

Vote by Mail Update to LWV/HI Council, August 14, 2010

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Background

After a smattering of state-wide elections were held by mail in the state of Oregon, the Secretary of State, the Oregon League of Women Voters, and other organizations launched a campaign to put the issue of voting by mail to a vote of the electorate. This initiative measure was passed in 1998 and the next state-wide election was held solely by mail in 1999 as have all state-wide elections since.

A study of voting by mail (VBM) by our state League was published in January 1999 (available on the League website). Our local Leagues then took a consensus on the subject. Hawaii County and Honolulu Leagues were in favor of voting by mail. The Kauai League later reported they could not reach a consensus. When I looked at the actual tallies from the Kauai League I saw that only two attendees were entirely against VBM. I assumed that the definition of “consensus” was different from the other two Leagues.

All Leagues emphasized that state laws and implementation of safeguards must be in place in order to ensure that the opportunities for fraud and abuse are minimized.

The Kauai and Hawaii County Leagues said it may be appropriate for counties to try voting by mail as a trial. The Hawaii County League lobbied to have a trial of VBM but was not successful in persuading the council or legislature to do so.

Updates

In 2008 I did a brief update on how VBM was faring in Oregon. Because of the concern about ballot security and fraud, I spoke with two Compliance Specialists who work for the Oregon state elections division. I asked them a series of questions about how voting by mail works, and the kinds of problems they have dealt with. They thought it worked well. The notes from these interviews are included at the end of this report.

In earlier conversations with an official with the Oregon Secretary of State Elections Division and Clackamas County election officials, everyone I talked to thought VBM was working fine in Oregon.

Oregon is the only state that requires all elections to be by mail. In Washington State, all counties except Kitsap (Tacoma is in Kitsap county) have adopted all mail voting. Voting by mail is allowed at the county or jurisdictional levels in many states and many are using it.

I found several studies on VBM—some were favorable to mail voting and some against. The most common factors I found for those unfavorable reports were actually the same as concerns of those that favored mail voting. Keep in mind that permanent absentee voting has the same problems as all mail voting.

One safeguard that was regarded as crucial for any method of voting was that there be a paper trail. No touch screen machines. There must be checks on vote tabulation by people. We do have such a process in place in Hawaii. Committees in each county choose random precincts to do a hand count on election night.

A major concern was keeping up to date voter addresses when ballots are mailed. In some metropolitan areas, Honolulu included, about 25 percent of residents move every year. County clerks send regular updates to the state elections offices when people register or reregister to vote after moving. Throughout the U.S. election officials send changes of address to the proper state election office. But if a person does not reregister to vote in another area it may be possible for the mail to be mistakenly delivered to an old address. The post office does do a very good job in not delivering the wrong mail, but it does happen. It is really up to the citizen to promptly reregister when moving. This is a major concern when voting by mail as the ballots can be sent to the wrong address. This leads to another concern which is that someone other than the proper person will mark the ballot.

Signature verification is of major importance given that it could be possible to vote another's ballot. Even a family member could vote for another. County workers compare each signature to the voter registration cards. Because of this, in Oregon, county clerks and staff who process attend workshops conducted by signature specialists who are part of the state police system.

Even though the vast majority of ballots will either be mailed in or dropped off, some polling places should be available for those who need them. There should also be an accessible public place designated for the homeless. Oregon also makes available aides that can go to a person's home or other location to help those in need because of illness, illiteracy, or non-English speaking persons.

A voter in Washington State complained that a large number of mailed-in ballots were lost or delivered late in one election and nothing was done about it. He said that numerous people were disenfranchised. Counties are able to contract out the mailing process to private companies rather than doing it all in-house. Hawaii did this in its recent VBM election. An e-mail from the Multnomah County Oregon elections division states: "We work closely with the local post office for timely delivery and return of ballots."

The time for certifying an election should be flexible enough so that any such glitch can be rectified in time for votes to be counted. No one should be disenfranchised because of bureaucratic error. Unfortunately, many people do complain if the results of an election are not available immediately, and voting by mail with all the safeguards can take longer.

The ability to study a ballot at leisure at home and possibly discuss issues with family or friends was listed as a plus. The minus was that family members might be coerced to vote a certain way. In Oregon "ballot parties" are not allowed in order to lessen the possibility of organizations coercing members to vote at a meeting or a get-together. Again, state law would be needed to address this problem, if it indeed exists.

The sense of community that is felt by going to an actual polling place is very important to many. The counter to this is that in most areas you would probably not see anyone you know. Children would learn good citizenship when they see parents discussing the election and voting at home.

One study of four northern California counties in all mail voting showed that districts that had many people with Hispanic and/or Japanese names had a lower turnout in voting. The assumption was that they may have not been fluent in English. The elections followed actually showed fewer people voting than previous elections where voters had a choice of VBM or polls. Interestingly, the study also showed that the counties that sent out the most informational mailings (four and five mailings as opposed to three) had

a larger voter response. Again, we realize how lacking our state is in voter information.

Poll booth voting can also have problems that may well prevent people from voting or discourage voting, such as:

- **Illness or other emergency occurs;**
- **Lack of childcare or transportation;**
- **Bad weather;**
- **In Hawaii, polls are not open long enough to serve commuters and others who work long hours, especially in rural area;**
- **Many people cannot leave work to vote;**
- **Long lines at some polling sites;**
- **Having poorly trained or not enough poll workers;**
- **Not receiving a sample ballot is a problem in Hawaii because many people have no idea what issues are to be voted on;**
- **Voters may not take the time to read the information at the polling place either because they lack the time, or they do not want to keep others waiting. Even if they do read the material provided, they may need more time to gather more information.**

If Hawaii were to go to all mail voting, many changes would need to be made in our laws and procedures. Many jurisdictions that have tried voting by mail have had problems that have convinced many citizens that they do not want to continue or expand VBM. As stated earlier, that also applies to permanent or even lenient absentee voting. I am convinced that to make VBM work, all the framework and laws must be in place. From what I have read and heard, Oregon has shown VBM can be carried out in a manner that most citizens are confident about. It seems unfortunate that other jurisdictions reinvent the wheel instead of following a system that is working.

Oregon has a website that contains the entire manual of rules and procedures that county clerks must follow and a suggested time line in which to accomplish each step. All Oregon counties do not have exactly the same rules. Population and demographics dictate such things as how many actual poll booths must be made available, how much hand work is done versus mechanization, and the staffing needed.

Multnomah County, Oregon has a great website video that shows how a county with a large population handles its voting by mail. I recommend it. It seems to be particularly suited to Honolulu.

The recent special (May 22, 2010) VBM First Congressional District election in Hawaii went quite smoothly, although, because of the short time in which to conduct the election, the various county clerks' offices were called upon to help out.

There was an unexpectedly high number of people voting---fifty four percent versus thirteen percent in a previous Congressional special election. It cost an estimated seventeen percent less than a similar election using polling places was expected to cost.

Pat Nakamoto, who is the director of elections for Hawaii County wrote: "Yes, I did participate in the Special Congressional Election on Oahu. My office's involvement was in several areas of the up-front processing and also, on Election Day." She also stated they manually checked each ballot envelope against the voter registration card.

In response to one of my questions Ms. Nakamoto replied: "Although the Special Congressional Election was a success, there is much that would be required before we would be able to conduct a statewide all mail election. My personal view on the subject is if we want to conduct the same level of elections that Oregon conducts, we must invest in the type of equipment used to process the ballots. We would also, need to have staff on board who are trained to operate the equipment. In other words we would need the infrastructure in place first and of course we would need the Legislature to fund these changes. There would need to be legislative changes to the Elections Laws too."