washington State legislature did not agree. After the two year-trial period, the auditors' report says.

"A small, but vociferous opposition surfaced and expressed concerns about potential for fraud, about the possibility of undue influence by individuals or organizations over voting, about the competence of the U.S. Post Office to deal with ballots, and about the loss of the ceremonial aspects of voting. Some negativity was simply resistance to change, but many thoughtful citizens shared the Spokesman-Review's concern about "social disconnectedness." As a result, the 1997 Legislature did not consider expanding vote-by-mail."⁴

In the previously cited study done by the Office of the Secretary of State of Arizona,¹ some comments were included by the Republican, Democratic and Libertarian parties on the subject of VBM. Unlike the surveys cited above, the parties' view of VBM was fairly negative.

Both the Democratic and the Republican parties mentioned that going to the polling site was a tradition that we should not give up lightly.

The Libertarian party said that it "...believes, in general, that the reason for poor voter turnout in elections has nothing to do with the election process itself. The source of voters' apathy, rather, lies in their perceived inability to effect change through the voting process."

That sentiment was evident in many first time voter registrants in Kailua-Kona during the 1998 *Wiki Wiki* voter registration drive. Many people volunteered that they had never bothered to vote before because they did not think it would make any difference or they had never cared.

In an article in the Sunday Oregonian newspaper of March 16, 1997,¹² the author states:

"Initially Democrats opposed vote-by-mail. Now they support it.

"Republicans liked the idea. Now they've largely taken a cooler stance.

"The reason for the flip-flopping comes down to changing perceptions on which party benefits....and which is hurt.

" 'Controlling who votes is fundamental in politics,' said James D. Moore, a professor of political science at the University of Portland.

"Every change made to election rules alters to some degree, the voting population, he says. By extension, winners and losers become less predictable, until, of course, campaigns come to understand what it takes to control the newest voters.

" 'That's why, throughout our country's history,' Moore says 'blood has been shed' over extending the vote---to women, to blacks, to 18 year-olds and to the poor.

"And while vote-by-mail does not explicitly include or exclude certain voters, it potentially changes the mix."

When this writer asked the President of the League of Women Voters of Oregon, Paula Krane, whether the initiative measure to hold all elections by mail had much opposition, she said only from the national political parties. "The state parties don't dare openly oppose it because the people want it."

However, the Registrars of Clark and Washoe Counties, Nevada found that the VBM elections of the Republican Preferential Primaries had many flaws. In Clark County it seems that many voters did not understand the mechanics of VBM. As an example, many ballots could not be counted because the voters did not sign the outer envelope. A privacy sleeve was provided for the ballot but many voters did not use it. Also, ballots were returned after the deadline. Many people overvoted---that is, they voted for more than one candidate when only one could be chosen. Some were left blank. Of course, that may have been intentional. There were 162,201 registered Republicans in the county and 75,767 (46.7 %) voted. Altogether, 3,779 returned ballots were not counted. There were 75,572 ballots counted, but 19,825 were returned by the Post Office as undeliverable. Voters did not return approximately 55,000 ballots.^{8,9}

Las Vegas is situated in Clark County and Reno in Washoe County. Both counties have extremely large numbers of short-time residents, which can be a problem when it comes to VBM.

The Vote By Mail study by Arizona¹ delineates the good and bad points of VBM especially as it pertains to Arizona. It neither supports nor opposes VBM for technical reasons. It recommends some expansion of the use of VBM in some small jurisdictions. It also recommends enacting a

provision permitting permanent absentee/early ballot requests. But, it does end its report by saying:

"The ability to vote at a neighborhood polling place is a long-held tradition in American democracy. The committee does not foresee the ultimate expansion in Arizona of mail-in balloting to state-wide and Federal primary and general elections."

After the good results (in the opinion of most critics) of the VBM U.S. Senatorial race in January of 1996 in Oregon, the statewide primary race in May was held as a traditional polling site election. This was after the governor had vetoed the bill to hold all elections by mail. An editorial in the Eugene Register Guard newspaper¹³ has some biting comments about the election.

"In what Secretary of State Phil Keisling called the worst of two worlds, Tuesday's primary was both a polling-place and a vote-by-mail election. While the primary cannot by law be conducted by mail, much of it was anyway because of the huge numbers voting by absentee ballot.

"Keisling, who is the state's chief elections officer and a big fan of vote-by-mail, said that Tuesday's election 'set a record for all the worst reasons.' He specifically cited the unusually low turnout---a product of several factors, including a rather boring election and a heavy rain---and the election's \$3 million-plus estimated cost. The cost exceeded normal primary expenses because of the need for conducting parallel mail and polling place elections.

"I hope this election puts an exclamation point to the end of the debate on vote-by mail," Keisling said." But, of course it didn't.

Cost of Vote By Mail

The Secretary of State of Oregon has said that when a jurisdiction conducts elections that have both polling sites and large numbers of absentee ballots, the cost escalates. The state or jurisdiction has to have in place the mechanism to handle both methods of voting.

According to the 1996 Arizona study¹:

"It has been demonstrated in other states that election costs, which are mostly borne by the counties or other local jurisdictions, are reduced when only vote by mail is used because there is no need to hire poll workers, rent polling places, or hire other extra workers to transport ballots, etc. However, additional staff must be hired to process the mailing and to verify the signatures on the returned ballot envelopes.

"There is no quantified estimate of the size of cost savings which largely accrue to the counties or local jurisdictions. There are various reports of savings, e.g.: \$.50 per voter; 10 percent; costs reduced from \$275,000 to \$235,000. Oregon reports that medium-sized jurisdictions have the greatest cost savings. Large and small jurisdictions report no cost savings."

However, in the publication Oregon's Vote-By-Mail Elections, the Secretary of State says that Oregon tax payers were saved an estimated one million dollars total for the primary and general special elections in 1996. Oregon, at that time, had 1,811,231 eligible voters.¹⁴

The Washington State Auditors report¹⁵ says that VBM was "also a success with respect to cost per ballot cast." One very good comparison was made by the Clallam County Auditor, who reported that:

"...he (the auditor) conducted the '96 presidential primary at poll sites and the stadium election by mail. Both were special elections with single vote measures and were held during the spring. The presidential primary cost Clallam County \$77,000.00 whereas the stadium election cost \$51,000.00. That's a 34% reduction in cost."

Almost all the studies show cost savings for most VBM elections in most jurisdictions. A major exception was Clark County, Nevada, which spent over \$100,000 more in the Republican Presidential Primary conducted by mail than it did in the previous Republican Presidential Primary conducted in the traditional manner.¹⁶ Election official, Kathryn Ferguson, said that the cost of new election machines that were not used had to be pro-rated into the primary costs.

In the Arizona study,¹⁷ the Libertarian Party had some interesting views on election costs.

"Any changes in the election process need to be made, not for cost savings, but for the primary purpose of increasing voter participation." And, "Cost savings should not be a concern in this discussion."

Since new methods of scanning signatures have become available since some of these studies were made; and since some jurisdictions may not have made use of the latest equipment for signature scanning and preparing bulk mailings, we cannot be sure if all costs are comparable.

There has been debate about whether the government should furnish a stamped envelope for the return ballot. This would greatly increase the cost of VBM. Some think that causing the voter to pay postage might be a form of poll tax, which would be unconstitutional. However, if dropoff sites are provided, as they are in most VBM elections, then voters do not have to mail in their ballots. Some citizens prefer to use the dropoff site because they do not trust the mail.

An interesting fact came to light when a survey¹⁸ was taken in Oregon in 1996 to see if there was any correlation between voting and having postage stamps in the home. Oregonians have to pay the postage to return their ballots, so participants were asked if they had postage stamps in the house at the time of the survey. Then a comparison was made correlating possession of stamps with whether the respondents were registered to vote and voted.

Eighty three percent of the sample said they had postage stamps in the house, and of those 81% were registered and 76 % voted. Only 67% percent were registered and 47% voted of those that did not have stamps in the house.

The survey also showed that respondents who usually paid their bills by mail or electronic banking were about 10 percentage points more likely to be registered and vote than those who dropped their bill payments off.

Ballot Secrecy and Voter Intimidation

When voting by mail or voting absentee, there is no problem in guaranteeing the secrecy of the ballot after it arrives at the counting center or elections office. The voter puts the ballot in a "secrecy" envelope that contains no identification of the voter. Then the secrecy envelope is put into an outer envelope which the voter must sign. That signature is then compared to the signature that appears on the voter registration form. After verification, the privacy envelope containing the ballot is removed from the outer envelope, and then opened in a separate process. Once the privacy envelope is separated from the outer envelope, there is no way to reestablish which ballot goes with which name.

In order to speed up the process, many jurisdictions, including Hawaii, are now using scanning machines that can call up the name. The latest innovation, which was used in Hawaii in 1998, is a bar code on the outer envelope, like the grocery stores use. The scanner automatically picks out the correct name for comparison without any entry being made by the person doing the scanning. Not only does this method save many hours of hand labor, but it verifies that the correct person has signed the envelope.

When a person votes in a polling site, secrecy is guaranteed. Even if you promised your mate, your friend who is running for office, your boss or your shop steward that you would vote a certain way, once you are alone in the polling booth you can vote as you wish. No one is able to look over your shoulder to see how you voted. The secrecy of *how* one votes is not guaranteed when voting by mail.

In a study presented in 1984, David B. Magleby states"²

"It is not surprising, given the unusual nature of mail ballot elections, that they would be challenged constitutionally. The central legal issue is whether mail ballots are secret ballots, which most states constitutionally prescribe....In August 1983 the California Supreme Court upheld the constitutionality of mail ballot elections. Justice Broussard said:²

"The fundamental importance of the right to vote persuades us that reasonable efforts by the Legislature to facilitate and increase its exercise must be upheld."

The court also said:

"Mail ballot elections serve two purposes as compared to voting-booth elections. First, voting by mail is often more convenient than voting at the polling place and mail voting increases voter participation. Second, mail balloting can provide significant economies in the administration of elections permitting agencies to call special elections with relatively little cost to ascertain voter sentiment on pending issues. (Peterson v. San Diego, 1983, p. 533).²

The use of absentee ballots is subject to the same lack of secrecy as mail ballots. Another case cited in the above study states:

"In a 1981 city council race in Sanger (Fresno County) three Hispanic candidates defeated three incumbents partly because of an unusually high absentee vote. One of the incumbents, Anne Beatie, challenged the election, claiming that campaign workers had watched voters mark ballots, and that this violated the secrecy requirement. In Beatie v. Davila the California Supreme Court disagreed:

"If a voter wishes to disclose his marked ballot to someone else, be it a family member, friend or a candidate's representative, he should be permitted to do so. To hold otherwise would cast a pall on absentee voting. We suspect that many absentee voters disclose their marked ballots to other persons before placing them in the identification envelope for return to the elections official or polling place. Such a voluntary disclosure cannot be deemed to violate the constitutional mandate. (Beatie v. Davila, 1982, p. 431)."¹²

Oregon Representative Lynn Snodgrass who is the House majority leader and chair of the House Committee on Rules and Elections has this to say about ballot secrecy:¹⁶

"...while proponents will tell you that little or no fraud exists because of little or no reports of fraud, I submit to you that, in fact, it does exist and that the reporting process is not being used.

"What family member would turn in another for tampering in any way with the voting decision? What mother would turn in a daughter for punching a hole marked "yes" when mom wanted to vote "no"? What dad will turn in his wife for not allowing him to privately vote?"

"I find it rather absurd that in a society that is finally becoming more sensitive to domestic violence, we would so quickly brush aside the issue of "domestic coercion" simply because it is not being reported.

"Finally, the matter of "group voting" is another example of potential intimidation that mandatory vote by mail can facilitate. Requests to bring your ballots to the church, the union hall, the senior luncheon or the college dorm lounge, so that individuals can "vote as a unified group," or "get questions answered" are potentially unethical and intimidating situations."

According to Kathryn Ferguson, the Clark County, Nevada, Registrar of Voters, it is quite common for applicants for absentee ballots to request that they be mailed to their union hall. This is not illegal since the signatures were in order and evidently there have been no formal complaints of coercion.

Ms. Ferguson also said that one woman recounted that her husband had told her how to vote. She voted in a polling booth so voted as she wished, but she told her husband she had voted as he directed.

Another study done in 1984 by Professor of Sociology Robert Mason found that there was a "suggested case of fraud." In a sample of 1,429 registered voters in Oregon, one woman's husband reportedly opened her ballot, marked it, signed her name and sealed her envelope, all without her knowledge.¹⁷ The study does not say if the woman reported her husband.

Surveys taken after the statewide balloting in the 1996 Senatorial race in Oregon show that there were a few cases where people felt pressured to vote a certain way. One person said his/her vote was changed because of that pressure.¹

Another report on the same election by professors Trogott and Mason¹⁸ states that 96% of ballots were marked at home. Half of those that were done elsewhere were done at work. The report continues:

"Two thirds of the respondents indicated that they were alone when they voted, and 30% indicated that someone else was present. Among the latter group, 61% indicated that they discussed the way they were voting with that other person. Virtually all of these respondents (98%) said that this discussion did not make them feel uncomfortable or under any pressure, but four respondents said it did. While almost all of the respondents (97%) indicated that they would have voted the same way if they were alone, four indicated that they would have voted differently if they had been alone."

The report goes on to address the concern about "ballot parties" as follows:

"While much was made in the pre-election media of the danger of "ballot parties," only three respondents indicated that they attended such a meeting, and fifteen more said they had been asked to attend one but did not. Two of the three who attended such a party indicated they received a suggestion about how to vote, and one person actually cast their ballot while they were there. No one assisted any of these respondents in marking their ballots while they were there, and none of their ballots was collected at such an event."¹⁹

The same fears were discussed several years ago when the use of absentee ballots was liberalized by many states. As some readers may recall, at one time there were very strict rules for voting absentee. Now, in Hawaii, a person does not have to give a reason for voting absentee; just request the ballot. Many people feared that groups, such as those named above, would hold some sort of function and invite or request members to attend. If it were to happen, it might be awkward socially or downright detrimental to one's employment not to attend. There were stories of this happening in California.

According to the previously cited study by the League of Women Voters of Oregon, "ballot parties" are illegal (a felony) in Oregon and such activity can be reported to the Elections Division.⁶ A church can lose its tax exempt status for such activity.

Who Votes By Mail?

This subject seems to be of utmost importance to incumbent office holders when any change is proposed in voting procedure. As we have seen earlier in this study, the party in power usually likes the status quo. There has been speculation that VBM would encourage a different type of voter, thereby adding a new dimension to election outcomes. But do the demographics really change that much with VBM, and if so, how? If the demographics show a change in one special election for Senator in Oregon, can these results be extrapolated to future elections? Should the politicians even be worrying about this?

In the preliminary report of a survey done by Priscilla Southwell,¹⁰ previously cited, "slight" differences were shown between those who voted by mail and those who traditionally voted at the polls or who were nonvoters. The survey covered the race for the U.S. Senate that was held when the incumbent Republican Senator, Bob Packwood, was forced to resign due to charges of sexual misconduct. The mail voter was slightly:

1. more likely to be a member of a minority race;
2. more likely to be a single parent;
3. more likely to be registered as an independent;
4. more likely to have moved in the past two years;
5. more likely to identify their work status as "keeping house;"
6. more likely to be paid by the hour rather than on salary or commission;
7. more likely to pay "a great deal of attention" to political events in Oregon;
8. less likely to identify themselves as "middle of the road" in ideological terms;
9. very similar to traditional voters in their vote for Senator in this election;
10. similar to traditional voters in caring about the outcome of the election and much more concerned than are nonvoters; and,
11. slightly less educated and informed than traditional voters but much more educated and informed than nonvoters."¹⁰

According to the study by professors Traugott and Mason, the survey suggests that more women than men voted in this election, but there were no gender differences in reported registration and voting rates. Also, respondents who were newly arrived in the state are less likely to be registered and somewhat less likely to vote than those who have resided in Oregon for a longer period.¹¹

But the Southwell preliminary report showed that people who had moved within the last two years voted significantly more by mail. These data are not necessarily in conflict. Percentage-wise, fewer new residents register and vote, but of those who did, more voted by mail. The report did not say whether these figures included only moves within the state, or moves from out of state, or both. This part of the report is titled, "Length of Residence---Moved Within the Last Two Years."¹⁰

Southwell ends her report by saying:

"Vote-by-mail is an electoral method that has attracted a great deal of national attention. Aside from the obvious effect on voter turnout and cost reduction, this survey suggests that the consequences of vote-by-mail are far less dramatic and earthshattering than has been suggested previously."¹⁰

The previously cited Magleby study², which was done in 1984, stated:

"Based upon these aggregate comparisons in Berkeley, San Diego, and Vancouver, it is apparent that voting districts with low rates of participation in polling place elections are also low in participation in mail ballot elections. Similarly, parts of the city where citizens vote in large numbers in traditional elections are the parts of the city with the highest rates of response in mail ballot elections."

The Magleby report, which dealt with special-issue elections in various cities and towns does not agree in many ways with the recent elections of Oregon and Washington. In general, his study found that older people vote more in mail elections, as do people with more education. He thinks that people with less education may have a harder time understanding and following the instructions for mail voting. Younger people do not have as much at stake as older people, especially since so many of the studied mail elections have been about taxes---usually property taxes.

Campaign strategists are concerned that when people vote at home, some vote early, some wait a few days, and others wait until the last minute to send in or drop off their ballots. Any such variable is worrisome to those conducting a campaign.

In 1993, it was found that in two densely populated counties in Colorado,⁵ the heaviest balloting was done either soon after receiving ballots, or the weekend before the election. In a 1995 election in one of the same counties, it was determined that older voters and those with a long history of partisanship were more likely to mail their ballots in early, even though the election was non-partisan. Unaffiliated or younger partisans tended to mail their ballots later.

This type of information means that those who run campaigns may have to change how and when money is spent to target certain categories of voters. Campaigners, especially party workers in Colorado and Oregon, found that it pays to explain how the ballot works and to encourage voters to mail in their ballots.^{5 & 18}

In the newspaper, The Oregonian of March 23, 1997, Professor Moore said,

"Three separate studies---by the University of Michigan, Brigham Young University and the University of Oregon...concluded independently that mail voting had no impact on the outcome of elections. Neither major party appeared to gain an advantage, because the additional voters resembled traditional voters in attitudes and how they cast their ballots."¹⁹

As we have seen, throughout our country's history the right to vote has been grudgingly extended. First, only white male property owners could vote. Then African American males could (try to) vote. Later, women could vote; then Native Americans; and lastly, eighteen year-olds.

The strange thing is that after all these groups obtained the right to vote, participation rates actually declined.²⁰ Was it a case of forbidden fruit? Or, perhaps we don't value that which comes too easily. Or maybe the Libertarians are correct in saying that many people do not believe that voting makes any difference in their lives.

Voter Registration And Fraud

Whatever the reasons may be for the decline in the rate of voting in recent years, the efforts to increase participation focused on making registering to vote easier and more accessible.

There was good reason for some liberalization of registration rules, especially in areas of the country where barriers had been placed to make it difficult for some citizens to become eligible voters. Another reason to make registering to vote easier is that Americans are on the move constantly. We change residences in our towns, states and across the nation. About one third of our population moves every two years. It used to be that someone might have to wait a year to vote after moving to a new area, but now a new resident can register and vote in days. Some states even have, or have had, same-day registration.

Oregon established same-day registration in the seventies despite much fear, in some circles, that Californians would come rushing over the border and vote illegally in nearby communities. What actually happened was that a cult known as the Rajneeshies (who may have been from California) settled in a sparsely populated area of central Oregon. They intended to resettle large numbers of homeless people on their property, and thereby take over the local government.²⁰ The plan was thwarted and Oregon no longer allows same-day registration. Same-day registration is not possible with VBM elections.

The Federal National Voter Registration Act of 1993 (NVRA) directs states to liberalize laws that control registration in Federal elections. The effect of this act has forced changes at all levels for states like Hawaii which has uniform statewide registration.

The Federal Election Commission has published a kind of guide²¹ for implementing the NVRA, but the preface of the tome states that it is intended only as a general reference tool. It advises that any laws or decisions the state might make should be made "...only after consultation with your state legal authority." It also says:

"It is very important to note, however, that the Federal Election Commission does *not* have the legal authority either to interpret the Act or to determine whether this or that procedure meets the requirements of the Act. Indeed, the civil enforcement of the Act is specifically assigned to the Department of Justice."

This must cause a great deal of consternation for elections officials and lawmakers as they try to "get it right". It seems that they must wait to see if anyone complains and then await a legal opinion. Then it could mean going to court. The purpose of the Act is clear however; to make it easier to register and vote, and to make it more difficult for people who do register to be dropped from voter rolls.

To this end, states are mandated to make registration available at all state offices that provide state-funded programs primarily engaged in providing services to persons with disabilities. It is suggested that libraries, schools, and all sorts of licensing bureaus also make registration available. Hawaii also provides registration forms in phone books, post offices and on line.

Identification is not needed. The applicant must affirm with a signature that he/she is telling the truth. In Hawaii the voter registration form is printed with the warning that it is a Class C Felony to knowingly falsify information. The signature affirms that the applicant is a resident of the state, is an American citizen and is, or will be, eighteen years old at the time of the election. Hawaii requires applicants to give their Social Security numbers when registering. It is forbidden under Section 7 of the Federal Privacy Act to use Social Security information for other than government purposes.

If a person gives a Post Office box number as an address, a geographical address must also be given, such as a street address or tax key number. This is so the applicant can be assigned a voting precinct and district.

During the *Wiki Wiki* Voter Registration drive in Kailua-Kona, Hawaii it was found that many new registrants of Hawaii County did not know their street name or number. People who live in rural areas often have no street, let alone a street number. Some had difficulty describing where they lived. But with the aid of a book of streets, roads and landmarks, registrars were able to track down where people lived.

If the applicant's birthplace is not in the U.S., the county clerk's office will check with the Office of Immigration and Naturalization to make sure the applicant is a citizen. But it is not the role of deputy (volunteer) registrars to question whether a person is a citizen. It can be pointed out that the person registering to vote is swearing that the information is factual.

There is a provision in the NVRA that if a person registers by mail, a state *may* require that the first time the person votes, it must be in person. If a state adopted VBM, a first time voter would not be able to vote at the polls. States like Oregon that use VBM have no such requirement.

Purging the Rolls --- New Rules

The most important change that the NVRA has brought forth pertains to purging voter registration rolls of people who fail to vote. In past years Hawaii has dropped from the rolls names of people who did not vote in either the primary or general election. The NVRA *does not allow persons to be dropped from the rolls for failure to vote only.*²¹

In Hawaii the County Clerks send out a Voter Registration and Address Confirmation card to each registered voter before Primary elections to verify information. By law, these cards are not forwardable. If a card comes back as undeliverable, the elections office can check with the Post Office for a forwarding address. If the person is still a resident, the card can be sent to the new address and the person will be asked to update the information. If a person does not respond to the address confirmation card the name will be "flagged" as questionable. If a person has not voted in two Federal election cycles and has not responded to the card, the elections office can then assume that the voter has moved from the jurisdiction and remove the name from the active voter list.

Through the National Change of Address (NCOA) system, a computerized system available to licensees with the Post Office, states or other jurisdictions can continually update changes of address on their voter rolls. This service must be paid for by the jurisdiction keeping the rolls, which, in Hawaii, is the counties.

But even if a person fails to respond to any of these notices, the individual is given the benefit of the doubt. Possibly the notices, for some unknown reason, were not delivered to the person. In Hawaii, if a person who has moved and did not respond to the verification cards shows up at the polls on election day, he/she will be permitted to vote at the new address when certain requirements are met. (See page 21)

The reasoning behind all this is that voting, like freedom of speech, is a right, not an obligation. If, for whatever reason, a person chooses not to vote, that person should not be penalized by being purged from the voter rolls. It was also felt by some, especially civil rights leaders, that the old method of purging voter rolls disenfranchised minorities and the poor more than any other class of voter.²¹

Because names are only actually purged because the person has so requested, died, or registered to vote in another state, there is a lot more "deadwood" on the voter rolls now. The Clark County, Nevada, Registrar of Voters said that because of the NVRA rules, they now have about 80,000 inactive voters on the rolls. Of these, only 449 voted in the last election.

A survey of Secretaries of State completed by all but seven states showed that in the Federal General Election of 1996, a smaller number of people actually voted than in 1992. This was so even though a greater number of people was registered to vote in 1996. The total number of people voting in the Presidential election of 1992 was 97,451,117. In 1996, also a Presidential election, the total was 90,101,341. The percentage of registered voters who voted in 1992 was 77.28; in 1996, the percentage was 64.69²²

The experience of only two Presidential elections may not be enough for us to fairly judge whether the NVRA is producing the desired results of increasing voter turnout. If it is proven to be ineffective, and at the same time adds to the task of keeping accurate voting rolls, some parts of the NVRA may need an overhaul.

The cost of mailing the verification notices plus follow-ups has risen, as has the job of doing all the paperwork. However, the NVRA does mandate that the Postal Service make available to states and localities the same postal rate as for qualified non-profit organizations. Unfortunately, this rate is not first class.

Partly because of the NVRA, and partly because many states had already taken the initiative to make sure their voter registration lists are up to date, many states and jurisdictions have modernized their record keeping. Hawaii notifies other states, and is notified in return, when voters register from out of state. Our county clerks exchange information through our centralized state system. If a person registers twice, even if it is in another county, that information is available to all the county clerks because of our centralized data bank.

The Offices of the County Clerks must, and do, communicate with the various agencies to find out about felony convictions, releases from prison, deaths, and persons who have been declared mentally incompetent. The Federal Courts send a notice of Federal felony convictions to Hawaii's Elections Office.

Because Hawaii usually holds elections only every two years, it is almost certain that a large number of people will have moved in that time. Many people do not feel the need to register the change of address until right before the election. In fact quite a few forget about it entirely. In Honolulu City and County when the voter notification cards were sent out in June, 1998, approximately 10% (about 40,000 cards) were returned by the Post Office. About 25% of the population of Honolulu moves every year. The Chief Elections Officer of the State of Hawaii, Dwayne Yoshina, says that the state, as a whole, averages about a 10% undeliverable rate.

In Washoe County Nevada, only sixty days after completing a National Change of Address process in coordination with the U. S. Postal Service, about 6% of ballots were returned as undeliverable.⁹

Vote Fraud

The inability to purge registration rolls and to affirm voters' addresses worries many election officials and ordinary citizens.

In Clark County, Nevada, VBM Republican Primary, nearly 10% of the ballots were undeliverable. As to whether there was any indication of fraudulent voting, the Clark County Voter Registrar had this to say:⁸

"There were no indications of fraudulent voting. However, ballots were delivered all over the County to former residents who did not fill out a change of address with the post office when they vacated their address of record: new residents automatically received the old residents' ballots. In addition, most of the people voting early and in the office on election day did so because they never received their ballots in the mail. Many of these voters' addresses were correct: the post office simply failed to properly deliver the ballot. To whom were these ballots

delivered? In numerous instances, some members of a household received their ballots while other members did not."

The Registrar went on to say that they were still receiving (late) ballots. She also told how hard it was to validate all the signatures to detect fraud. She adds that these problems may not be a factor in Nevada's smaller, more stable voting populations, but it certainly was in Clark County, with its burgeoning, transient population and a history of voting problems.²² The report did not say what the voting problems were.

The report from the Office of the Registrar in Washoe County, Nevada, says:

"The integrity of the entire election process is profoundly challenged by the conduct of mail-in registration in conjunction with all mail elections." and, "...a significant percent of the applications received had incorrect information, e.g., wrong birth date, misspelled last name, etc. Our system's duplicate analysis cannot find duplicates when erroneous information is provided. Consequently, such applications are classified as new and a single voter could have multiple registrations in the system.... A fail-safe method of dealing with these types of problems would be imperative if there were any future all mail elections."²³

Even in Oregon, the Traugott and Mason¹⁸ survey of the 1996 Senatorial race shows that:

"...2% of respondents reported they or someone in their household received more than one ballot, and one in twenty respondents (5%) indicated that a ballot came to their household addressed to someone who does not currently live there. The accuracy of mailing lists is inversely related to the leniency in purging procedures that permit people to remain eligible to vote even after a period in which they have not voted (for any number of reasons)."

The importance of keeping accurate voter rolls and checking them for all types of elections was underscored in March, 1998, when the election of the mayor of Miami was ruled invalid by a judge due to voter fraud. In this case the fraud was found to occur mainly in the absentee balloting. People signed for absentee ballots fraudulently. Even the dead were voting.

In the case of the mayor's race in Florida, the judge threw out 5,000 absentee ballots. The decision was upheld by the Third District Court of Appeal in March, 1998. The loser said he would appeal to the state Supreme Court.²³

A detailed article from the February 8, 1998, Miami Herald newspaper²⁴ tells how the vote fraud there was carried out. Some of the examples are:

Campaign workers asked voters to sign the ballots and then hand them over. The campaign workers then voted them. Since Florida also requires the signature of a witness, the campaign workers signed many ballots as witness. Some had the same name at the same address voting more than once. This was illustrated by photos of three signatures supposedly made by someone named Maria Gomez, all at the same address. These signatures were obviously different.

Voter registration cards were taken from people living in one district and switched to make it appear they lived in another. Some absentee ballots were sent to homes where the "requesters" no longer lived. The ballots were then picked up by a third party, voted, fraudulently signed and sent back to the election center and counted.

There were other methods employed in the fraud. It was apparent that the fraud was so wide spread that it must have been organized at some level. Some of the campaign workers who were involved in the fraud were hired as city workers after the election.

In the article "Votes For Sale" in the Reader's Digest,²⁵ the authors tell about cases of voting fraud in many states. Some of the fraud can occur at the polls where people have been paid to vote a certain way. For this type of fraud to work, poll workers and other officials have to be involved, which means the whole political process is corrupt.

Most of the cases of fraud occur in absentee balloting. The inability of jurisdictions to keep accurate voter rolls and check signatures is the worst problem. People have gone to the polls to vote and been told that they had already voted absentee. There have been incidents where someone visited nursing homes to "assist" incapacitated patients, even those with severe Alzheimer's disease, to vote absentee.

The article says that the NVRA is making the situation worse and that Congress should repeal the Motor Voter Act or amend it to allow more frequent pruning of the registration rolls. It calls for states to intensify efforts to verify voters' identities and to tighten the lax standards for absentee ballots.²⁵

The ability of the public and the media to have unlimited access to voter names and addresses as a deterrent to fraud was addressed in a recent editorial in the Honolulu Advertiser. The editorial cited various instances of vote fraud in Hawaii and other areas that were brought to light because citizens found discrepancies between voters names and addresses. The editorial was prompted by a recently passed Hawaii law to withhold registrants' addresses from public access.²⁶

Under the part titled, "Public Disclosure of Voter Registration Activities", (Sec. 8) the NVRA says:²¹

"(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters,....

"(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices....are sent...."

The purpose of open voting lists was to prevent fraud, but there are some people who may feel the need to withdraw from voting because they may be in danger if someone finds out their address. The Federal Election Commission Guide lists some categories of citizens who might be

in jeopardy if their addresses were made public, such as...."law enforcement officers, abused spouses, stalker victims, public personalities, and the like." ²¹ How can such people be protected under the law without letting others, also claiming the right to privacy, remove their addresses from the rolls? (See Appendix for Hawaii Election Officials' comments)

According to the accompanying news article in the Honolulu Advertiser,²⁷ the Hawaii law:

"...allows voters to keep their addresses and phone numbers confidential if they claim that they or their families would be threatened or that they would be subjected to 'an unwarranted invasion of privacy.' These voters must cast absentee ballots."

Another problem is the use of Social Security numbers in Hawaii and other states. In the age of computers, giving public access to SS numbers is extremely unwise. Some people refuse to register when they find this requirement on our forms. Of course, the same problems are possible with the use of SS numbers on drivers' licenses. Social Security numbers and addresses are no longer included on voter lists available to the public in Hawaii. The only information now available to the public is name, district and precinct and whether the person is on active or inactive voting status.

The March 4 edition of Election Administration Reports ²⁸ tells of an innovative method used by the state of Kentucky to purge its voter rolls. The report says:

"All states are currently connected through a computer system so that information available to one state may be available to all. When drivers move from one state to another and seek a driver's license in the new State, this action usually cancels the driver's license held in the former State of residence.

"Kentucky has a statewide voter registry. The State Election Board obtained a computerized list of all driver's licenses that had been canceled by former Kentucky residents over the past 12 months. A cross-check revealed that of the 40,448 former Kentucky driver's license holders, 16,540 were listed on the Kentucky rolls as registered voters.

"The names of these registered voters were deleted from the rolls because they had signed a statement in another State claiming residence there and no longer could claim the right to vote in Kentucky."

In Hawaii, election officials do compare voters to drivers' licenses, but not everyone has a license, especially elderly people. The City and County of Honolulu has begun to use the signature from drivers' licenses as the official signature for voting purposes because the person has to appear in person to apply for a driver's license. Honolulu County also uses a computerized system to check each registrant's address with the building department to see if an address really exists. This system has already found irregularities in addresses, including some "mail drop" addresses, (That is, businesses that receive mail for customers). These are not legal addresses. Neighbor Island counties do not have the above capabilities.

The report by the Washington State County Auditors⁴ contains a quote from another study done by Anderson, Keegan and Shaklee which concluded:

"All-mail ballot elections are more secure from fraud than poll-site elections because verifying signatures on mailed-in ballots is a certainty, while verifying signatures at poll sites is no longer allowed since the passage of the National voter Registration Act of 1993."

Although election officials in others states believe that identification is not required and should not be requested, Hawaii requires a picture identification when voting at a polling site. If the voter forgets to bring an I.D., the voter must give vital statistics to prove identity. And if a registered voter shows up at the polls and his/her name in the poll book has been "flagged" because of a questionable address, the person will still be allowed to vote. But the would-be voter is required to complete a Registration Affidavit and affirm that the information is correct, before voting is allowed. This process is time consuming and may result in redirecting a voter to his/her proper voting place.

Election officials and the League of Women Voters in Oregon do not share the worries about people voting more than once. They report that some people have tried it and been caught. One election official reportedly tested the system just to see what would happen and the duplicate was indeed detected. There was a case where several absentee ballots were sent from the same address, but they also were flagged.

IN GENERAL

Almost everyone agrees that for most elections, voting by mail has saved money and produced a larger voter turnout than polling place elections. A combination of voting at polling sites and also allowing unlimited absentee balloting is certainly more expensive.

The experience of most localities with VBM has been for special, one issue elections. These elections, which usually have a small voter turnout, have had a much greater participation when done by mail. This is very important in some elections where a certain percentage of return is mandated by law in order to pass a measure.

As mentioned earlier, this method was proposed in Hawaii for special elections. In future elections, if the people vote to convene a Constitutional Convention, and a special election is held to elect delegates, VBM might be an answer to the abysmally low turnout of the past. Mail balloting might also make a runoff election affordable, so that the delegates elected are more representative of their districts.

The ease of VBM, plus the ability to study the ballot at leisure, is also a plus. A voter has several days in which to mull it over and either send it in or drop it off. It doesn't have to be done all at once, or while standing in a polling booth while others wait their turn. If something unforeseen occurs on election day, a person may not be able to get to the polls.

A recent study reported in the West Hawaii Today newspaper²⁹ has some alarming news. It says:

" 'Among Americans who were registered but did not vote, more than one in five told us they didn't go to the polls because they couldn't take time off from work or were too busy,' said Lynne Casper, co-author with Loretta Bass of the report, Voting and Registration in the Election of November 1996. That, she said, was triple the proportion of nonvoters who gave that reason in 1980.

" 'Time constraints are now the single biggest reason Americans who are registered give for not voting,' Bass said. 'Many people these days are finding their employers are putting so many demands on them, they can't take time off to vote.'

The percentage of people voting absentee doubled since 1980. But the peak age for all voting was between 55 and 74, with more than 7 of 10 citizens in this age group casting ballots. This age group would more likely be retired or enjoying more job stability than younger voters. This report was based on a November, 1996, "Current Population Survey" of nearly 50,000 households.

The report showed that in many cases people were ill or emergencies came up on election day that prevented them from voting.²⁹ Mail balloting would relieve many of these problems.

Hawaii has a law (HRS 11-95) that mandates employers to give employees two consecutive hours off in which to vote. Normal lunch or break times are not included in the two hours. The employee must be ready to prove that he/she did indeed vote by presenting a voting receipt.

The hardest problem to resolve in having elections by mail is the same problem we have now---getting and keeping up-to-date addresses for registered voters. Although, with the technology that is already available and in use, as long as a signature is on file, it can be compared to that on the ballot envelope. So if a ballot did go to the wrong address and someone else voted and signed it, it could be easily detected and rejected, just as a fraudulent absentee ballot can now be detected. Since age or infirmity can change one's signature, it might be necessary to ask people to sign a new card at certain intervals to keep it up to date.

A report by the United States General Accounting Office says:

"It should be made clear that the issue in regard to fraud and abuse is not whether they can or will exist. Rather, the issue is whether fraud and abuse are greater in mail balloting than in conventional elections. It is clear that conventional elections are not free from fraud and abuse. For example, in a graphic demonstration of the possibility of fraud in conventional polling, Barbara Nevins, a New York City WCBS-TV newscaster, described how she registered five different times under false addresses in 1988, and subsequently was admitted to all five polling places. (New York Times, April 23, 1988)³⁰ And this was before the National Voter Registration Act.

The success, or lack thereof, for VBM is not uniform in the many states and jurisdictions where it is used. In going over the material provided by states, studies, reports, etc., it is clear that there are many ways of conducting these elections.

Some local election officials go to great lengths to track down potential voters when address cards or ballots are not deliverable. A publication called All Mail Ballot Elections³¹ outlines how different states and counties handle their elections. It goes into great detail about every aspect of VBM. One can see that successful mail elections really depend on how well organized and how thorough a job elections officials do in a given jurisdiction.

The problems, such as unreported address changes, that trouble some election officials do not seem to bother others. The above cited publication says:

"Nonforwardable ballots that are returned to the election office as undeliverable alert officials to check the registrations of those persons. Several local officials reported that mailing ballots to all registered voters within a jurisdiction enabled them to clean their registration rolls of significant numbers of ineligible voters."

The Absentee Ballot Specialist of Multnomah County, Oregon (Portland metropolitan area) said that they love voting by mail there even though sometimes as many as 30% of the ballots sent out are returned by the postal service. (Of these about 10% would be undeliverable, 10% needed updated addresses, and 10% would be to voters that had moved out of the jurisdiction.) In the 1998 General election, which state law prohibited being conducted by mail, over 50% of the vote was by absentee ballots. It was her opinion that there was less fraud when voting by mail.

In North Dakota, which is the only state that does not require registration, some precincts have a blank poll book which voters sign at the polls before voting. The explanation of why North Dakota can do this is that it is a rural state where people know each other. Although state law allows cities to register voters if they wish, only one small city does so.³²

The information sheet from The Secretary of State of North Dakota says that they have had very few, if any, known incidents of fraud, and none that were prosecuted. It goes on to say that people are concerned about it, especially as communities grow and the rural nature of the state diminishes.

The position of the Secretary of State has been:

"...let's wait to pursue the possibility of enacting voter registration in North Dakota until the challenges and disagreements with the National Voter Registration Act (NVRA - enacted in 1993) are resolved."³²

According to the questionnaire of Secretaries of State, a majority of states would like to have some changes made in the NVRA. Almost all cite worries about not being able to purge the voter rolls which may lead to fraud---although, interestingly enough, some states were not worried about it.²²

With the communications technology now available, it seems only a matter of time before some sort of national clearing house for voting will enable elections offices to keep better records. But, when laws are enacted by the Federal Government for states to carry out, states and local jurisdictions do not always have the funds to make use of the technology that is available. (Just as Honolulu can make use of the latest cross-checking devices and the Neighbor Islands cannot). The Postal Service Address Check is expensive, and, as stated earlier, the special rates are not for first class mail. The Secretaries of State overwhelmingly agreed that the mailing of registration material mandated by the U.S. Government should be first class, but given a special low rate.²²

The remaining discussion of voting by mail in every study has centered around the tradition and ceremony of going to the polls. For some people, the idea that there might no longer be polling sites is unthinkable. Many feel that seeing your neighbors at the polling place is seeing democracy in action; an object lesson in civic responsibility. Others believe that a greater benefit is gained when children see their parents talking over and studying their ballots at home.

Some say that our modern life style does not leave room for the waste of time and inconvenience of going to a polling site. With the ease of absentee voting, thousands of people already do not go to the polls. They say we don't know our neighbors anyway, so polling site elections are no longer safeguards against fraudulent voting. But, then others ask, if we have already lost so much contact with our neighbors, do we want to depersonalize our society even more?

The Secretary of State of Oregon, Phil Keisling, reported that many people like to consult with others when they vote. Many times a voter, when confronted by an unfamiliar ballot issue or candidate, feels the need to discuss the matter with others. This cannot be done in a poll booth.²⁴

Some states, including Hawaii, now make it possible to vote early at designated polling places. According to the Clark County, Nevada Registrar of Voters some jurisdictions in such states as Texas (the first state to have early voting) and Nevada go to great lengths to encourage people to vote early. They even set up polling sites in shopping malls and have roving sites that go to isolated areas. In San Antonio, Texas 53% of ballots were cast in early voting in 1992.

States that use, or are contemplating using or expanding the use of VBM, have adopted a "go slow" program. They are trying it out in small doses to see how it works for them. If they like the results, then its use may be expanded. Everyone will be waiting to see how Oregon fares with all mail elections.

If local election officials do not do their job, or if corruption is present, no system is safe from fraud, especially with thousands of people voting absentee. Hawaii has enjoyed many years with few cases of fraud and none that were in any way traced to corruption. When many elections are decided by a few votes, the people must have confidence in the election process no matter which election system is used.

A method that makes it possible for more people to participate while still safeguarding the integrity of the ballot would be the best of all possible voting worlds.

RECOMMENDATIONS

This study by the League of Women Voters should be taken as an overview on voting by mail. It would be appropriate that a more complete study of the feasibility of voting by mail in Hawaii be done by the experts themselves—our state and county election officials. The subject should be first analyzed from a purely technical point of view. The discussion of how voting by mail fits in with tradition and other philosophical aspects of citizenship should be a separate issue. The findings of the study could then be a guide for legislators and citizens to make a thoughtful decision on voting methods based on sound knowledge.

Since most lay people have very little idea of how complex the laws are for conducting registration and elections, it would be very desirable for election officials to present findings and to answer questions in person for interested organizations, especially political groups and the Legislature.

The Association of Clerks and Elections Officers of Hawaii has been already been most helpful to the League of Women Voters by responding to a series of written questions sent to them in December, 1998. The responses to our questions and other information is included in the Appendix of this study.

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- * Most of these references are from studies, reports, surveys and papers which may not be readily available except through election offices.

OTHER SOURCES**

- Dwayne Yoshina, Chief Elections Officer, State of Hawaii, 802 Lehua St., Pearl City, HI 96782.
- Cira de Castillo, Registration Specialist, Office of Elections, State of Hawaii, same as above.
- Ed Kozohara, Elections Supervisor, County of Hawaii, 25 Aupuni St. Hilo, Hawaii. 96720.
- Ken Hashimoto, Elections Administrator, City and County of Honolulu, 530 S. King St., Honolulu, HI 96813-3077.
- Paula Krane, President, League of Women Voters of Oregon, Candalaria Mall, 2659 Commercial S.E., Ste. 220, Salem, OR 97302.
- Fay Law, President, League of Women Voters of Florida.
- Mary Knight, Government Chair, League of Women Voters of Florida, 503 Coldstream Dr. Tallahassee, FL 32312.
- Kathryn Ferguson, Clark County, Nevada, Registrar of Voters, P.O. Box 551310, Las Vegas, NE 89150.
- Joyce Admire, Multnomah County Senior Office Clerk, Absentee Ballot Specialist, 1040 S.E. Morrison, Portland, OR 97214.

** Interviews by telephone.

ASSOCIATION
OF CLERKS & ELECTION
OFFICERS
OF HAWAII

Members:

County Clerk of Hawaii
County Clerk of Kauai
County Clerk of Maui
City Clerk of Honolulu
Lt. Governor of Hawaii

January 14, 1998

Ms. Marian W. Wilkins
Study Chair, Voting By Mail
73-1410 A Kaloko Drive
Kailua-Kona, Hawaii 96740

Dear Ms. Wilkins:

Happy New Year! This responds to your letter of December 18, 1998 requesting our review of your draft report. Thank you for the opportunity of review and comment.

This matter has been discussed with the Association of Clerks and Election Officers of Hawaii (ACEOH). The city/ccounty clerks have received copies of your report. We have decided to respond in a single letter to you.

We will attempt to address all questions noted in your draft study. We respond in turn:

I. QUESTIONS WITHIN BODY OF LETTER

1. WOULD LIKE TO KNOW IF THE STATEMENTS MADE ABOUT HOW THINGS ARE DONE IN HAWAII ARE CORRECT.

In general, your summary comments relating to election laws and administrative practices are correct.

As it relates to voter privacy, this has been an area where election officials have struggled to balance the "public's" right to know against an individual's right to privacy. Given provisions in law which allows voters to be challenged before and on election day. And the right of citizens to view registration information, it would appear that a balance has been struck. But as is all cases of public policy these change with changes in public expectations and experience.

HONOLULU SOCIETY OF CITIZENS
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We believe it would have been helpful had the Honolulu Advertiser noted that the challenge process and the right to view registration data are still available to citizens with legitimate election purposes and that this information, when combined with personal knowledge, may still be used to maintain the integrity of the election process. A recent news article about discount cards in grocery markets is yet another example of how concerned individuals are about their privacy.

2. **ENCOURAGE GREATER PARTICIPATION IN ELECTIONS BY REMOVING OBSTACLES TO REGISTRATION AND VOTING?**

Initial experience in Oregon appeared to show that VBM increased voter participation. But, most recently, it appears that there was a plateau reached.

It is our experience that participation has less to do with the so-called "administrative obstacles and impediments" than with other factors. For example, during the past twenty or so years, the various election administrations and legislatures have eliminated such "obstacles and impediments" — this resulted in no appreciable or significant increases in participation rates.

3. **PRESERVE THE INTEGRITY OF ELECTIONS BY MINIMIZING OPPORTUNITY FOR FRAUD AND MANIPULATION OF VOTERS?**

We are uncertain about this.

Theoretically, because ballots are sent directly to voters and then from voters directly to election officials, there should be less opportunity for fraud and manipulation of voters.

But as noted in your report, incidences of group voting have been reported. It would be well to note, however, that such may be the case now with absentee voting.

It is, however, ultimately the voters' responsibility to vote their consciences.

4. ASSURE BALLOT SECRECY?

Procedures now exist which assure that a voter's vote/ballot remains secret. Of course, if there is ever a single ballot style in which only a single voter votes, the secrecy of that ballot may be compromised.

We agree with comments made beginning on page 9 and proceeding through page 11.

But this is really in a purview outside of the jurisdiction of an election official. If we are to follow the logic to its conclusion, should we do away with absentee voting? Apparently, not.

5. CONDUCT ELECTIONS AND VOTE COUNTING IN THE MOST EFFICIENT AND COST-EFFECTIVE MANNER?

It is our belief that special case elections would lend themselves to this application. It appears to be an efficient and cost-effective manner to conduct elections which are for limited geographic areas (e.g., single district) or under special conditions (e.g., special election within a specified time frame).

6. ARE ALL OF THE ABOVE OF EQUAL PRIORITY?

We are uncertain of the meaning of this question.

II. RESPONSES TO VOTE BY MAIL QUESTIONNAIRE

1. WHAT PROBLEMS, IF ANY, DO YOU FORESEE IF HAWAII INSTITUTED VOTING BY MAIL?

Voting By Mail (VBM) will shift much more responsibility for system security and integrity on election administrators. VBM means much additional work is needed to further develop administrative infrastructure necessary to implement a full scale voting by mail process.

For example, additional staffing is required to just handle mailings. Administrative requirements of space, information management infrastructure, mailing addresses, current signatures, and the like are also required.

2. WOULD IT COST MORE OR LESS THAN TRADITIONAL ELECTIONS?

Our information indicates that in the long term, and in macro-government terms, it would cost less. But, it should be noted that much of the costs would be shifted to local jurisdictions. Additionally, near term start up and development costs may be high. This comment, of course, anticipates a monolithic approach to voting, i.e. an election is conducted using a single way of voting – VBM. It would necessarily not include in-person voting of any kind.

We are unaware of what the cost ramifications are at this time. We cannot state with certainty what the cost impacts might be.

3. ^{Do} WOULD YOU THINK THAT FRAUD WOULD BE A PROBLEM IN HAWAII?

We do not think it would be a problem. Procedures are in place to compare signatures on the registration affidavits and affirmation statements on the mail return envelopes.

Additionally, we have a system to flag voter records with questionable residence addresses.

Moreover, challenge processes would probably be amended to provide procedures to challenge voters.

Finally, it would mean that election administrators would necessarily be more vigilant of the possibility of fraud. They would implement front-end and back-end procedures to address the possible problem areas.

4. WOULD YOU SUPPORT VOTING BY MAIL FOR THE STATE OF HAWAII AT THIS TIME?

In general, "Yes" for special situations only. We will again introduce such a measure during this legislative session.

It is our understanding that the Hawaii State Association of Counties (HSAC) is also proposing a similar measure for county elections during this legislative session.

5. WOULD YOU SUPPORT A TRIAL PERIOD FOR VOTING BY MAIL? IF NOT, DO YOU SEE IT AS A POSSIBILITY FOR THE FUTURE IF CERTAIN CHANGES WERE MADE IN NATIONAL OR STATE LAWS?

In general, "Yes".

6. WOULD YOU RECOMMEND ANY CHANGES IN VOTER REGISTRATION LAWS OR OTHER RULES THAT PERTAIN TO VOTING?

This is a broad question. We do, however, suggest the following to start:

- . Disclosure of social security number should be mandatory for voter registration purposes. This should be done at the federal level.
- . The National Voter Registration Act (NVRA) should be amended to allow the automatic removal of voters who have failed to vote after two election cycles have gone by.
- . Voters holding questionable addresses should be held responsible for updating their records when they move and not be allowed to vote until they do so.

Presently, under NVRA the clerks are required to do follow-up before voting is denied.

- . All mailings of ballots should be handled as first-class mail by the U.S. Postal Services. Presently, in the City and County of Honolulu, mail is handled as third-class bulk mail for non-profit organizations. It pays for "return services requested".

Neighbor Island counties send all absentee ballots as first class mail with a reduced pre-sort first class rate for mailings greater than 500 or a single piece rate for mailings less than 500.

Perhaps, USPS could be mandated to permit all agency based election related mailings to be forwarded postage free.

- . Upgrade election violations and increase penalties for abuse and false information.
- . Require voters to update registration periodically to obtain current addresses and signatures.

Ms. Marian W. Wilkins
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Ms. Marian W. Wilkins
January 14, 1998
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Enclosed for your information are:

1. Statewide Recap and Adjusted Recap of Registered Voters, Voters Turnout and Percentage of Turnout for the 1998 General Election, November 3, 1998

2. Fact Sheet - State of Hawaii County Clerks

Not included in Appendix

3. News article regarding "Privacy part of price for groceries". Honolulu Advertiser, Jan. 8, 1999

4. Vote by Mail Proposal to 1999 Legislature.

We hope we have responded to your questions completely. Should you have any additional questions, please call us at (808)453-VOTE(8683). Thank you for the opportunity to participate in your study.

Sincerely yours,

Dwayne D. Yoshina
Secretary/Treasurer, ACEOH

DDY:ll
#9901019

Enclosures: IN/FV Stats
Vote By Mail Proposal
Fact Sheet / News Article

c. ACEOH

**Statewide Recap and Adjusted Recap of Registered Voters, Voters Turnout and Percentage of Turnout
for the 1998 General Election, November 3, 1998**

City or County	Registered voters ¹	Voters Turnout	% of Voters Turnout	Type FV voters ²	Type IN voters ³	Adjusted registered voters (Registered voters less Type FV & IN voters)	% of voters turnout after adjustment
Hawaii	77,726	53,658	69.03%	6,181	6,530	65,015	82.53%
Honolulu	423,875	291,114	68.68%	35,661	35,282	352,932	82.48%
Kauai	33,063	24,366	73.70%	2,463	2,163	28,437	85.68%
Maui	66,740	43,382	65.00%	7,306	4,645	54,789	79.18%
Statewide	601,404	412,520	68.59%	51,611	48,620	501,173	82.31%

¹Source: Voter Registration Statistical Report as of 10/5/98. Includes qualified OHA registrations.

²Source: Memo from City & County of Honolulu; RE: Fail to Vote Statistics. Identified as voters who failed to vote in both 1996 and 1998 Elections. These voters maintain an "active" status.

³Identified as voters who failed to vote in 1994, 1996 and 1998 Elections. These voters are on "inactive" status, but will be allowed to vote if they appear at the polling place for the purpose of voting on election year 2000. Failure to vote on election year 2000 will require these voters to re-register in order to vote in the following elections.

⁴The result of turnout based on adjusted registered voters.

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VOTE BY MAIL STUDY
CONSENSUS QUESTIONS FOR LWV MEMBERS
JANUARY, 1999

1. Should the League of Women Voters of Hawaii support voting by mail for any elections?

Yes _____

No _____

2. Check which types of elections you would like to see conducted by mail?

All elections _____

No elections _____

General elections _____

Primary elections _____

Special statewide elections _____

Special county elections, such as for referendum or initiative measures _____

Other _____

3. Should the LWV/HI support any other changes in voting registration and /or voting laws or procedures? Please write your suggestions or comments below.*

*Your local League should be scheduling a program on Vote By Mail, so you may return the completed consensus questionnaire after the meeting or send it to your local League President for compilation.