

# CHANGING THE WAY COLORADO VOTES

## A Study of Selected Reforms



Report for the Best Practices and Vision Commission  
Office of the Colorado Secretary of State  
February 2011

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# EXECUTIVE SUMMARY: Changing the Way Colorado Votes

## Objectives

Over the past decade, there have been numerous proposals to reform the administration of elections in Colorado. In 2010, then Colorado Secretary of State Bernie Buescher appointed the *Best Practices and Vision Commission* to review election practices and to make recommendations for their improvement. The Commission requested a study by the Buechner Institute focusing on two questions:

- Changing the registration deadline: what effects might moving voter registration closer to or even on Election Day have on elections in Colorado?
- Changing the mode of voting: what effects might changing the mode of voting in even years to all-mail balloting have on elections in Colorado?

In order to answer these questions, two surveys were conducted. The first was an opinion survey sampling county clerks, county party chairs, and voting/civic activist organizations in the state. This survey included questions about changing the registration deadline and about adopting all-mail balloting for even-year general elections. An additional survey focusing on election costs was conducted with 12 selected counties representing 80 percent of the state's population.

## Key Findings

### Opinion Survey

#### ***Adopting a later voter registration deadline: same day registration (SDR)***

This part of the survey included questions regarding the desirability and potential impacts of moving the current registration deadline (29 days prior to the election) up to a week before Election Day.

- Election activists (73%) favor a change in the deadline to one week prior to Election Day, but a majority of clerks (64%) and party chairs (57%) oppose it.
- Moving the deadline even closer to or on Election Day increases support by voting activists while decreasing support from clerks and party chairs.
- Voting activists support the change because they believe that it will increase turnout, especially for those who move frequently and for minorities with historically low participation rates. Clerks and party chairs do not share this view. While they feel that the change could help frequent movers, they do not anticipate it affecting inactive minorities.
- A majority of clerks (68%) anticipate that a new deadline would make it more difficult to plan for elections. Voting activists disagree that it would have this effect.
- Both clerks and voting advocates believe that the change would decrease the number of provisional and emergency ballots, whereas party chairs are fairly divided on the effect.

- Almost two-thirds of clerks and party chairs believe that the registration deadline change would result in an increase in fraudulent registrations.

### ***Mail-In balloting (MIB)***

This part of the survey included questions regarding the desirability and potential impacts of adopting all-mail ballots for even-year general elections, which include the use of service centers open on and prior to Election Day.

- Support for a change to all-mailing balloting was very strong among clerks (92%), weaker among party chairs (44%), and weakest among voting activists (40%). All groups agreed that such a change should be accompanied by a requirement to provide service centers before and on Election Day.
- A requirement to send mail ballots to all inactive voters was strongly opposed by clerks (61%), opposed by about half of party chairs (49%), but strongly supported (97%) by voting activists.
- All groups believed that MIB would have a positive effect on turnout. In fact, during the 2010 primary, those counties that chose to conduct their election via mail-in balloting had 10 percent higher voter turnout. Those same counties started out with 9 percent more active voters registered for permanent mail balloting.
- All groups anticipate that if the elections were held using MIB that the cost of administering elections would decrease. Among the groups, clerks are more likely to say that costs would decrease significantly.
- Regarding effects of election integrity, two-thirds of clerks anticipate no impact, while 30 percent expect fraud to decrease. However, other groups anticipate increased fraud (62% of party chairs anticipate a “significant” or “some increase” in fraud).
- A majority of clerks and voting activists anticipate that MIB would increase or have no effect on voters’ confidence in the elections process. However, almost half (48%) of party chairs anticipate reduced confidence.

### **Cost Survey**

Twelve counties, representing 80 percent of the state’s population, were asked to complete a detailed survey of their 2010 election costs and to estimate what costs would have been had the election been administered exclusively by mail according to the rules which governed the 2010 primary.

- The average cost per registered voter in the 2010 general election was \$6.70, including equipment costs and permanent labor. If those two cost factors are excluded, then the average cost is \$4.03, less than half of what the 2008 presidential election, which had the largest turnout in the state’s history, cost.
- If the 2010 general election had been conducted through all-mail balloting, it would likely have cost \$1.05 less per registered voter; a savings of almost 19 percent.
- The primary driver of savings in changing to all-mail balloting is a reduction in the need for election judges and other temporary labor at polling places. Average savings of \$.84 per registered voter were estimated in this cost category.

- Two cost factors were expected to increase under all-mail balloting: mailing, by \$0.10 and printing by \$.05 per registered voter.
- Smaller counties have higher elections costs per registered voter (\$10.21) than medium (\$4.96) and large counties (\$4.92). When equipment costs and permanent labor are removed, cost variation by county size decreases substantially.
- Regardless of size, all counties would save as a result of changing to all-mail balloting, but the change (factoring in equipment costs and permanent labor) would be greatest for the most populous counties (27%), followed by medium counties (22%), and small counties (7%).
- If the 2010 general election had been conducted statewide through all-mailing balloting, including the use of service centers before and on Election Day and the sample counties are assumed to be representative of all similar sized counties, the projected savings would have totaled almost \$4 million.



# Changing the Way Colorado Votes

## A Study of Selected Reforms

Over the past decade, the General Assembly, the Governor's office, the Secretary of State, and a variety of advocacy groups in Colorado have made numerous proposals for the modernization of elections in the state. In 2010, then Colorado Secretary of State Bernie Buescher appointed the *Best Practices and Vision Commission* to review election practices and to make recommendations for their improvement. The Commission requested that the Buechner Institute at the University of Colorado Denver's School of Public Affairs conduct a study focused on two questions:

- Changing the registration deadline: what effects might moving voter registration closer to or even on Election Day have on elections in Colorado?
- Changing the mode of voting: what effects might changing the mode of voting in even years to all-mail balloting have on elections in Colorado?

The effects considered in relationship to these questions include: voter turnout; the representativeness of active voters of the entire electorate; the integrity of elections; and their administration and costs.

This report is organized in three parts. Part one discusses the findings from an opinion survey addressing the desirability and potential impacts of changing the current registration deadline. Part two reports on survey findings addressing the desirability and impacts of adopting all-mail ballot voting for even-year elections. Part three reports on the current costs of elections and how those costs might change as a result of adopting all-mail balloting for general elections.

## Part One

# Changing the Registration Deadline and Allowing Same Day Registration

### Overview of the Issue

The U.S. Election Assistance Commission<sup>1</sup> reports that in the two years leading up to the 2008 election, states and territories received more than 60 million voter registration forms. Of those, nearly 24.6 million were from new voters (i.e., voters who had not previously registered in their local jurisdiction because of a move or who had not previously registered in any jurisdiction). States and territories rejected 8.8 percent of that total, finding that nearly 1.7 million applications were invalid and another 3.6 million applications were duplicates of existing registrations. Having an efficient way of registering voters while guarding against fraud and error is a basic challenge in the modernization of elections.<sup>2</sup>

Federal law sets 29 days before Election Day as a maximum cutoff for registering to vote. Most states, including Colorado, set their cutoff at or within a few days of the federal maximum. However, before the federal limit was set, many states had far longer cutoff periods. Advocates for maximizing voter participation argue that a longer cutoff period disadvantages younger voters (18-25 years of age), those who move frequently, and lower income individuals. They would like to see registration, combined with early voting, moved closer to or even on Election Day. This would effectively result in same day registration.

Same day registration (SDR) allows eligible voters to register and cast a ballot after the close of official voter registration and, in some states, up through Election Day (EDR). Currently, there are nine states plus the District of Columbia that allow SDR: Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin and Wyoming. Eight of these states allow registration and voting on Election Day. Although 28 states currently cut off registration at least 25 days before Election Day, in their 2008-2009 legislative sessions, most of these states, including Colorado, considered adopting some form of SDR.

Historically, the concern over registration barriers is real and significant. In the cities of the Northeast and industrial Midwest, where political machines reigned, votes were bought from those who supported the machine, while those who opposed it were often thwarted from casting a ballot. In the South, registration barriers were erected against participation by blacks and poor whites in an attempt to maintain Democratic Party control in those states. Looking at the abuses of the political machines on the voting process offers justifications for enforcing and tightening registration requirements; those in the South provide evidence of the need to remove barriers from registration and voting.<sup>3</sup>

Today, proponents of SDR believe that the right, as well as the responsibility, to vote should be enjoyed by all citizens. Voting is a civil right as well as a civic duty. Citizens may vote out of a sense of intrinsic benefits. As John Aldrich puts it, voting may bring the “feeling that one has done one’s duty to

society....”<sup>4</sup> Civic duty notwithstanding, political scientists suggest that voting is a low-reward activity in the sense that any one individual will perceive the significance of their vote on the outcome of an election as quite small. Therefore, barriers to registering and voting that require greater time and effort on the part of electors can significantly reduce participation in elections.<sup>5</sup>

Advocates for youth voting believe that reducing barriers through the adoption of SDR could increase youth turnout by as much as 14 percent.<sup>6</sup> They argue that youth may not be stimulated to participate in an election until closer to Election Day, at which point they may be unable to register and vote, or able to vote only with a provisional ballot that does not assure them that their vote will be counted (approximately one-third of all provisional ballots are rejected).

Another group disadvantaged by an early cutoff of voter registration is frequent movers. About 45 percent of Americans move on average every five years. Between 2007 and 2008, over 35 million Americans moved. Renters tend to move more frequently than homeowners, and they also tend to have lower incomes, suggesting that SDR can also benefit lower income groups.

Opponents of SDR counter that moving the registration deadline closer to Election Day encourages fraud. They observe that as registration deadlines approach, clerks receive a rush of registrations, suggesting that people are aware of the cutoff and respond accordingly. Whereas advocates of SDR feel that a close election can motivate individuals who haven’t registered by the deadline to do so, those concerned with fraud see a close election as motivation for manipulation. They feel that people motivated to vote should do so as a matter of civic responsibility, and if they are not so inclined then they should be denied the opportunity to register late.

### **The Issue in Colorado**

The National Voting Rights Act of 1993 (NVRA) included provisions to lower barriers to voting. A study by Highton and Wolfinger<sup>7</sup> on the effects of the Act found that during the four years after its passage, Colorado had adopted a registration law that closely resembled NVRA (e.g., motor voter, registration by mail). They suggest that as a result, voter turnout increased by 4.7%. The biggest impact was on those with moderate levels of education; whereas those with the least level of education were unlikely to vote regardless of the barriers being removed.

In Colorado, attempts to modernize registration and lower barriers to voting have continued. In 2002, a ballot initiative (Amendment 30) would have made EDR constitutional. It was defeated. In 2006, bills were introduced in both the Senate and House requiring anyone who registers to vote to provide proof of citizenship. The concern was eliminating a potential source of voter fraud. However, county clerks expressed concern that if passed, the new law would impose additional costs averaging about \$50,000 for mid-sized counties. The bill died, but interest in introducing similar legislation is evident in 2011.

In 2010, an election modernization bill was drafted, but ultimately shelved. It proposed two reforms: a requirement for conducting all-mail ballot elections in even years, and the adoption of SDR for a period up through the Friday before Election Day. As reported in the *Colorado Statesman*, the President of the County Clerks Association felt that the proposal had been drafted without input from the clerks, while the chair of the state’s Republican Party raised concerns that the proposal would result in increased

voter fraud.<sup>8</sup> Response to the 2010 election modernization proposal suggests differing partisan perceptions, with Republicans opposing such reforms on the grounds that it would compromise the integrity of elections and Democrats supporting the reform on the basis of increasing voter participation.

The *Best Practices and Vision Commission*, established by the Secretary of State in the summer of 2010, was charged with examining various forms of voting reform, including changing the registration deadline. Since Colorado requires early voting within two weeks of the general election, moving the registration deadline within that period would effectively establish SDR. Absent any change, electors who have moved recently within Colorado or who for some other reason had failed to register by the current deadline could still request emergency registration from their county clerk.

The *Best Practices and Vision Commission* requested that original research be conducted to help determine attitudes and opinions regarding a change in the registration deadline. The research reported here is based on three activities: interviews with key informants, an opinion survey, and a review of the empirical literature on this type of reform.

### **Key Informant Interviews**

As part of the research for the *Best Practices and Vision Commission*, over a dozen interviews were conducted with informed and engaged stakeholders concerning the merits and demerits of a change to SDR. Not surprisingly, opinions expressed by informants follow the same basic pattern observed in the national literature.

Voting rights/civic engagement advocates strongly support SDR, and more specifically EDR, stating that same day registration provides a safety net for voters who have moved or may be first-time voters in an all-mail ballot election. They suggest that while the 2010 proposal for SDR through the Friday before Election Day allows clerks to update their poll books, it doesn't really buy the clerks much time. With SCORE (the state's electronic voter registration database) and properly trained election judges, they suggest that it would not take any more time to process EDR than it currently does to process provisional ballots.

For their part, many clerks are concerned about not being able to plan for elections if they are required to process registrations close to or even on Election Day. Lack of predictability can lead to over-engineering an election and incurring greater costs than necessary. While less concern is expressed regarding the increased potential for fraud as a result of SDR, their concern increases as the registration deadline is brought closer to or includes Election Day. Clerks also object to unilateral action by the state. If election reforms are to be made, they believe that clerks need to be fully involved. Consistent with Colorado's strong home-rule traditions, they also prefer reforms that are optional rather than mandatory.

Among the key opponents to SDR are activists who express concern about compromising the integrity of elections. They express doubts about the technological capacity of the state to effectively support SDR.

For example, they suggest that SCORE is fallible, noting in particular that while there are only an estimated 3.5 million people in the state eligible to vote, the SCORE database contains 5.8 million names (the state's estimated 2010 population is about 5.1 million). Critics suggest that the various state databases that could be used to identify people who are no longer eligible to vote or who are falsely registered are not adequately linked to perform this function. In effect, they argue that if the state is going to err on the side of maximizing access to voting or maximizing the safeguards against fraud, it should choose the latter. "Every fraudulent vote," one advocate remarked, "dilutes the effect of a legitimately cast vote."

## Opinion Survey Findings

The main instrument used to ascertain what effects a change in the registration deadline might have on elections was an opinion survey. Questions included in the survey were based on information provided through key informant and through a review of the empirical literature on this topic.

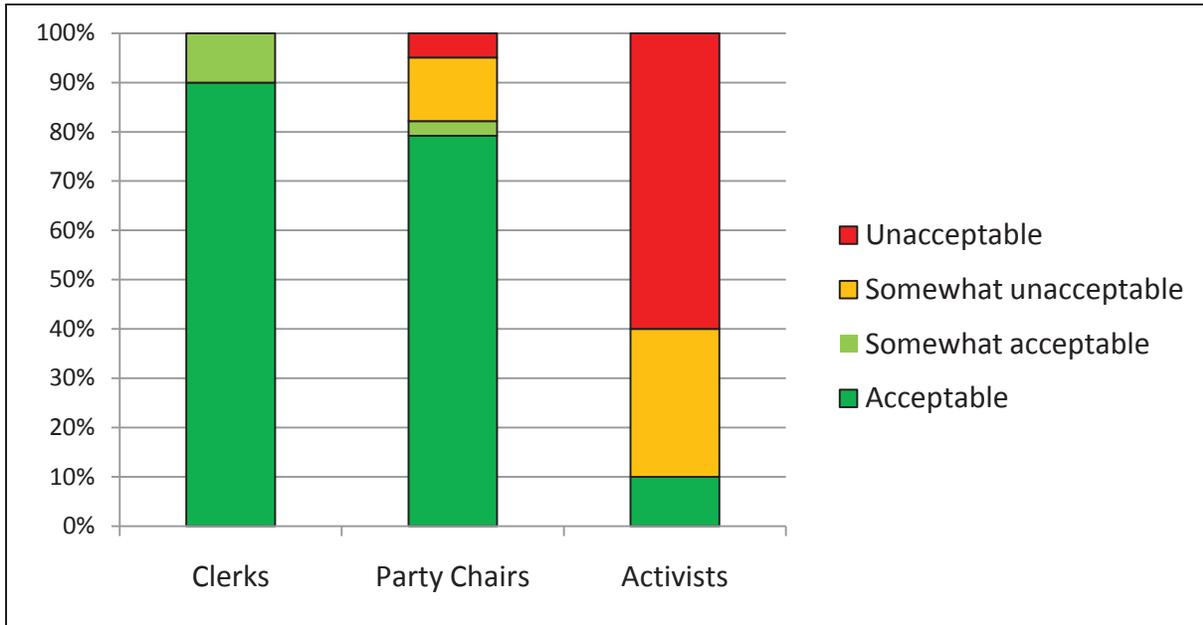
The survey was administered to three groups of stakeholders with direct knowledge of and interest in how elections are conducted in Colorado: county clerks, county political party chairs, and statewide voting advocacy groups. The survey was completed by 90 percent of the county clerks, by 27 percent of the county party chairs, and by 69 percent of the voting advocacy groups. Although the response rate from party chairs was low, the sample was fairly evenly divided among Democrat and Republican respondents.

### The Acceptability of Alternative Registration Deadlines

Currently, the registration deadline in Colorado is 29 days prior to Election Day. There are many options for moving the deadline, including: 1) keeping it where it is; 2) moving the deadline to one week prior to the election; 3) moving it to the Friday before Election Day; and 4) allowing registration and voting on Election Day. Because Colorado provides for early voting, the last three options allow a qualified resident to register and vote on the same day.

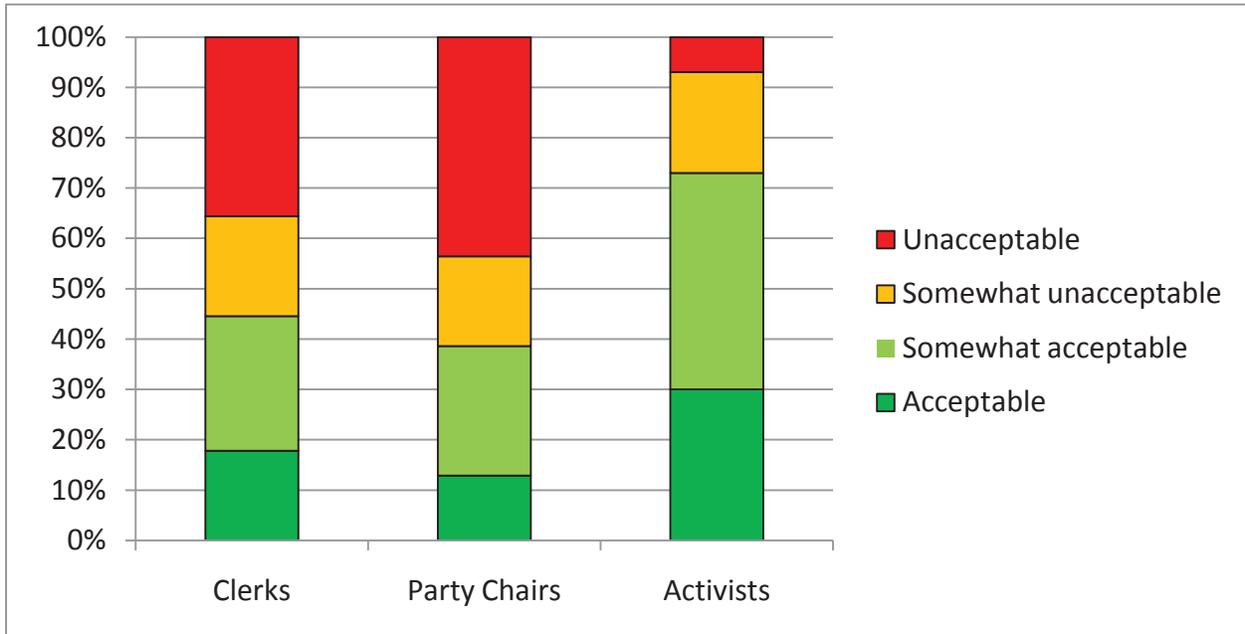
***Option One: keeping the registration deadline at 29 days prior to Election Day.*** Ninety percent of the clerks found this option acceptable, and 80 percent of the party chairs found it acceptable. However, only 10 percent of the voting activists found maintaining the current registration deadline acceptable (see Figure 1). These differences hold fairly constant even if respondents assume a shift to all-mail elections.

**Figure 1: Acceptability of Keeping the Current Registration Deadline**



*Option Two: moving the deadline to one week prior to the election.* Voting advocates found this option far more satisfactory, with 73 percent indicating that it was either “acceptable” or “somewhat acceptable.” However, a majority of clerks and party chairs oppose this alternative. Only 44 percent of county clerks found it “acceptable” or “somewhat acceptable;” while 38 percent of party chairs found it “acceptable” or “somewhat acceptable” (see Figure 2). Again, coupling this reform with all-mail ballot elections had a relatively small impact.

**Figure 2: Acceptability of Changing the Registration Deadline to One Week Prior to Election Day**

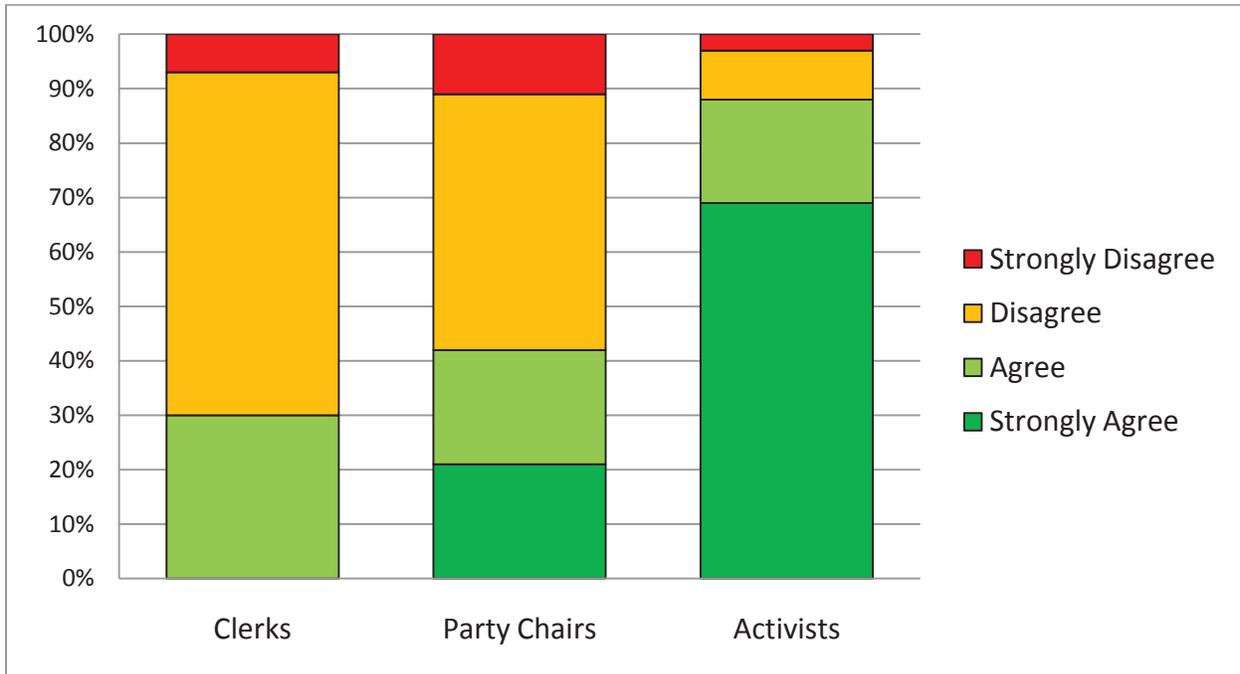


**Options Three and Four: moving the deadline to the Friday before Election Day or to Election Day.** Moving the deadline closer to Election Day increases acceptability (90%) for the voting activists, but decreases it even further for the county clerks and the party chairs.

### Effects on Voter Turnout

Survey respondents were asked whether changing the registration deadline would affect voter turnout. Eighty-eight percent of voting activists either “strongly agree” or “agree” that a deadline closer to Election Day would increase overall turnout (see Figure 3). However, only 42 percent of party chairs either “strongly agree” or “agree” that a closer registration would increase turnout. Agreement with this statement is lower still for the county clerks (only 30% “agree”).

Figure 3: New Deadline Would Increase Voter Turnout



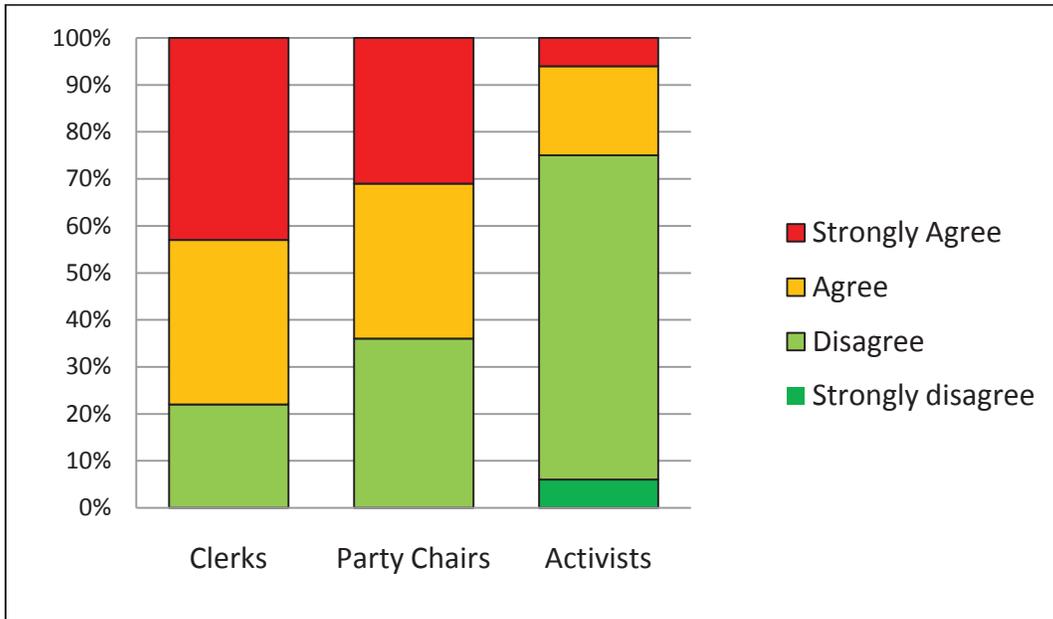
### Effects of a Deadline Change on Election Administration

#### Workload

The survey asked respondents to consider whether changing the registration deadline would increase the workload on election administrators. The majority of clerks and party chairs expect to see an increased workload, while voting advocates do not expect this result. The opinion of party chairs is closer to that of the county clerks (see Figure 4).

When asked about whether a change of the registration deadline to the Friday before Election Day would result in long lines at polling places, a majority of clerks believe that long lines would result while a majority of the advocates didn't agree that the change would create significantly increased waiting times. Party chairs were divided in their opinions on this effect, but more disagreed that it would have an impact than agreed.

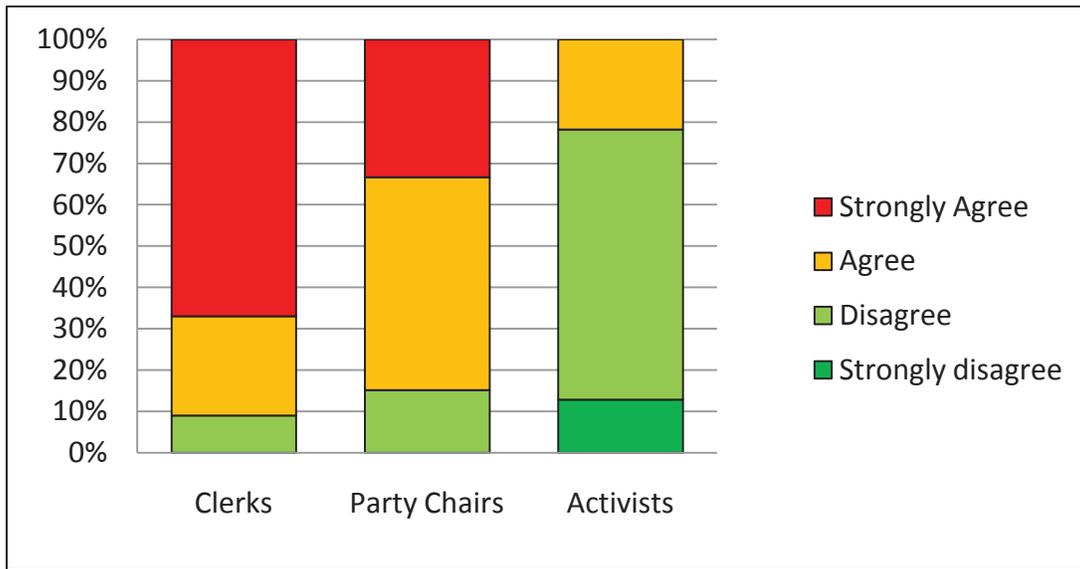
**Figure 4. A New Deadline Greatly Increase the Workload of Election Administrators**



### *Planning for Elections*

When asked whether a new deadline would make elections more difficult to plan (e.g., deciding how many ballots to print, how many temporary staff to hire, etc.), almost all clerks believed that changing the registration deadline would make planning more difficult. Party chairs share this concern. By contrast, election activists do not believe that there would be a significant impact (see Figure 5).

**Figure 5. A New Deadline Would Make it More Difficult to Plan for Elections**

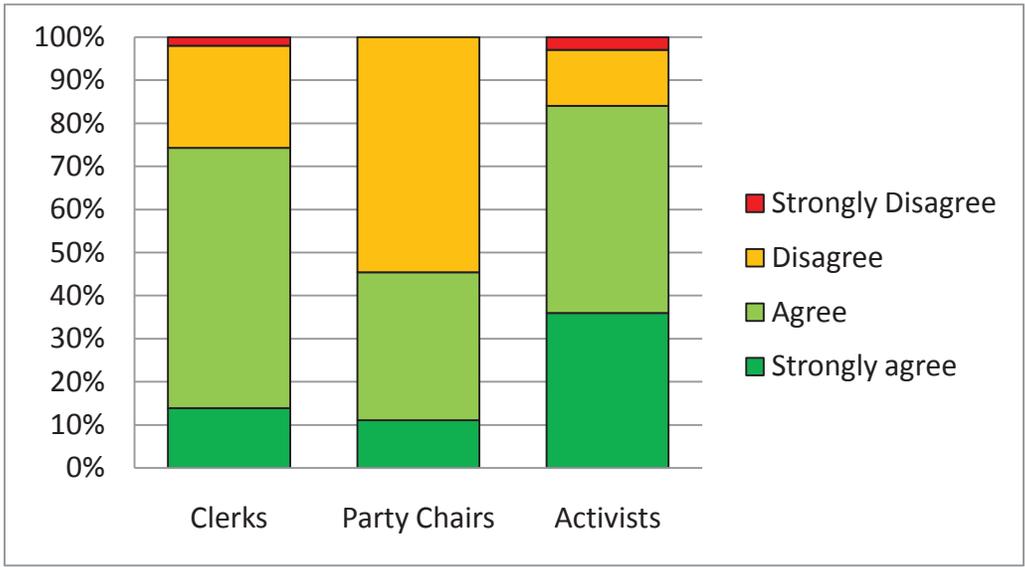


### *Provisional Ballots and Emergency Registrations*

The use of provisional ballots emerged from the Help America Vote Act of 2002. That law upgraded election procedures to allow voters with a red flag (e.g., missing identification, voting at the wrong precinct or listing an incorrect address) to cast a ballot. The eligibility of those voters must be verified post-election as part of certifying the voting count. In close contests, the tally of provisional ballots can determine the outcome.<sup>9</sup> Provisional ballots are often rejected because voters have fallen off the registration roll after failing to vote in several election cycles, or if a person votes by both mail ballot and at the polls. Both clerks and voting advocates anticipate that moving the registration deadline could have the effect of reducing the number of provisional ballots cast. Party chairs are more divided regarding the effect, but more disagree than agree (see Figure 6).

Colorado law allows an individual to emergency register.<sup>10</sup> Emergency registration allows individuals who have moved from another Colorado county since the last election to vote in the county in which they now live, even though they failed to change their registration within the current deadline. Almost all of the activists polled believe that moving the registration deadline would decrease the number of emergency ballots cast. Most clerks also believe this. Party chairs are again divided in their views, though more agree than disagree.

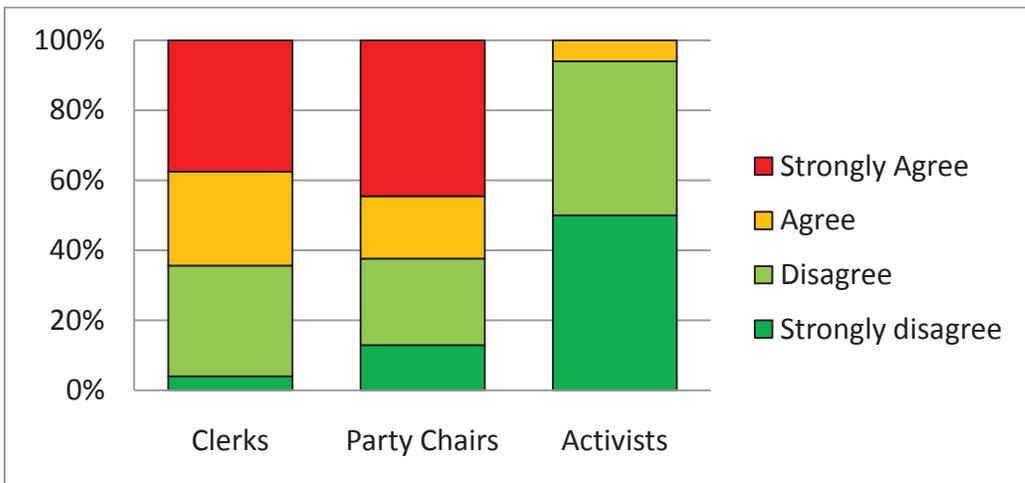
**Figure 6. A New Deadline Will Result in Fewer Provisional Ballots Being Cast**



***Fraudulent Registrations***

Would changing the registration deadline affect election integrity? More specifically, would it increase the potential for fraud? Almost two-thirds of county clerks and party chairs believe that changing the deadline would result in an increase in fraud. By contrast, voting activists do not believe that changing the law would have this impact (see Figure 7).

**Figure 7. A New Deadline Will Result in an Increase in Fraudulent Registrations**



### ***Balancing Competing Values***

In virtually all of the questions posed in the key informant interviews and surveys, there is a distinct difference of opinion across stakeholder groups. For their part, county clerks as a group appear to place great value on making elections predictable and free from potential fraud. The current 29 day deadline easily allows for validation of registration identification, predictability in staffing Election Day polling places and vote centers, and for the printing of poll books. Party chairs seem to align with these values.

For activists, registration deadlines closer to or on Election Day itself reduce barriers to voting, especially for voters who are frequent movers or who get stimulated to vote late in a campaign. However, key informant interviews with advocates for improving voting integrity show concern that closer deadlines increase the possibility of fraud. This problem could be ameliorated with improved database technology supporting rapid voter ID verification, but they feel that the current system is not up to that task. In short, differences in perception are rooted in different and sometimes conflicting democratic values. Some of these value differences might be ameliorated by modernizing registration and voting technology, but given the significant costs associated with such an effort this may not be a realistic course of action.

## **A Review of the Literature**

The previous two research activities were based on opinions rooted in both the values and experiences of key stakeholders in Colorado. In order to provide a broader perspective on potential registration reforms, it is useful to consider the empirical research from around the country. This literature primarily focuses on at least three questions. First, does SDR make a difference in voter participation, and if so, which groups are most likely to be advantaged by this provision? Is there any partisan bias (i.e., is one party favored over another) as a result of SDR? Second, does SDR increase fraud? Finally, does SDR create significant additional administrative burdens on local officials administering elections, especially because of the conflicting responsibility to conduct efficient elections while protecting against fraud.

### **Effects on Voter Participation**

Estimates of the impacts of SDR on voter participation are usually based on statistical models built on changes in voter behaviors observed in states that were early adopters of SDR. For example, a 1978 study by Rosenstone and Wolfinger<sup>11</sup> estimated that if the closing date for registration were eliminated, turnout would increase by 6.3 percent. A more recent study (conducted after enactment of the National Voter Registration Act of 1993) by the United States Election Project at George Mason University estimates that voter turnout in states that had adopted SDR was seven percent higher than in non-SDR states.<sup>12</sup> An even greater effect on turnout is projected by the voting advocacy group Demos. It asserts that: “States with SDR have historically boasted turnout rates of 10 to 12 percentage points higher than states that do not offer Same Day Registration.”<sup>13</sup> Although these estimates of the impacts of SDR vary significantly, they all draw a similar conclusion regarding the positive effects of SDR on voter participation: when registration barriers are lower, more people are motivated to register and vote.

What groups seem to benefit most from SDR? Rosenstone and Wolfinger found that the types of people who are most likely to take advantage of the opportunity to register closer to Election Day are the young and the residentially mobile.<sup>14</sup> In a more recent study, Highton & Wolfinger<sup>15</sup> concur on the effects of SDR on young as well as mobile voters, but they note those least interested in politics are also least likely to be affected by a change in registration deadlines. Likewise, those in lower socio-economic groups are less likely to be motivated to register and vote as a result of SDR. Turnout does increase for this group, but not by as significant an amount.<sup>16</sup>

Michael Alvarez and Jonathan Nagler, in a study for DEMOS, estimated that if Maryland implemented SDR overall turnout could increase by 4.3 percent. Regarding projected turnout for groups most likely to be affected by SDR, the authors conclude participation by young voters could increase by 9.1 percent, while participation among those who have moved within the last 6 months could increase 7.2 percent. Employing similar methodology (projections based on performance in states that have adopted SDR) to project the effects of SDR in the state of New York, these authors estimate an increase of 12.3 percent for young voters (18-25); 9.8 percent for those with only a grade school education; 10.1 percent for those who have moved within the past 6 months; and 8.7 percent for Latinos.<sup>17</sup>

In general, research suggests that younger and more mobile voters benefit most from implementing SDR. To a lesser extent, those in lower socio-economic groups also benefit from SDR. This pattern might suggest that Democrats would benefit most from SDR; however, research by Brains and Goffman<sup>18</sup> found no evidence that SDR and more specifically EDR affected a change in the electorate's partisan balance.

How do these research findings compare with opinions in Colorado? In the survey question on the effects of a closer registration date on voter turnout, voting activists felt that there would be an increase in turnout. Only about 42 percent of party chairs and 30 percent of clerks thought that greater turnout would result from this reform.

### **Administrative Burden of Implementing SDR**

The PEW Center on the States has been studying modernization of the elections process. In two case studies, they looked at implementing EDR in Montana and Minnesota.<sup>19</sup> Montana introduced EDR in 2006. Many polling places in that year's election experienced long lines and confusion by election staff. As a result, in 2007, some clerks and lawmakers tried to roll back EDR by ending late registration a week before Election Day. That attempt failed and Montana continues to offer EDR.

By contrast, Minnesota has offered EDR for over 30 years. From 10 to 20 percent of its voters register and vote on Election Day. As in Montana, this can produce lines at voting places and make knowing how many ballots to order difficult. Nevertheless, lines are rarely more than 20 minutes and the use of electronic poll books linked to statewide databases can help to guard against fraud.

Modernization of registration technology would presumably help to alleviate lines resulting from EDR. The PEW Center on the States concludes that: "Despite technological advances in other aspects of the

election system and a handful of states moving toward online registration, voter registration data is primarily collected on handwritten paper forms that must be manually keyed into databases. Consequently, the system is highly susceptible to error.

“As a result of these outdated practices, election officials often operate with strained resources due to the flood of registration activity immediately preceding elections, further increasing costs and the possibility for error. Compliance with the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA) also complicate the ability of state and local election officials to maintain accurate voter rolls.”<sup>20</sup> The problem of employing outdated technology was also identified in a study by the GAO.<sup>21</sup> In part, this had to do with having adequate scanning equipment to enter the signatures of new voters into the registration system.

How does the empirical research compare with opinion research in Colorado? Regarding increasing the workload of election staff, the Colorado survey found that a majority of clerks and party chairs expect to see an increased workload, while voting advocates do not expect this result. The opinion of party chairs is closer to that of the county clerks. Regarding whether a change of the registration deadline to the Friday before Election Day would result in long lines at polling places, a majority of clerks believe that long lines would result while a majority of the advocates didn’t agree that the change would create significantly increased waiting times. Party chairs were divided in their opinions on this effect, but more disagreed that it would have an impact than agreed. In terms of the difficulty of planning for elections, almost all clerks believed that changing the registration deadline would make planning more difficult. Party chairs share this concern. By contrast, election activists do not believe that there would be a significant impact.

### **Effect of SDR on Voter Fraud**

A study by the U.S. Election Assistance Commission concludes that there is no consensus on the pervasiveness of voting fraud and voter intimidation. However, a review of the literature combined with key informant interviews concludes that: “absentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud.” These sources also express concern about “voter registration drives by nongovernment groups as a source of fraud, particularly when workers are paid per registration.”<sup>22</sup> A notable example of this abuse came during the 2008 Presidential Election, when the voting advocacy group ACORN was accused of falsifying signatures in an effort to increase registrations.<sup>23</sup> However, according to a GAO study, the more common problem encountered with applications collected through voter registration drives are the result of incomplete and/or inaccurate information as well as applications received close to or after a registration deadline.<sup>24</sup>

Adopting SDR, especially EDR, raises concerns about increased fraud. Curtis Gans, from the Center for the Study of the American Electorate, spoke against a proposal to introduce EDR in Massachusetts in 2005. He said that EDR offers “no protection against last minute fraudulent registration or votes in the name of people who have died or moved.” Gans went on to ask, “has there been fraud in Massachusetts? If the answer is yes, then same-day registration is not good for Massachusetts.”<sup>25</sup>

How do these research findings compare with opinions in Colorado? Almost two-thirds of county clerks and party chairs believe that changing the deadline would result in an increase in fraud. By contrast, voting activists do not believe that changing the law would have this impact.

## Part Two

### Changing to All-Mail Balloting for Even Year Elections

#### Overview of the Issue

One option for making voting more convenient while reducing costs is to allow voters to use mail-in ballots (MIB): receiving their ballots by mail and returning them the same way, or taking them to a secure drop box to deposit in person. Mail-in ballots have always been an option, but one that was usually restricted to a small portion of the electorate who certified that they would not be able to go to their polling place on Election Day due to specific reasons such as physical incapacity or being away on travel. Over time, the use of MIB has greatly expanded. A number of states have made mail ballots a readily available option for all electors, and it has proven to be a popular alternative to in-person Election Day voting. A few states have either mandated or given local jurisdictions the option of conducting elections exclusively by mail for some or all elections.

Oregon, Washington, and California have the most experience conducting all-mail elections. California was the first state to allow MIB for certain local elections, while Oregon was the first state to employ MIB for a statewide election. Oregon is the only state that currently employs MIB as the required mode for conducting elections. However, many other states allow residents to vote by mail. Nineteen states have used some degree of MIB since 1998.

The two major drivers in bringing about this reform are increased convenience for voters and reduced election costs. Some advocates believe that greater convenience will also have the effect of increasing voter turnout. However, critics suggest that a switch to all-mail balloting could have the effect of disenfranchising certain voters (e.g., those who move frequently, and minorities who have historically lower rates of voter participation).

Gronke, et al. observe that the costs of elections have been referred to as the “holy grail” of elections administration research because so little is known about the subject.<sup>26</sup> Regarding savings in the costs resulting from MIB elections, there is scant empirical research to justify the assertion, though it is widely held. Information on the cost of conducting MIB comes largely from studies of special rather than statewide elections.

#### The Issue in Colorado

The Mail Ballot Election Act of 1991 allowed Colorado counties to conduct some types of elections by mail.<sup>27</sup> Gilpin County was the first to utilize the new law in an election to raise the countywide sales tax by one percent. That election achieved an estimated cost saving of 19 percent.<sup>28</sup> The law does not apply to partisan elections or any election held on the same day as a primary or general election.

Colorado is currently one of the leaders in the shift away from polling place voting to mail ballots and other forms of convenience voting. No-excuse absentee voting was allowed beginning in 2000.

Electors could opt to be placed on a permanent mail voting list starting with the 2008 election, making it one of only 11 states with similar provisions in place.<sup>29</sup> These laws facilitating mail voting are predominantly found in the western states.

No state has seen faster growth in the use of MIB than Colorado.<sup>30</sup> In 2004, 29 percent of ballots in Colorado were cast by mail. By January 2011, the rate had reached 69 percent. Furthermore, the growth in mail-in balloting occurred in all parts of the state. In 2008, 45 of Colorado's 64 counties had half of their ballots cast by mail and 15 counties had over two-thirds.<sup>31</sup> Political scientists Chris Mann and Rachel Sondheimer<sup>32</sup> believe that this sharp increase is due significantly to the passage of a permanent mail voting status provision in 2007. If someone elects this option, he or she is automatically mailed a ballot until such time as the voter becomes inactive-fail to vote or because they have moved.

Mann and Sondheimer found that in the 2008 election, one-third of voters who had not voted in the previous election (including recent movers) cast their ballots by mail, whereas two-thirds of those who voted in the previous election cast their ballots by mail. Indeed, the likelihood of a voter using the MIB option increased based on the number of past general elections in which they voted. They also concluded that "once voters begin voting by mail, they are increasingly likely to do so in future elections."<sup>33</sup> Blacks and Hispanics are less likely to vote by mail, suggesting that the use of MIB does not mitigate socioeconomic disparities within the electorate. Reasons for the less frequent use of MIB by this group include: high residential mobility, perceived low reliability of mail delivery, less trust in the post office, poor understanding of the procedures for voting by mail, and the cost of postage.<sup>34</sup>

The rapid increase in MIB in Colorado has created administrative challenges. Effectively, clerks are administering three election modalities: mail ballots, in-person early voting at service centers, and in person Election Day voting at precinct polling places or vote centers. Mann and Sondheimer report that: "The volume of voting-by-mail...outstripped traditional concerns with the costs of administering elections. In fact, several clerks cite the growth in mail in voting as a primary driver behind their concerns about costs."<sup>35</sup> Despite the challenges, only four of the clerks responding to this survey indicated that the MIB was not a good idea or expressed mixed feelings. However, the vast majority of clerks felt that current provisions for mail balloting did not need any changes.<sup>36</sup>

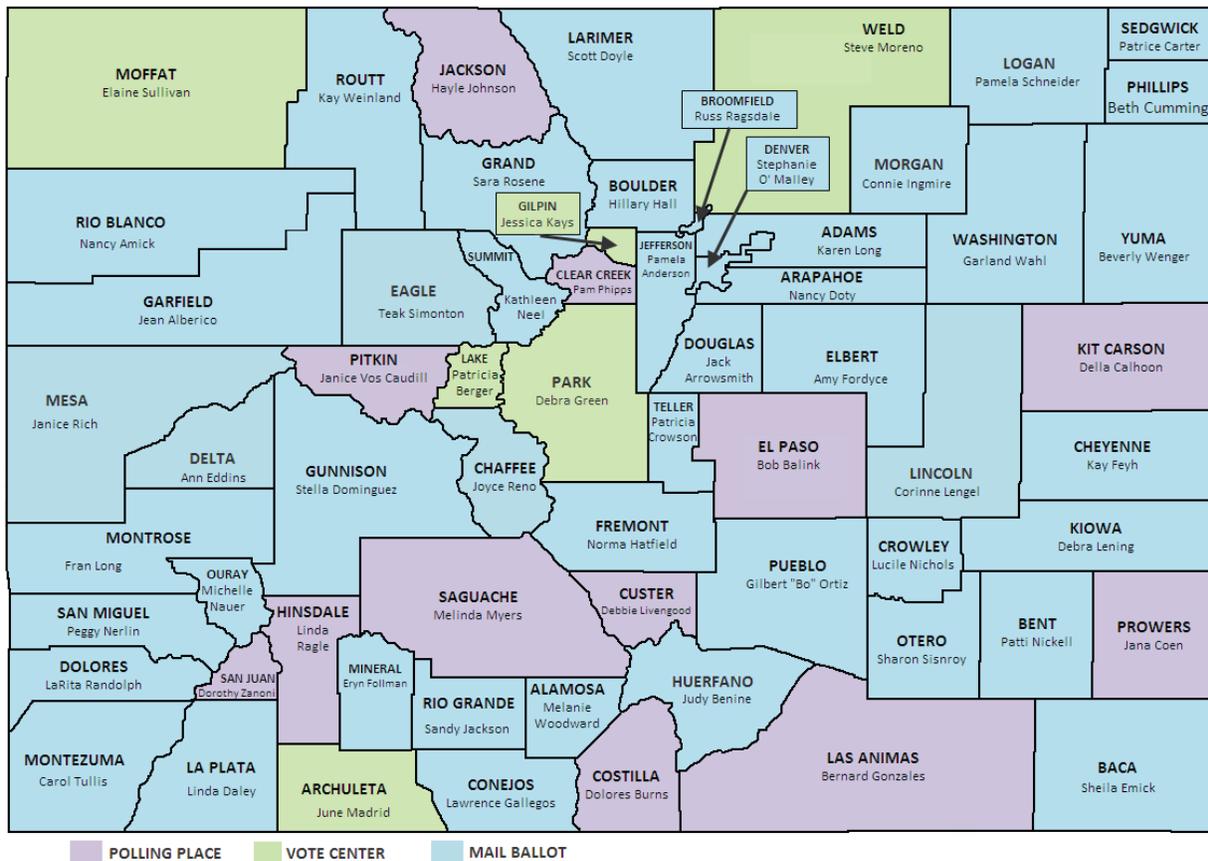
Mann and Sohkey<sup>37</sup> found that counties that actively encouraged MIB through voter education campaigns and other methods experienced a six percent increased use of that mode over other counties that did nothing to promote that mode. Their study also found that the use of MIB was roughly equal for Democrats and Republicans (at about 50% in each party choosing to vote by that mode), but lower for unaffiliated voters (39%).

Colorado clerks responding to the Mann and Sokhey survey commented that because mail ballots are handled by the clerk's own staff ...they have greater confidence in this system than when the voting process is overseen by volunteer election judges at early voting sites and especially Election Day polling places. Several clerks pointed out that a shift to all-mail balloting would have significant advantages because it eliminates the administrative burdens of fulfilling requests and dealing with early in-person

and Election Day voting, and places all ballot processing in the hands of professional staff rather than volunteers.”<sup>38</sup>

With increasing numbers of voters choosing to vote by mail and an increasing number of counties opting to conduct local elections by mail, proposals have been brought to the legislature or through the initiative process designed to shift to all-mail ballots in even year, general elections. In 2002, Amendment 28 was placed on the ballot. Had it passed, it would have required that most elections held after January 1, 2005, be conducted by mail ballot. The initiative was defeated 42.7 to 57.6.<sup>39</sup> In 2009, a law was passed allowing the 2010 primary election to be conducted with only mail-in ballots, depending on the decision of local officials. All but 17 counties opted to conduct their primaries via MIB (see map). Also, in 2009, Representative Terrence Carroll drafted a “Modernization of Elections” bill which included a provision that would have further facilitated the use of MIB, but it was not formally introduced. Early in 2011, Representative Carroll Murray (a former Douglas County Clerk and Recorder) introduced a bill (HB 1131) that would require that eligible voters receive their ballots at home. Service Centers would be open eight days prior to Election Day, allowing voters to cast their ballots in person if they so chose. Carole is reported as saying that her proposed reforms would save counties at least \$12 million in the costs of conducting elections.<sup>40</sup>

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In establishing the Best Practices and Vision Commission, former Secretary of State Bernie Buescher asked it to consider whether authorization of all-mail balloting for the 2010 primaries should be extended into future years and to other elections. Current Secretary of State Gessler has expressed the opinion, specifically in response to Rep. Murray's bill, that "to force every voter to cast their ballot in the mail is extreme."<sup>41</sup>

### **Issue Identification: Key Informant Interviews**

Proposals to change the way Colorado elections are conducted provoke passionate debates that have, at their core, deeply held and sometimes conflicting values. These values and their conflicts have been evident in discussions within the Best Practices and Vision Commission. They also present themselves in interviews with key informants conducted as part of this study. For example, the value of maximizing voter participation in elections can compete with the value of maximizing efficiency (and hence reducing costs). The value of assuring privacy while voting can compete with the value of offering the convenience of being able to vote by mail from home. Likewise, the value of having predictability when designing an election can compete with the value of offering voters maximum flexibility or choice in how they can vote.

Similar value conflicts were discussed in the previous part of this report in relationship to SDR. That discussion demonstrates that often there are different stakeholders pitted against one another as champions of specific values; for example, county clerks vs. voting activists. Even within groups there are differences in the priority assigned to different values, for example, between clerks in urban vs. rural counties or in counties with highly diverse vs. more homogeneous populations.

Interviews with voting integrity activists in Colorado raised several concerns about the potential for compromising the integrity of elections as a result of the increased use of MIB. These concerns include a decrease in the transparency of elections, specifically in the ability to witness the counting of ballots. They also question the ability to confirm that a ballot is actually being sent in by the person to whom it was mailed, and that voters may be coerced in their voting by others around them because of the lack of secrecy. Another concern raised by some Colorado critics of MIB is that the practice increases reliance on vendors. They observe that any time a ballot leaves the hands of elected officials, the probability of error and even fraud increases.

Advocates for voting integrity as well as those who seek to maximize voter participation raise significant concerns about any reform that would result in only sending mail ballots to "active" voters, thereby leaving out those who are inactive because they failed to vote or for some other reason. This practice throws into question whether MIB elections offer the prospect of reduced costs at the expense of disenfranchising a significant portion of the electorate. Voting advocates for the handicapped express a similar concern with MIB if it reduces the option of voting at a polling place with the assistance of specialized equipment.

## Analysis of Opinion Survey

As discussed in Part One of this report, a major component of the research conducted in conjunction with the present study consisted of an opinion survey sent to all Colorado County Clerks, county political party chairs, and the heads of voting activist organizations. Part One reviewed findings in relationship to a change in the registration deadline, effectively implementing SDR. This part discusses survey findings regarding the potential impacts of the adoption of all-mail ballot elections. These impacts can be grouped into three values-based categories: democratic participation and civic culture; election integrity; and the efficiency and costs of administering elections. Discussion of findings in each area begins with a review of the empirical literature, which helps set the context. It then turns to key informant interviews, and concludes with results from the survey itself.

### Democratic Participation and Civic Culture

Elections are one of the key underpinnings of our democracy. Generally speaking, participation in the electoral process is valued. Hence any analysis of electoral reforms focuses on the potential impact on turnout. Will the reform lead to higher or lower levels of participation in the election? Will it affect participation by some groups more than others? A second consideration is how a reform will affect citizens' perceptions of the political system and its legitimacy.

### *Effects of MIB on Turnout*

In theory, the increased convenience offered by MIB reduces the "cost" of participating in the election process and should therefore increase the number of people voting. Conversely, it has been argued that voting by mail provides added convenience primarily for those who are already regular voters, but that its increased convenience will not "stimulate" those groups with traditionally low rates of voter participation. In fact, different empirical research provides evidence supporting both conclusions.

Berinsky<sup>42</sup> makes a useful distinction regarding why MIB might affect voter turnout. He observes that electoral reforms are expected to increase voter participation by encouraging those traditionally less engaged in the process by lowering barriers to participation. In theory, this should make the electorate not only larger but more diverse. However, he argues that two different effects must be distinguished: stimulation which encourages the marginal voter, and retention which encourages ongoing participation regardless of mobility, ill health, etc. In fact, the result of electoral reforms such as MIB is to increase the participation of that part of the population that is already engaged in voting by making it more convenient.

A study by Berinsky, Burns and Traugott<sup>43</sup> examined the effects of MIB on turnout. The authors found that MIB did increase turnout, but it did so primarily through retention. They conclude that: "In the end, the voters who move in and stay in the electorate look much like the existing voters in the system.... Those we would expect to vote—the resource rich—are more likely to sustain their vote over the long haul. And those we would expect to abstain—the resource poor—are more likely to stay out of the electorate over the long haul" (p.193).

There is some evidence that the impact of mail balloting is greater in low-intensity contests than in general elections. Southwell analyzed 44 statewide elections in Oregon where all elections are by mail.

She determined that vote by mail is a stimulus to voter participation in special elections, where turnout is traditionally lower. The effect on turnout in congressional or presidential elections was positive but minimal.<sup>44</sup> Also studying Oregon, but using a different methodology, Karp and Banducci found that MIB increases voter turnout, especially in local elections and primaries where turnout tends to be low. However, MIB is likely to increase turnout among those already predisposed to vote, such as those of a higher socio-economic status.<sup>45</sup>

In their comprehensive review of the literature, Gronke, et al.<sup>46</sup> conclude that research on the effects of MIB on voter turnout shows a small but statistically significant impact on turnout, with most estimates of the increase in the 2%-4% range. In the initial years following a shift to all mail elections, there may be a bigger effect due to “novelty” that wears off over time.<sup>47</sup>

### *Perceived Impact*

In the survey conducted for the current study, all of the sampled groups, including county clerks, election activists and party chairs, think that all-mail ballot elections will have a positive effect on overall voter turnout. Most clerks think that it positively affects both inactive and active voters. A majority of party chairs think that it will increase turnout among inactive voters, but that the level of participation among active voters will not be affected. Elections activists assess impacts differently. They think that all-mail ballot elections will increase turnout among active voters, but not among traditionally inactive voters.

When interviewed, some key informants suggested the impact of a shift to all-mail elections might depend on specific implementation features. They suggest that turnout effects may depend on how a state defines the universe that receives ballots in the mail. If ballots are mailed only to “active” voters and voters are declared inactive if they miss just one general election, then turnout among those with lesser interest in the political process might actually be discouraged from voting. Alternatively, if ballots are mailed to registered voters who are categorized as both “active” and “inactive/failed to vote,” then positive impacts on turnout might be achieved. Other key informants suggest that people who are more mobile might be disenfranchised since election related mailings are less likely to reach them.

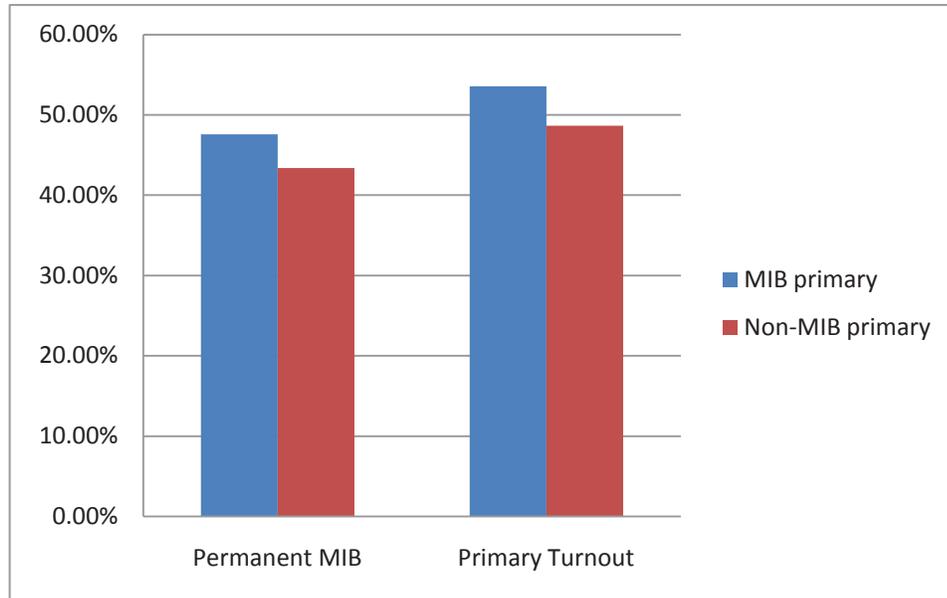
### *Evidence from the Primary*

The empirical literature cited at the beginning of this part suggests that all-mail ballot voting results in higher turnout. These findings are consistent with theory that holds that the more convenient the mode of voting the higher the turnout, especially for off-year and special elections where voters presumably have less motivation to participate. The 2008 Colorado primaries offer a partial test of this theory. For that election, counties could voluntarily choose to conduct all-mail balloting, with the proviso that service centers and drop box locations would also be available.

Three-quarters of Colorado counties chose to conduct their 2008 primary via MIB. For purposes of analysis, 13 of the 16 non-MIB counties are matched on the size of their voter rolls with MIB counties. In calculating turnout, the size of the electorate is based on the number of “active voters” plus the number of those who are categorized as “inactive-fail to vote.” The official number of the total registered voters was not used because for some counties it exceeds overall population, suggesting that those numbers

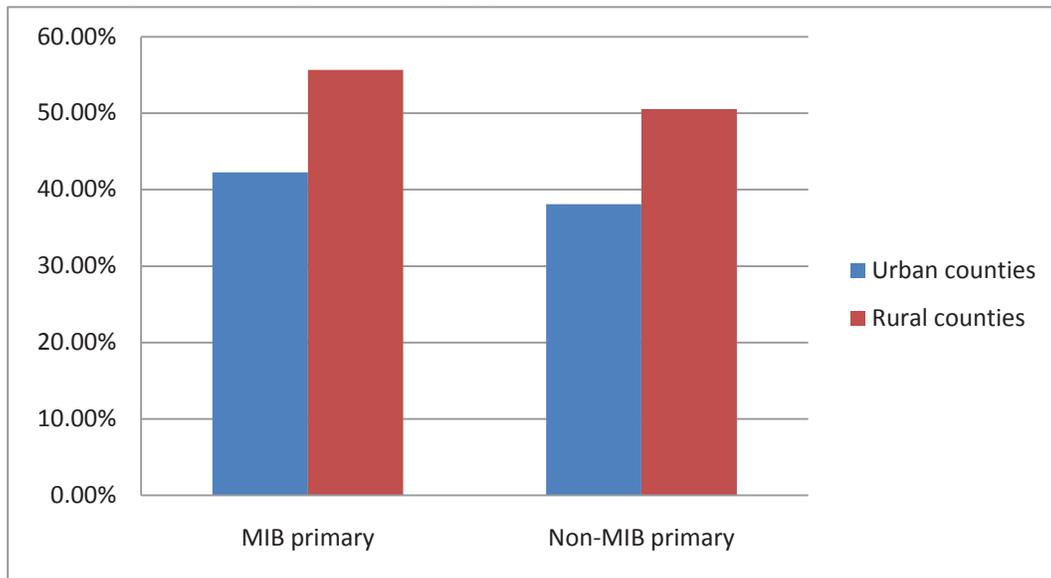
include many people who no longer live in the county but have not yet been purged from its rolls. Comparative voter turnout for these two groups is shown in Figure 8.

**Figure 8. Permanent Mail Voters and Primary Election Turnout**



Regarding overall turnout, the group of MIB counties had a turnout of 54 percent, while turnout in the non-MIB counties was 49 percent. It should be noted that these differences closely parallel the percentage of voters in each group who are on the permanent MIB rolls: 48 percent for the MIB counties versus 43 percent for the non-MIB counties. However, among the MIB counties, those with higher rates of permanent MIB voters did not consistently have higher turnout for the primary. Urban MIB counties had turnout of 42 percent, while urban non-MIB counties had turnout of 38 percent. Rural MIB counties had turnout of 56 percent, while rural non-MIB counties had turnout of 51 percent (see Figure 9).

**Figure 9. Primary Turnout by Type of Election: Urban vs. Rural Counties**



Some critics of MIB voting suggest that the mode could disenfranchise certain groups of voters such as minorities who traditionally have lower rates of participation and the handicapped. The empirical literature cited earlier suggests that MIB voting tends to be utilized by those who are already active voters, but that it has little effect on those who are inactive. However, whether it potentially disenfranchises certain groups of voters has not been studied.

### **Effects of MIB on the Legitimacy of Elections and Voter Confidence**

There is some concern expressed in the academic literature and among key informants that the adoption of MIB could “harm civic culture.” Elections are seen as having functions beyond determining who holds office. They are civic rituals that enhance social capital and sense of community. From this perspective, it is important that people all cast their vote at the same time (so they are voting in reaction to the same events and information).<sup>48</sup>

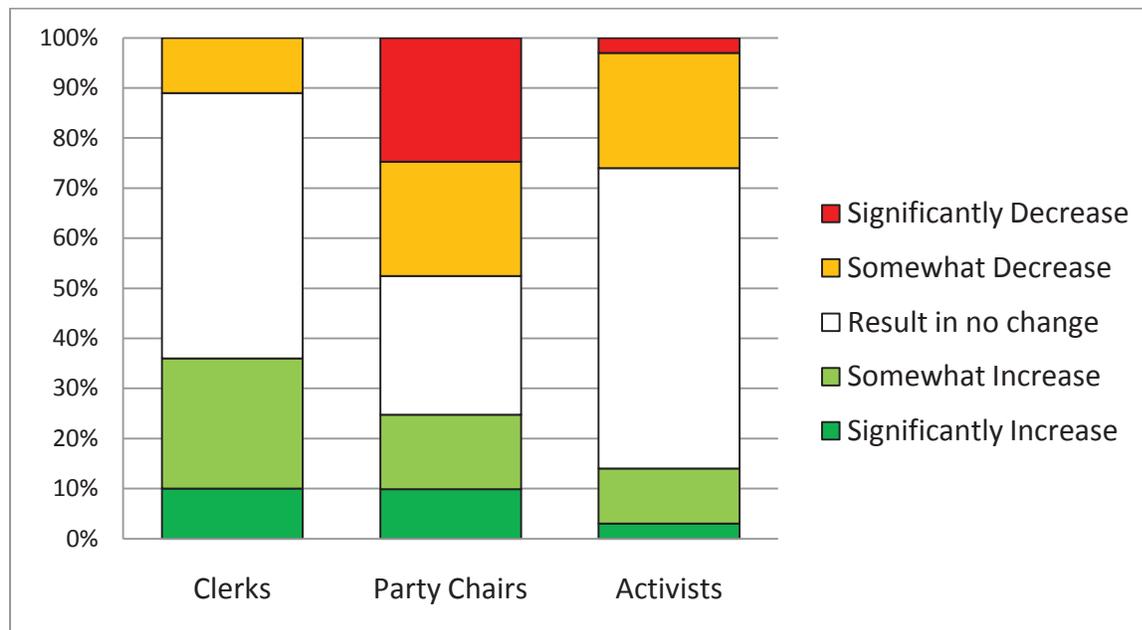
Democratic legitimacy is undermined if citizens do not have confidence in the electoral process. There is some evidence that mail balloting is associated with decreased confidence. The 2008 Survey of the Performance of American Elections asked voters: “How confident are you that your vote in the general election was counted as you intended?” Nationally, voters who cast their ballots at polling places expressed a higher level of confidence (75% were “very confident” and 19% were “somewhat confident”) than those who voted by mail (60% were “very confident” and 31% “somewhat confident”).<sup>49</sup>

Some advocates for maintaining democratic values in elections feel that the very process of going to a neighborhood polling place to cast a vote reinforces the whole idea of citizenship. In addition, they feel

that seeing people voting and depositing their ballots in a ballot box, with election observers from each party on hand, instills confidence that their vote will be properly counted.

In the survey conducted for the present study, respondents were asked about the impact of a shift to all-mail elections. A majority of clerks and voting advocates anticipated no impact on levels of voter confidence. Of those who anticipated a change, more clerks tended to see the change as positive (36%) rather than negative (11%). The pattern reversed among election reform activists: more saw a negative impact than a positive one. Overall, party chairs were much less likely to anticipate no impact (28%). Furthermore, party chairs were almost twice as likely to see a decrease in voter confidence (48%) in elections as an increase (25%).

**Figure 10. If MIB, Effect on Voter Confidence in the Election Process**



When asked whether a switch to all-mail balloting would affect the sense of community felt by voters, clerks are split, but more see an increase (36%) than a decrease (30%). By contrast, voting activists (64%) and to a lesser extent party chairs (48%) believe that all-mail balloting will reduce the sense of community.

### Mail Balloting and Election Integrity

Another set of concerns regarding the shift to all mail elections has to do with the integrity of the election. Everyone who is entitled to vote should be able to do so and have their vote counted accurately. There is a reverse corollary: those who are not entitled to vote should not be able to cast a ballot, for if they do so it negates legitimately cast ballots. Many of the comments made in key

informant interviews related to issues of election integrity, ranging from errors in election administration to efforts to fraudulently manipulate election outcomes.

### **Effects of MIB on Error Rates**

In recent years, a great deal of attention has focused on ballots that voters cast but which may not be counted. In the 2000 election in Florida, the initial issue was hanging chads. But as ballots were more closely examined in the recount process, it became clear that there were all sorts of reasons why ballots might be invalid. In the years following, attention shifted to identifying voting methods and education programs that would minimize error, whether on the part of machines, voters or election administrators. These studies do not focus on mail balloting per se, but since mail balloting is conducted using paper ballots, some extrapolations are possible.

In a paper prepared for the Pew Charitable Trusts' Make Voting Work project, Qingwen Dong and Erin Harrar review the various types of errors which occur and methods of prevention.<sup>50</sup> One area of concern is “residual” votes. These are cases where a ballot is cast but no votes can be counted in one or more contests because voters either fail to mark any choice or mark too many choices. Another type of error that can interfere with tabulation is when a voter makes stray marks on a ballot or fails to make choices in accord with ballot directions (e.g. using check marks instead of filling in bubbles).

When voting is done in person, there is at least the potential to minimize these types of errors. In a paper ballot system with precinct tabulation, it is also possible to alert the voter if there are problems with tabulation. The voter can then obtain a duplicate ballot. Likewise, DREs can be programmed to highlight under or over counts.

These kinds of safeguards may or may not be in place with MIB elections. In a vote by mail situation, all votes are cast on paper. The optical scan tabulation system can still be programmed to note residual votes, but since voters are not present at the time of tabulation, the procedure wouldn't help them to change their ballot.<sup>51</sup>

Election officials report that if paper ballots cannot be tabulated due to stray or incorrect markings, they review the ballots and prepare duplicates which are marked in accord with the voters' intent and then tabulated. However, in a MIB situation under or over-voting cannot be corrected at the point of tabulation.

Another type of error arises when voters inadvertently cast a vote inconsistent with their preferences. Most electronic voting devices at polling places give voters the chance to review their choices and make modifications, thereby reducing this kind of error. If using paper ballots at a polling place, voters may see their errors, surrender their ballots and be issued a new ballot. In a MIB election, voters making an error in completing their ballot can request replacement ballots. This may require greater initiative on the voter's part and could lead to the voter choosing instead not to vote at all.

An empirical assessment of ballots with errors from three elections in San Joaquin County, California contrasted error ballots which were cast in person (VIP) with those received from votes cast by mail (MIB). Dong and O'Harrar concluded that MIB voters made fewer errors (0.9%) than VIP voters (3.25%). The researchers do not know the characteristics of the voters making the errors, so it is possible that differences in voter composition account for differences in error rates rather than the election method. If it is the election method that accounts for the difference, then it is may be due to voters taking more time to read and complete their ballot when at home than they do in a polling booth on Election Day with voters queuing behind them. Similar conclusions were reported by Ansolabehere and Stewart, who found that "traditional paper ballots produce the lowest average rates of uncounted votes (i.e. 'residual votes'), followed by optically scanned ballots, mechanical lever machines, direct register electronic machines (DREs) and punch cards."<sup>52</sup>

Poll workers are another potential source of election problems. As elections have become more complicated, so too have the demands on volunteer poll workers. In a polling place election, these temporary workers are responsible for setting up and closing down voting machines, providing assistance to voters, deciding whether individuals can cast a regular or a provisional ballot, maintaining security, and keeping machines functioning. Ansolabehere and Stewart suggest that: "Undertrained or overwhelmed poll workers can commit a variety of mistakes, from forgetting to plug the voting systems into electrical outlets, to misplacing memory chips that store the cast ballots and forgetting to distribute access cards needed to activate some DRE machines."<sup>53</sup>

While there are no empirical estimates of how many problems arise due to mistakes made by poll workers, media reports certainly indicate that problems do arise. Election officials report that it is getting harder and harder to find and train poll workers able to master the complexities of election law and the technologies involved at the polling place. They suggest that election worker error is less likely in a vote by mail situation since fewer temporary workers are required and those that are employed can work under the direct supervision of professionals. In addition, errors made on Election Day in a polling place context may have more adverse consequences than worker errors in a vote by mail system. If problems arise at a polling place and voters end up queuing in long lines, they may decide not to cast their ballot at all. If a problem arises in tabulating mail ballots, then the consequence may be a delayed report of election results.

Vote by mail systems, however, have their own unique opportunities for error. Alvarez observes that "common VBM mistakes include sending in the ballot late, failing to include adequate postage, not including adequate identifying information, or not signing in the right place."<sup>54</sup> Additionally, either due to voter error or post office problems, ballots may be received too late to be counted.

The 2008 Survey of the Performance of American Elections (SPAEE)<sup>55</sup> estimates that 17 percent of lost votes occurred because mail ballots never arrived or arrived too late to be counted (approximately 3.9 million votes). The number of "lost ballots" through MIB amounted to 15.7 percent of all ballots cast in that manner. These estimates suggest that the amount of "breakage" in the voting system is twice as great among voters who use the mail, compared to those who vote in person.

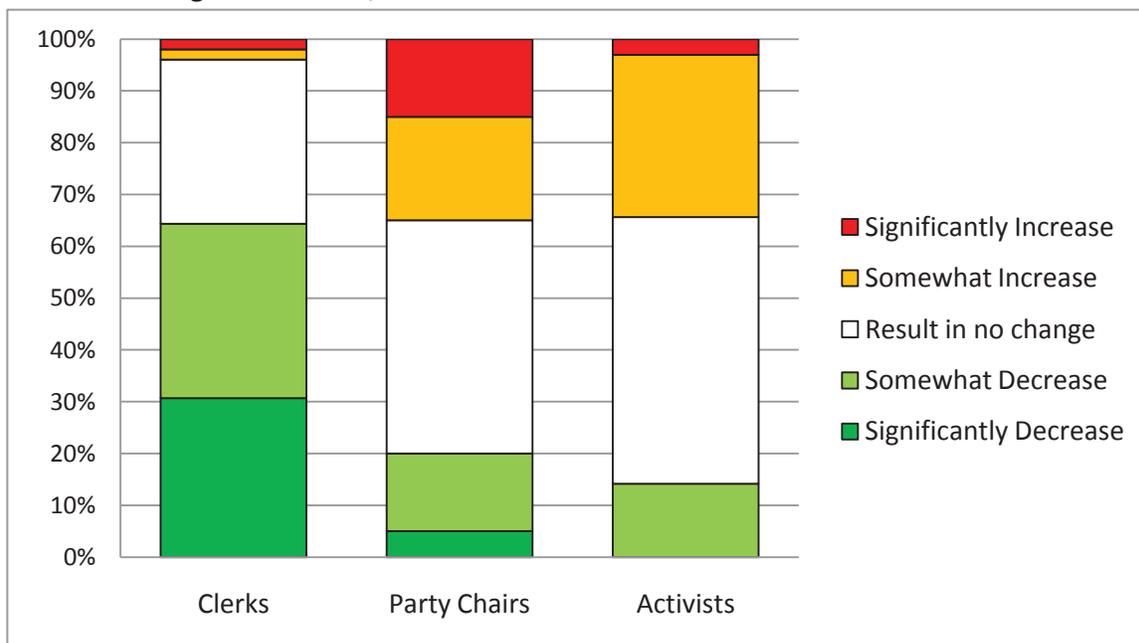
In the survey conducted for the present study, a majority in all of the groups sampled believe that the number of ballots with errors that prevent tabulation will not change, or will decrease. Under-votes in particular might be minimized because when voters complete their ballots at home they can take more time and consult reference materials if they are confused by their choices. A strong majority of all the surveyed key informant groups believe that with all mail ballots, voters are better able to complete complex ballots.

On the other hand, many key informants do expect an increase in the number of ballots requiring duplication in order to be tabulated. This increases workload and can delay counting, but with duplication, voters' ballots are counted.

With all-mail ballot elections there is concern about timely delivery. A large majority of party chairs and activists believe that there will be an increase in the number of ballots arriving too late to be counted, either because the voter procrastinated or the post office failed to perform. By contrast, somewhat less than half of the clerks (47%) expect an increase in ballots being received too late to be counted.

Key informants generally anticipate that errors by election administrators will decrease if elections rely on all-mail ballots. Almost two-thirds of clerks anticipate a decrease in errors. Indeed, this is one of the primary reasons cited by clerks for moving to all mail elections. They report that it is increasingly hard to find and train election judges. Further, it is very hard to supervise election workers and provide them with technical support when they are dispersed among a multitude of polling places. Election reform activists and party chairs are less certain of the benefits of shifting to all mail. About one-third of these key informants anticipate an increase in election administrator error in an all mail election and relatively few expect a decrease in errors (see Figure 11).

**Figure 11. If MIB, the Likelihood of Errors in Election Administration**



Clerks do not believe that a switch to all mail balloting will affect the reliability of vote tabulation. Election reform activists and party chairs are less certain. While most of them expect no impact, fully one-third of reform activists and almost one-fifth of party chairs worry that the reliability of tabulation would decrease if we shift to an all mail ballot.

The concern on the part of activists and party chairs may stem from their perception that opportunities for citizen oversight would decrease in an all-mail ballot election. More than half of the key informants in these categories think opportunities for citizen oversight would decrease in a MIB election. However, most county clerks anticipate that citizen oversight would remain about the same.

## **Effects of a Shift to MIB on the Potential for Election Fraud**

### ***Illegitimate Voters***

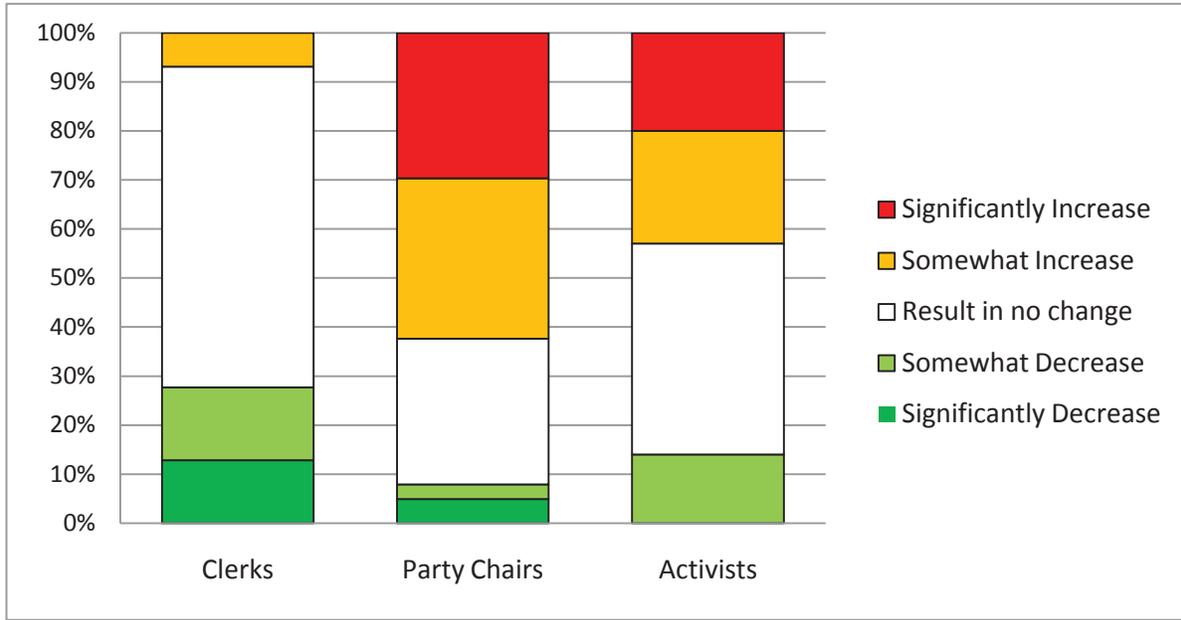
Other threats to election integrity arise not from error but rather from fraudulent efforts to manipulate the election process. There are concerns that ballots might be diverted in outgoing mail processes and fraudulently completed. Signature verification processes are designed to prevent this, but there may be error in that process. This is especially a concern if voter registration lists are not updated in a timely or efficient way, leaving people who have moved or who are deceased still on the lists. Harris cites problems arising with absentee ballots in a 1997 Miami mayoral election.<sup>56</sup> Similarly, ballots legitimately completed by voters might be diverted en route to the election office. This type of fraud may be harder to detect. Dong and O'Harrar note that there is little evidence of fraud in Oregon. But absentee ballots have been the subject of fraud in settings that have greater history of voter manipulation.<sup>57</sup>

When voters come to a polling place to cast their ballot, their signatures are checked against registration books. When voters come to neighborhood polling places, poll workers potentially are familiar enough with their neighbors to challenge those who might seek to vote fraudulently.

When voting by mail, electors sign the envelope and their signature is likewise verified when it is received by an election official. If someone is a newly registered voter, they are required to include a copy of a driver's license or other government issued ID along with their ballot. If a person does not appear at a polling place, there is some concern that the ballot may be submitted by someone other than the registered voter, thereby committing fraud.

In the survey conducted for the current study, two-thirds of clerks expect no impact on fraud resulting from a switch to all-mail ballot balloting, and almost 30 percent expect that fraud would decrease. Both the county chairs (62%) and voting activists (43%) anticipate that all-mail ballot elections would result in "significant" or "somewhat" increased fraud (see Figure 12).

**Figure 12. If MIB, Likelihood of Election Fraud**



**Likelihood of Voter Coercion**

Critics of all-mail balloting point to the greater potential for coercing voters because they potentially lack the privacy protection that they enjoy when voting at a polling place. For example, a spouse might intervene while voting at home, or voting as a group might be encouraged in retirement homes, places of business or union halls. While the risk of undue influence has been identified in the literature, there are no studies that assess the incidence.<sup>58</sup>

On the survey, 79 percent of clerks expected to see no impact on voter coercion. By contrast, 62 percent of party chairs expected to see an increase in coercion, while 42 percent of voting activists expected an increase.

**Effects of Vote by Mail on the Efficiency and Costs of Elections**

A final consideration is efficiency – both in terms of the cost of administering elections and the convenience for the individual voter. Although costs saving are often cited as a reason for switching to a MIB mode, there is very limited systematic research on its actual impacts.<sup>59</sup>

Findings from Oregon, which has the longest experience with all-MIB elections, shows a one-quarter to one-third reduction in the cost of conducting elections by mail vs. by polling place.<sup>60</sup> However, this finding is based primarily on the special election of 1995.<sup>61</sup> There have been other reports of costs when jurisdictions reported costs following a mail election and compared them to costs in prior years. For example, school districts in Multnomah county realized cost savings of 30 percent in 1986 when they shifted to the all-mail ballot.<sup>62</sup> In Nebraska, elections conducted by all-mail balloting in four sanitary

district elections were 17.9 percent less expensive per valid vote cast than previous elections conducted via polling place. In 1981, San Diego conducted a municipal election via all-mail balloting. It cost 70 percent less per registered voter than the average of the two previous polling place-based municipal elections.<sup>63</sup>

There are serious limitations to these studies since many were conducted so long ago. Many changes have occurred in election processes since then. The cost of conducting elections in the U.S. has risen rapidly over the past decade.<sup>64</sup> In part, cost increases reflect the impacts of federal reforms such as the Help America Vote Act of 2002 (HAVA). However, they are also significantly a result of state enacted reforms. From 2001 through 2009, states passed 1,985 bills related to elections.<sup>65</sup> Because of differences across and within the states, what is driving cost increases is not fully understood, though they all seem to be heading in the same upward direction.

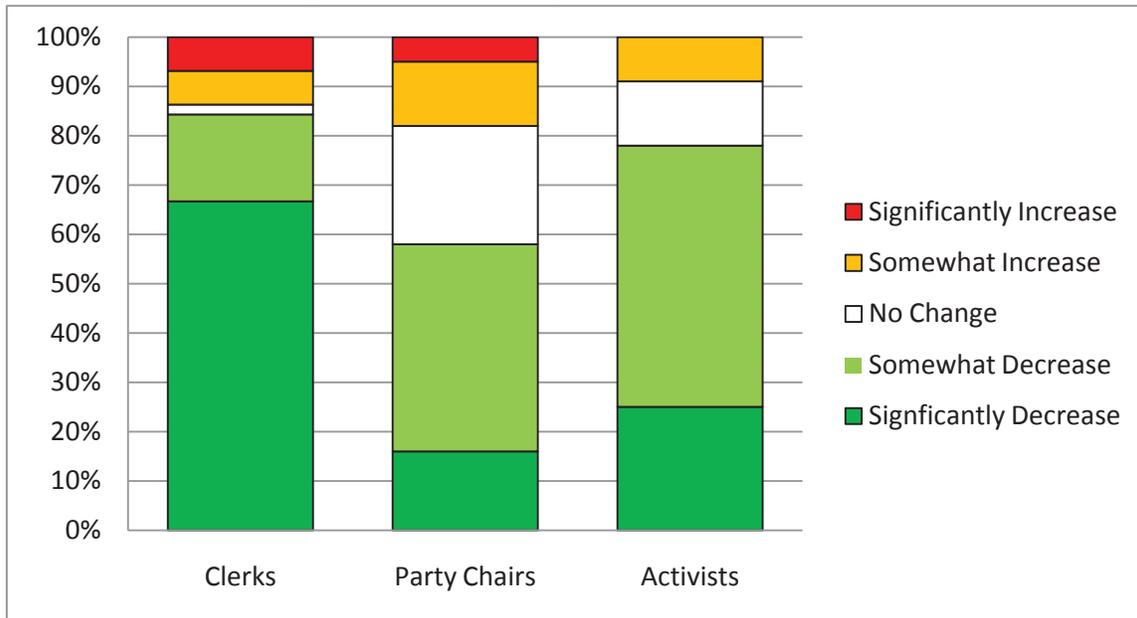
Labor costs seem to be one of the major drivers. Montjoy<sup>66</sup> compared the cost of conducting the 2004 and 2008 general elections in Contra Costa, California and Weld County, Colorado. He found significant increases in temporary labor costs just over this period. In Contra Costa, labor costs increased by 67 percent, while in Weld County they increased by 42 percent. These were overall labor costs, not cost per voter, however the number of registered voters in Contra Costa over this period increased by only 7 percent and by 15 percent in Weld County. Interestingly, Weld County employed vote centers in the 2008 election which should have reduced labor costs.

Another major cost driver is equipment, including capital, maintenance, storage and transportation. Passage of HAVA provided significant capital for the purchase of new voting systems. However, a recent study by the Brennan Center concludes that the cost of maintaining those systems over the next 20 years (including software updates) will significantly exceed the original acquisition costs.<sup>67</sup>

The move to convenience voting may also account for an increase in costs. As states moved to increase options for voting, they greatly complicated election administration. Instead of preparing for one polling place election on a single day, election administrators in many settings, including Colorado, now conduct a three-fold election – one by mail, another via service centers which allow for in-person voting in the two weeks prior to election, and a third on Election Day at precinct polling places or vote centers. The potential for cost savings from an all-mail election might look very different when the base consists of a multi-modal base rather than the simpler election formats that prevailed prior to 2000.

In the survey conducted for the current study, all three sample groups indicate that they expect cost savings to result from a shift to all mail elections. Fully 85 percent of clerks, 78 percent of election reform activists, and 58 percent of party chairs believe that the cost of conducting general elections would decrease if conducted by all-mail balloting (see Figure 13). Similar expectations were reported regarding the potential for costs savings in primary elections.

**Figure 13. If MIB, Likely Effect on Elections Costs**



**Conclusions from the Opinion Survey: Desirability of All Mail Ballot Elections**

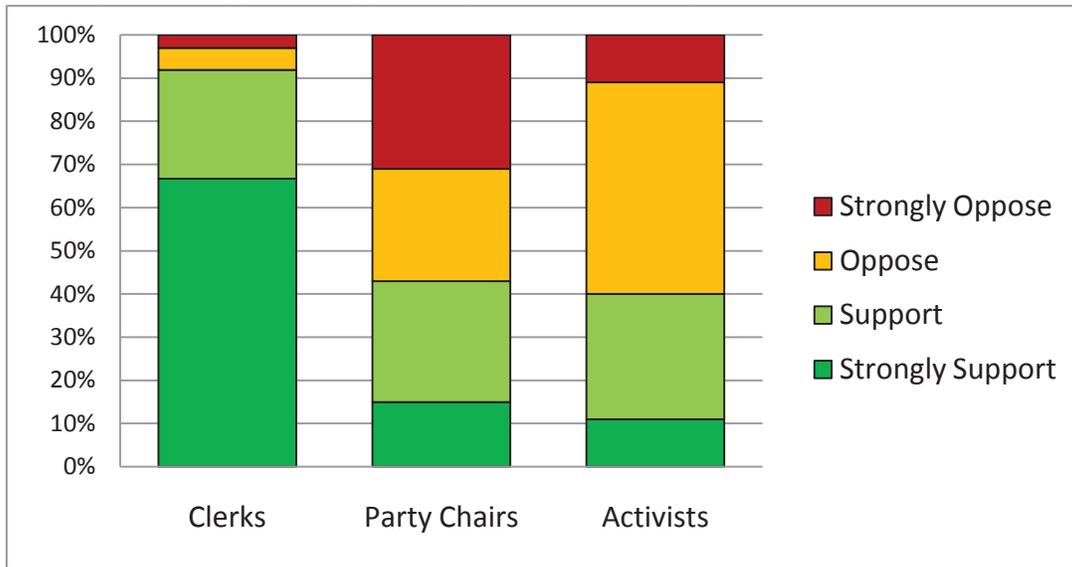
In addition to asking about the likely impacts of a shift to all mail ballots, the survey asked respondents their opinion as to whether state law governing general elections in even years should be changed to put in place all mail ballots.

***Should Colorado Switch to All-Mail Ballot Voting in Even-Year Elections?***

Support for a change to all-mail ballot elections was very strong among the county clerks, with 92 percent supporting the idea. This is not surprising given their view of impacts reported above. They are driven by a strong interest in controlling costs and limiting errors in election administration. But they also perceive little downside to the proposed change.

By contrast, a majority of the respondents in the other two stakeholder groups opposed a change mandating a shift to all mail ballots. 60 percent of voting activists opposed the idea as did 57% of county level party chairs. Interestingly, while a slightly higher percentage of activists voiced opposition, fewer of them felt strongly about their opposition than was true of party chairs (see Figure 14). This is also evident in the follow-up questioning. Those who opposed legislation making all mail elections mandatory were asked whether they could support legislation giving counties the *option* of holding all mail elections. Among the party chairs who opposed the shift to all mail election elections, only one-third said they could support offering counties the option. Among the election activists opposed to mandatory mail elections, about half could support giving counties the option.

**Figure 14. Support or Oppose Legislation Mandating All Mail General Elections**



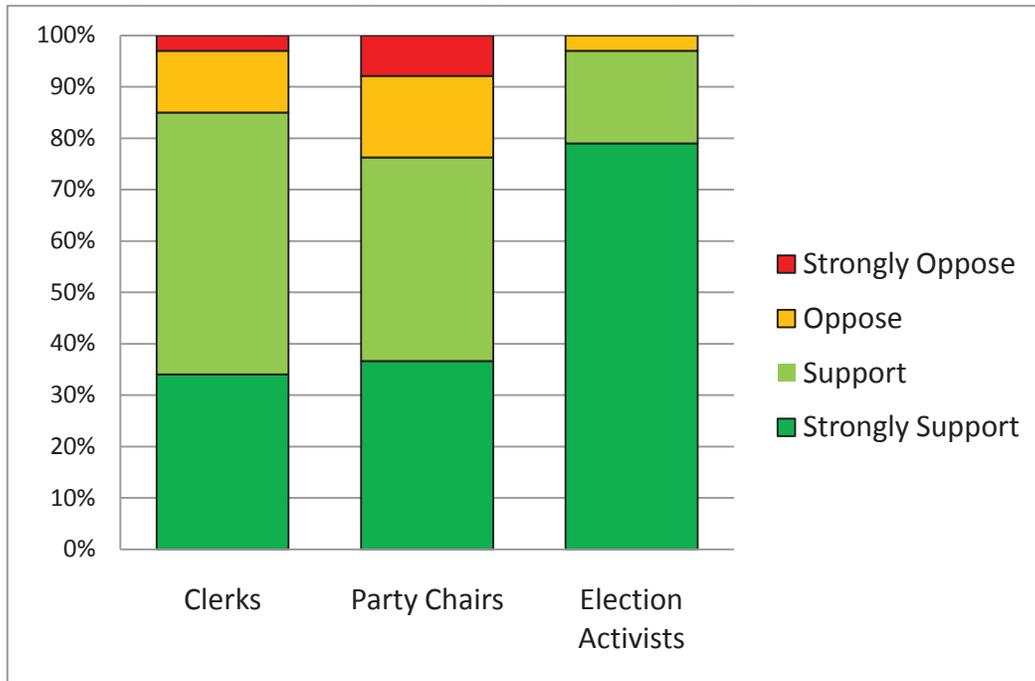
Based on the behavior of individual voters as evidenced by the proportions signing up for permanent vote by mail status, the public likes voting by mail. It seems, however, this preference doesn't translate into support for all-mail ballot elections. A survey of Colorado voters conducted by Mann and Sokhey in the summer of 2010 found that only 15 percent of voters support only having a choice of mail balloting, while 77 percent wanted to retain a choice among modes of voting (e.g., early voting, polling places, service centers, etc.).

***Should Service Centers be required in All Mail Ballot elections?***

The law enabling the use of all mail ballots in the 2010 primary election required counties to establish service centers to be open in the weeks prior to the election where registered voters could come to seek a new or replacement ballot. These service centers were also to have voting machines adapted for use by disabled voters. Counties were also required to provide locations where completed ballots could be dropped off, if voters preferred not to place them in the mail. The number of service centers required varied based on population size. The legislation allowing the use of all mail ballots in odd year elections does not require service centers to be operated.

In the survey, all of the stakeholder groups voiced strong support for requiring service centers in all mail-ballot elections (see Figure 15). Those who supported service centers for general elections also believed that this requirement should extend to other all-mail elections (e.g., primaries and odd year elections).

**Figure 15. If MIB, Support or Opposition for requiring Service Centers**

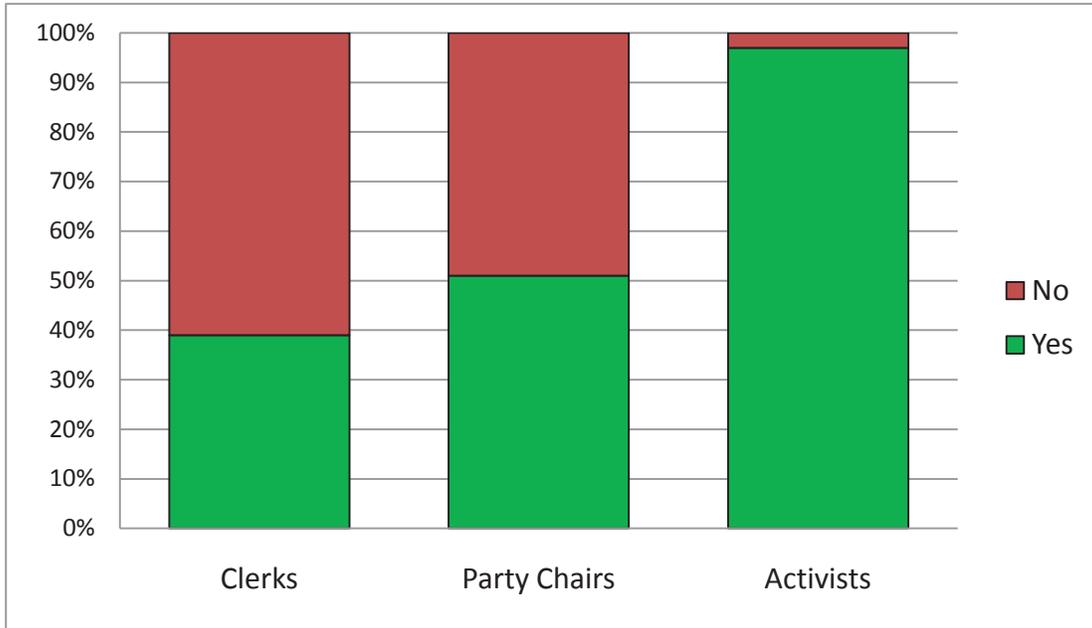


### *To Whom Should Ballots be Sent?*

A contentious issue in the design of all-mail elections is whether ballots should automatically be sent to registered voters whose status is “inactive” for reason of failing to vote. Colorado shifts voters from “active” to “inactive-FTV” as soon as they fail to vote in one general election. The law governing counties if they opted to hold the 2010 primary using all mail ballots required them to send ballots to voters in the inactive-FTV category.

The survey of stakeholders asked whether this provision should carry forward if general elections were held using mail ballots only. Sixty-one percent of clerks said no. The view among other stakeholders was quite different. Fully 97 percent of election activists wanted inactive-FTV electors to receive ballots. Party chairs were split, with 51% favoring the provision (see Figure 16).

Figure 16. If MIB, Whether Ballots Should be Sent to Inactive Fail to Vote



The significance of this provision can be seen in an examination of registered voter statistics. The 2008 presidential election had an unusually high turnout. The newly activated voters were categorized as “active” voters in the 2010 election. Anyone failing to cast a ballot in the 2010 election would move to the Inactive-FTV status. The December 2010 listing of registered voters included 1,831,223 active registered voters, down 645,979 from the month prior.<sup>68</sup>

## Part Three

### Understanding Election Costs in Colorado

Given the limited research on election costs and how central perceived cost savings are to the argument for shifting to all-mail ballots, the Best Practices and Vision Commission requested additional research on the subject. For the purposes of designing this study, it was very useful to have access to the work done in 2009 by Russ Ragsdale, the Clerk and Recorder for Broomfield County. He collected data from his colleagues on the costs of the 2008 election in Colorado. Clerks were asked to provide their actual costs for that election and then to estimate what those costs might have been if the election had been conducted by all-mail balloting. Costs were reported by specific categories, such as printing, mailing, equipment rental, etc. Almost three-quarters of the state's clerks responded to the survey, with a good balance of representation from urban and rural areas.

Ragsdale's data revealed that the actual cost per registered voter<sup>69</sup> in the 2008 Colorado General Election ranged from \$2.92 to \$39.01, with an average cost of \$8.49. The most expensive components in conducting that election were: temporary staff and overtime for permanent staff (33.8%); the cost of printing ballots (30%); and technical support (12.5%). Higher costs per registered voter were incurred by rural counties, in part because they could not achieve economies of scale in things such as printing ballots.

Ragsdale concluded that if the 2008 election had been conducted via all-mail balloting, counties might save 45% on average in the cost of conducting elections. Larger counties, which account for a disproportionate share of the total amount spent on elections, expected greater savings than smaller counties, so statewide the cumulative savings would have been greater than 50 percent.<sup>70</sup> Clerks expected to see their greatest savings in four areas: temporary staff and staff overtime (35%); renting space (15%); and printing ballots (13%).

There were several distinct limitations to the Ragsdale survey. For many of the responding clerks, 2008 was the first year that voters could place themselves on the permanent vote-by-mail list. Since clerks were not sure how many voters might choose to vote by mail, the election might have been over engineered; for example, in terms of printing extra ballots for people who might show up at polling places. Consequently, the projected savings might likewise have been overestimated.

The opportunity existed in 2010 to collect better data. As noted previously, the Legislature authorized and most counties took advantage of the opportunity to conduct their primary exclusively by mail. With greater experience in processing mail ballots and even in conducting all-mail elections, clerks have

gained a better understanding of what would be entailed in conducting an all-mail general election. Further, by engaging experienced researchers to do the study, there could be more systematic follow-up to improve the consistency and accuracy of reporting.

### **Methodological Approach**

The Ragsdale study provided a basic template for designing a survey of the 2010 elections for the Best Practices and Vision Commission. The basic cost categories from the Ragsdale survey were maintained, but augmented in two areas. First, Ragsdale's study only captured the cost of overtime for regular election staff. In the new survey, respondents were asked to also provide the full annual salary and benefits for election staff, as well as the estimated percentage of time that staff spent on specific election duties (i.e., conducting the primaries, the general elections, and registering voters).<sup>71</sup> Second, the Ragsdale study only asked for the cost of voting equipment that was rented from a vendor.<sup>72</sup> The new survey included the capital costs for all voting equipment owned by a county. These costs were annualized using a ten year depreciation period and assuming two elections per year. It also sought to capture the full costs of maintenance contracts and software licensing, which were likely omitted in the responses to Ragsdale.<sup>73</sup>

A final modification made to the Ragsdale study was to include a comparison of the costs of conducting the primary and general elections in the same county. Employing such a comparison was based on the fact that a recent change in Colorado election laws allowed counties to conduct their 2010 primaries as all-mail elections so long as they also offered a minimum number of service centers. Voters could use these service centers to obtain replacement ballots prior to and on Election Day. Consequently, the cost per vote cast in a MIB primary could be compared with the cost per vote cast in the same county's general election where hybrid modes of voting would be employed. In theory, primary costs in these counties should provide a better sense of the projected costs resulting from a change to all-mail ballot elections.

### **Choosing a Sample of Counties**

In discussions with Ragsdale and other county clerks, it was clear that in order to be sure that costs were accurately captured and that savings estimates were based on sound considerations, that it would be appropriate to limit the number of counties surveyed. The choice of counties was based in large part on identifying pairs of counties that had a similar sized electorate, were in the same region of the state, and had chosen different modes for conducting their 2010 primary. Out of Colorado's 64 counties, only 18 had chosen to conduct non-MIB primaries. Four of these, representing different regions of the state, were chosen to be part of the sample. Again, they were paired with a similar county in their region. Since most of the counties opting not to MIB in the primary were rural, four additional larger counties were included in the cost study to make it more representative of the whole of the state. Consequently, while less than a fifth of the state's counties were surveyed, they represented over two-thirds of the state's population.

### Cost Study: Participating Counties

County	Registered Voters as of 11/1/10	Primary Election	Region
Prowers	6,877	Hybrid-PP	Plains
Washington	3,212	All Mail	Plains
Saguache	4,052	Hybrid-PP	South Central
Rio Grande	7,496	All Mail	South Central
Weld	145,701	Hybrid-VC	Front Range
Douglas	193,156	All Mail	Front Range
El Paso	371,058	Hybrid-PP	Front Range
Larimer	219,107	All Mail	Front Range
Denver	428,006	All Mail	Front Range
Jefferson	381,164	All Mail	Front Range
Broomfield	37,450	All Mail	Front Range
Mesa	98,433	All Mail	West
PP= Precinct Polling places; VC = Vote Centers			

### Conducting the Survey

The survey of election costs was conducted in two parts. The first part asked for information about how the primary and general elections were administered. For example, the survey asked: how many service centers were open in MIB counties and how many polling places in other counties; what equipment was used; what services were provided by vendors, full time staff, and temporary employees; etc. The second part of the survey requested specific information on operating costs, broken into 24 discrete cost categories, plus costs of acquiring election equipment. Data were collected on the actual cost of the primary and general elections. Additionally, clerks provided estimates of what the general election would have cost had it been conducted exclusively by mail, following the same rules which governed the primary (i.e. service centers before and on election day plus mail to inactive FTV).

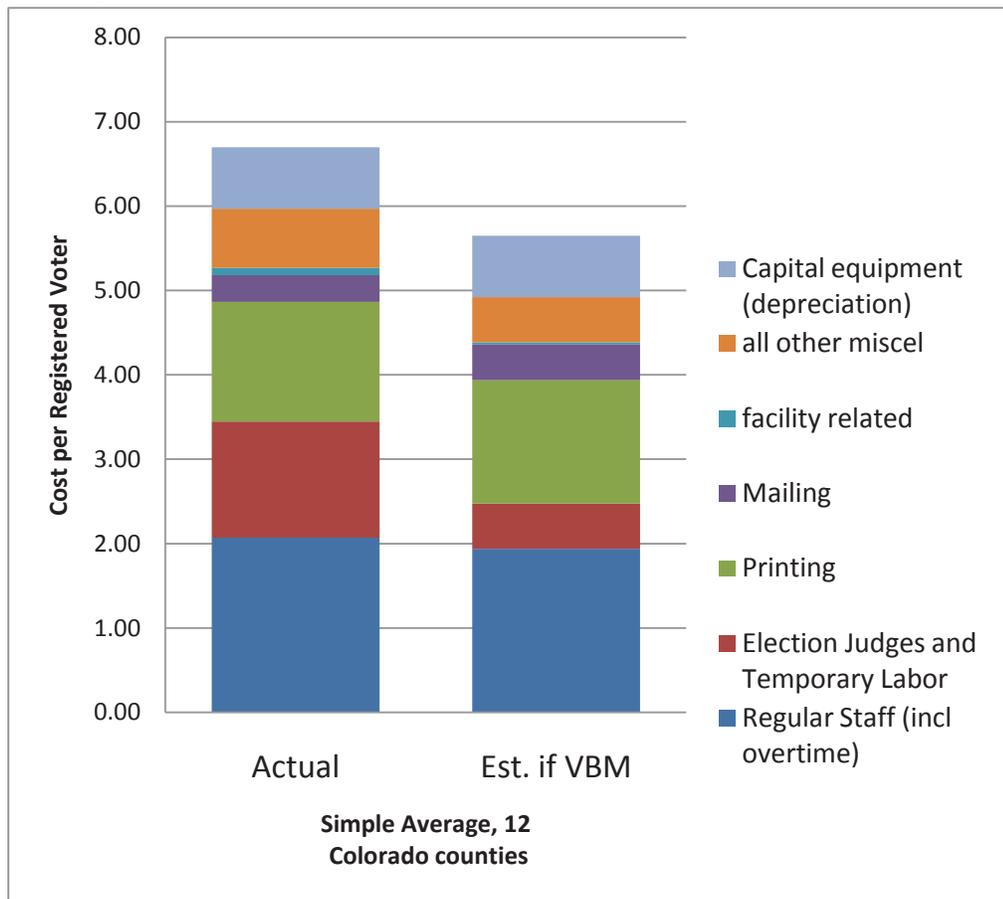
### Findings

The general assumption shared by advocates for MIB is that it will achieve significant cost savings. However, the empirical literature (discussed in the Part Two of this report) includes few studies of election costs. In addition, because of the highly decentralized nature of elections in Colorado, it is important to see where cost savings might be achieved and of what magnitude.

In 2010, the overall cost per registered voter simply averaged across the sampled counties for the general election was \$6.70. The major cost drivers were staffing (both regular and temporary, including overtime), printing and capital costs (see Figure 17).

This estimate of total election cost is substantially lower than the estimate in Ragsdale’s survey, despite the inclusion of several additional cost categories. If only the categories common to both elections are included, then the estimated cost per registered voter in the 2010 general election is \$4.03, less than half the 2008 cost estimated by Ragsdale. In general, presidential elections would be expected to be more costly than other even-year elections. Costs in 2008 were unusually high, however. There were big uncertainties in the 2008 election stemming from the introduction of the permanent mail voter list, the decertification of election equipment, and the migration of voter registration records from county-based systems to the statewide system, SCORE. There were also uncertainties due to large numbers of late registrations and expectations of record turnout. With Colorado likely to be one of only several swing states, media interest was high. Clerks responded by over-engineering the election to avoid the possibility of problems arising in administration. In 2010, many of the factors driving costs in 2008 were no longer present.

**Figure 17. General Election Costs: Actual and Estimated if All-Mail Ballot**



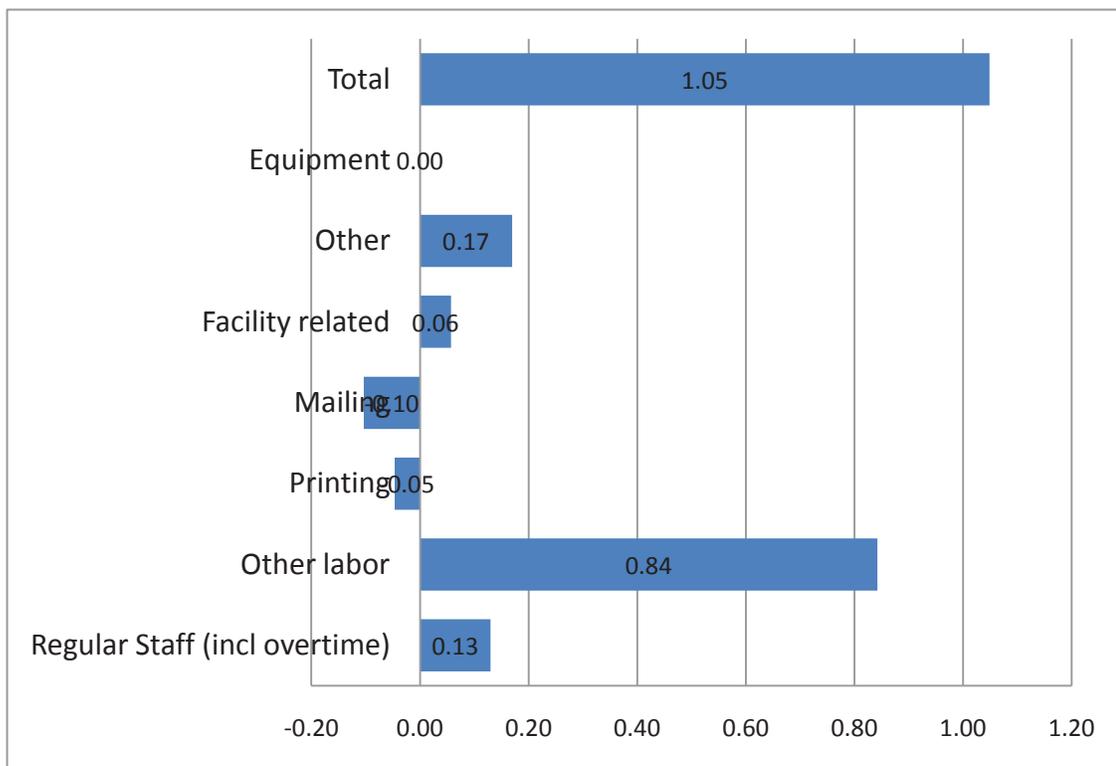
### Does Voting By Mail Cost Less?

The estimated cost for the 2010 election, had it been conducted through all-mail balloting, is \$5.65 per registered voter. This implies a savings of \$1.05 per registered voter, almost 19 percent of the total cost. All of the counties participating in the cost study reported that they would save money if there

were a shift to all mail elections. The amount of savings did vary, ranging from \$0.40 to \$1.99 per registered voter.

The largest savings came from temporary labor at \$0.84 per registered voter. There were more modest savings in the “miscellaneous” category, which mostly arose in counties that believed they could quickly shed costs related to voting machines. There were modest savings anticipated in regular labor costs. Expected savings were offset to some extent by expected increases in costs for mailing and printing (see Figure 18).

**Figure 18. Cost Changes in MIB by Cost Category**



Estimates from the present study of the potential for savings, whether measured in dollar terms or on a percentage basis, are lower than estimates derived by Ragsdale for the 2008 election. If the present study had measured base costs using the same categories as Ragsdale did (i.e., excluding the salaries and benefits of permanent staff as well as equipment costs), then the estimate of savings in dollar terms would have been higher. The estimate of percentage savings would increase from about 19 percent to 29 percent of actual incurred costs. This is still substantially lower than the 2008 estimate. The difference is attributable to several factors. First, as explained above, the base cost for conducting the general election was lower due to less over-engineering. Second, clerks completed their estimates using a common understanding of what would be required of them in an all-mail election. It is likely that in

2008, clerks were not anticipating having to run service centers or to mail ballots to inactive-FTV voters. Third, the estimates of costs may simply be better informed since there was opportunity for greater dialogue regarding costs to be considered.

## **Difference by Cost Categories**

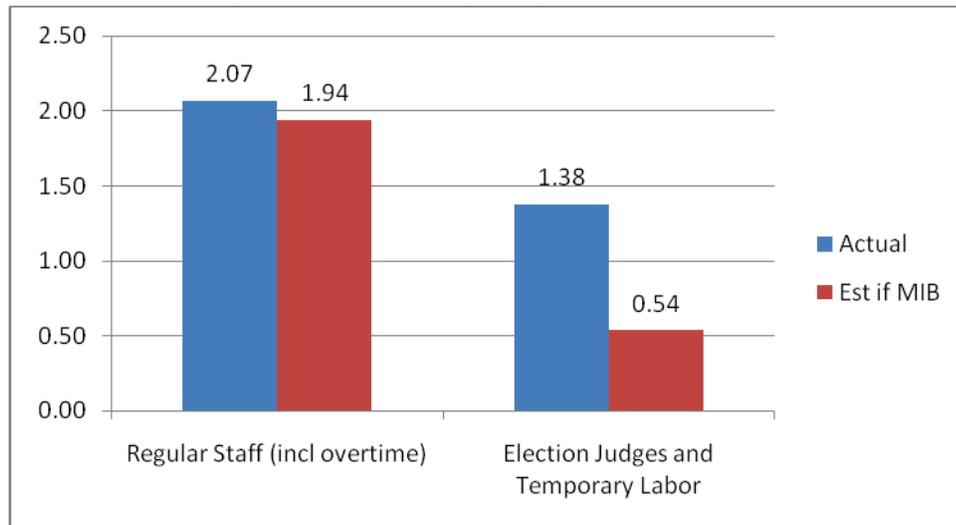
### ***Labor Costs***

The cost of all labor, including permanent and temporary staff, required to conduct elections accounted for half the total cost per registered voter. Salaries for permanent election staff made up 31 percent of the total cost of conducting the general election, or \$2.07 per registered voter (see Figure 19). There was a great deal of variability in the estimates reported by counties, attributable in part to different levels of reliance on vendors, other county employees and temporary staff, but also reflecting difficulties in accurately estimating time dedicated to the general election.

Estimating labor costs was difficult and the data are subject to considerable uncertainty. Urban counties typically have dedicated election staff, while in rural counties the clerk and recorders' staff may be responsible for functions unrelated to elections, including motor vehicle registrations. Even for dedicated election staff, only part of their time is spent on elections, with registration activities consuming a variable amount of their remaining time. Consequently, staff time had to be roughly prorated by the amount of time spent on elections. Since time diaries were not kept, these time apportionments may well be subject to error. It should also be noted that the county clerks' own salaries were not included, even though elections work undoubtedly consumes a large proportion of their time. Another factor to be considered is that some counties might rely on staff in other county departments for temporary duties on Election Day or for specialized services that are not included in the clerk's budget. In these cases, actual costs might be understated. Only a couple of counties in the survey sample expected to see any savings in permanent staff salaries, but seven clerks anticipated a reduction in overtime payments.

Temporary staff includes election judges, canvassing boards, and people who help in the processing of mail ballots and tabulations. For several of the counties, election judges are the largest temporary staff cost. Judges in the sample counties were paid between \$80 and \$160 for Election Day work. Temporary staff account for 21 percent of the cost per registered voter. All of the sampled counties expected to achieve significant savings in temporary staff costs as the result of a switch to all-mail ballot elections with an average savings of 66 percent. These savings would be achieved primarily by not having to operate polling places.

**Figure 19. Cost savings: Regular and Temporary Staff**



### **Printing Costs**

After labor, printing costs account for a significant percent of the cost per voter in conducting elections. In the 2010 general election, printing costs comprised 21 percent of total costs. Printing costs include printing ballots to be mailed and those to be used at polling places, secrecy envelopes, voting notices, training materials for judges, poll books, etc. As a result of switching to all-mail balloting, there would be an increase in total printing costs of approximately \$0.05 per registered voter.

*Ballots:* Most printing costs are associated with producing ballots. This includes the design of ballots, which some counties do in-house while others rely on vendors. The average cost for producing ballots in the sample counties was \$1.20 per registered voter.

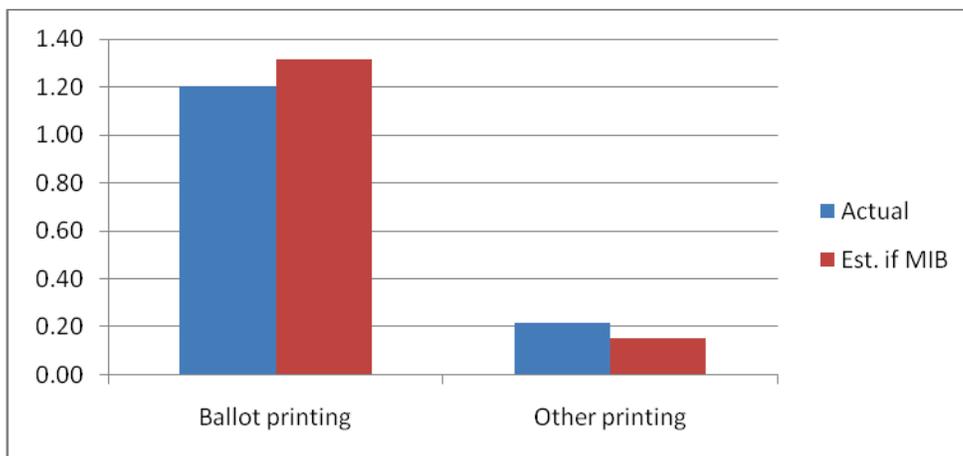
Ballot related printing costs varied widely (from \$0.55 to \$2.22 per registered voter). This variability reflects the number of ballot designs and the length of the ballots being produced. One of the large urban counties reported having 486 ballot designs; this contrasts with some of the smaller counties with just four different designs. Even in a statewide election with the same offices and ballot initiatives, ballot length can differ depending on the number of candidates running and the number of coordinated local elections. Another important factor is the degree to which ballot packets are now intended for mailing or use at the polls. Envelopes are one of the larger cost components in producing the ballot package, but now come into play only to the extent that voters request mail ballots. Among the sample counties, the ratio of active permanent mail-in voters (PMIV) to total active voters ranges from just under half to as high as three-quarters. Also, there are major economies of scale possible in printing (e.g., rural counties with lower volume generally had a much high cost per ballot printed).

Estimates of how ballot printing costs might be affected by a change to all mail-ballot elections also varied widely: from an increase of over 53 percent to a decrease of over 41 percent. Nine counties anticipated cost increases, and three predicted cost decreases. Part of this variability seems to reflect

the degree to which a county already has a high percentage of permanent mail ballot voters. Counties that have lower proportions of their registered voters on the PMIV list will have greater adjustments to make to print the envelopes needed to shift to mail. Another important factor is the extent to which they rely on paper ballots in their early vote centers and Election Day polling places. If in-person voters now use DREs, the number of ballots to be printed will have to increase. If in-person voters now use paper ballots, and especially if voters have a choice of polling places to go to (as they do with vote centers), counties may be printing more ballots than they will in an all MIB election. In estimating the costs of printing ballots, counties were asked to assume a continuation of the requirement to mail ballots to those with the status inactive FTV. Costs would be lower if this requirement were not in place and the impact would differ by county since inactive voters comprise a greater share of all registered voters in some counties than others.

*Other printing costs:* Other printing costs make up a much smaller percent of the total cost of voting ; only \$0.22 per registered voter (see Figure 20). But savings here are much more significant and unambiguous. No counties anticipate cost increases in this category. On average, counties anticipate printing cost reductions of 88% associated with training materials for election judges. The cost of producing poll books would decrease 45% on average. Savings were also anticipated in the printing of voter notifications.

**Figure 20. Ballot and Other Printing Costs Per Registered Voter**



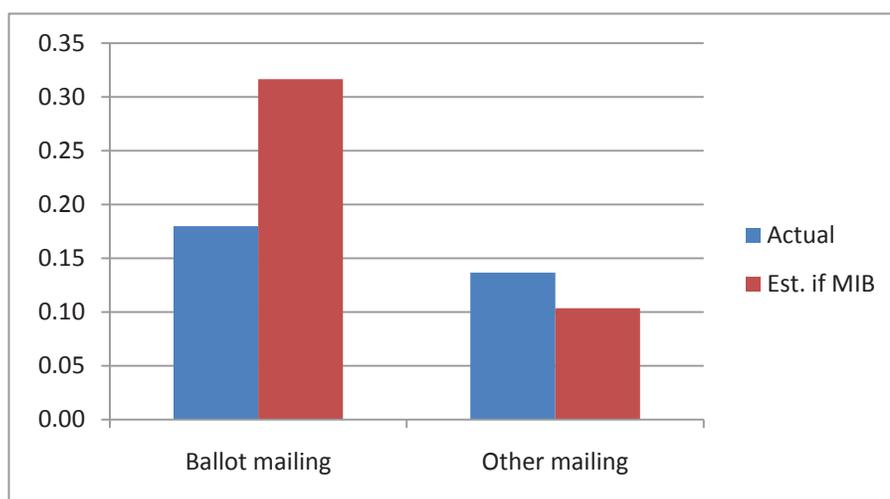
### *Mailing Costs*

Postage costs total \$0.32 per registered voter, almost five percent of the total cost of conducting the 2010 general election. Mailing costs are incurred primarily by sending out ballots and voter notifications. There are also costs associated with returned mail. Using bulk mail rates greatly reduces mailing costs: decreasing per-ballot postage to as low as 9 cents, instead of 40– 66 cents for regular first class mail. However, bulk rate mailing is not an option for some small counties. Even those counties that qualify for bulk rate may only be able to make use of the reduced rates in their initial mailing of

ballots. Mailing costs are also incurred for the return of undeliverable ballots, so counties with more mobile populations may have higher costs.

As a result of switching to all-mail ballot elections, mailing costs are projected to increase by \$0.10 per registered voter or an average of 33% (see Figure 21). All counties anticipate an increase in the cost of mailing ballots, with the cost increase varying in magnitude depending on the proportion of voters already receiving their ballots by mail. Most counties expect to offset increased ballot mailing costs with decreases in other mailing costs related to such things as voter notifications.

**Figure 21. Ballot and Other Mailing Costs per Registered Voter**



### *Facility Related Expenses*

These expenses include the cost of renting polling places and drop box locations, training, and meeting spaces. Some counties are able to use county or other publically owned spaces (e.g., schools) as polling places at no expense, while other must rent at least some of their space. All counties report costs for setting up polling places and for transporting ballots, machines, etc. In total, facility-related expenses amounted to \$.09 per registered voter, or about one percent of total costs on average. If there were a shift to all mail elections, counties anticipate that facility related costs would decrease to just \$.03 per registered voter.

Several counties noted that the base costs are underestimated as is the potential for savings. Two reasons were cited. First, the base estimates exclude the use of warehouse space where voting equipment is stored and voter packets are assembled prior to Election Day since these costs were typically absorbed in the overall county budget and not charged to the clerk and recorder. Clerks believe that the amount of warehouse space needed would decrease substantially if there were a shift to all-mail elections. Second, clerks anticipate higher facility costs in the future if we continue holding

polling place elections. Schools are increasingly reluctant to make their space available for Election Day voters due in part to security concerns.

### *Miscellaneous Expenses*

In the miscellaneous category, counties were asked to provide estimates of the cost of vehicle rental and mileage, special phone charges, voting supplies, and ongoing costs related to the operations and maintenance of their voting equipment, including software licenses and maintenance contracts. In total, counties reported an average cost of \$0.70 per registered voter.

With a shift to all-MIB elections, these costs are anticipated to drop by an average of 39 percent to \$0.17 per registered voter. This category was difficult for clerks to estimate. Many of the technical support costs are associated with electronic voting equipment. With fewer of these machines needed at the polls (as more voters vote by mail or use paper ballots at the polling place), many counties have already dropped their maintenance contracts, choosing to pay only as difficulties arise. They have also reduced technical support, as their own staffs have increased in capability and as the machines are less critical to election administration. Other counties still have fairly large costs in this category, including those with lease-to-own contracts with vendors. Some believe that with a shift to all-mail elections, they could shed these costs quickly. Others suggest there may be future savings, but it would take time for those savings to be realized.

### *Equipment costs*

Most of the sample counties use voting equipment that they own. Much of this equipment was purchased between 2002 and 2006 using HAVA grants.

*Overall inventory:* For the purpose of estimating voting equipment capital costs (maintenance costs were captured elsewhere), clerks were asked to review and correct an inventory of their equipment that was provided by the office of the Secretary of State. Although all counties make some use of DREs, the ratio of machines to voters (both in inventory and in actual use) varies widely as some have shifted to greater use of paper ballots. Some counties use more expensive central optical scanning equipment to tabulate ballots (including those returned by mail and those cast at polling places), while others rely exclusively on individual polling place or service center scanners. There can be a tradeoff between equipment costs and other costs: for example, one county uses ballot on demands printers while the other sample counties stock an inventory of extra printed ballots at voting places.

*Annualized cost:* The cost of the total inventory of voting equipment was amortized over a period of ten years. Although this period was used to standardize calculations, some of the inventoried equipment was purchased used and some of the new equipment has an expected useful life of greater than ten years. Another assumption used in annualizing costs was that regardless of the amount of equipment used in any one election, the capital cost per election was constant. This was calculated at 1/20 of total

capital costs (i.e., two elections per year over the ten year period of amortization). Using these assumptions, capital costs averaged \$0.73 per registered voter.

In the current estimate of what the 2010 general election would have cost had an all-mail option been available, it was assumed that there would be no change in capital costs. These costs are fixed in the short-term, reflecting purchases already made.

*Replacement costs:* In the future, however, some cost savings could occur as a result of shifting to all MIB elections. An important reason for trying to capture capital costs is to understand the impact on plans to replace voting equipment. As mentioned earlier, most of the voting equipment currently in use in the state was purchased between 2002 and 2006. Assuming a ten year useful life, significant equipment purchases can be expected to begin in 2013 (following the next presidential election) or whenever the state recertifies election equipment.

Most counties have not yet developed plans for equipment replacement and would welcome greater certainty in the laws governing election administration prior to having to make those investment choices. Most clerks believe that if there were a shift to all-mail ballots, they would not need to replace their existing DRE systems. Over the long run, this could mean considerable savings. Most counties believe that they have the other equipment needed to conduct all-mail elections, although some might want to add one or more larger capacity optical scan tabulating machines or ballot on demand printing capability.

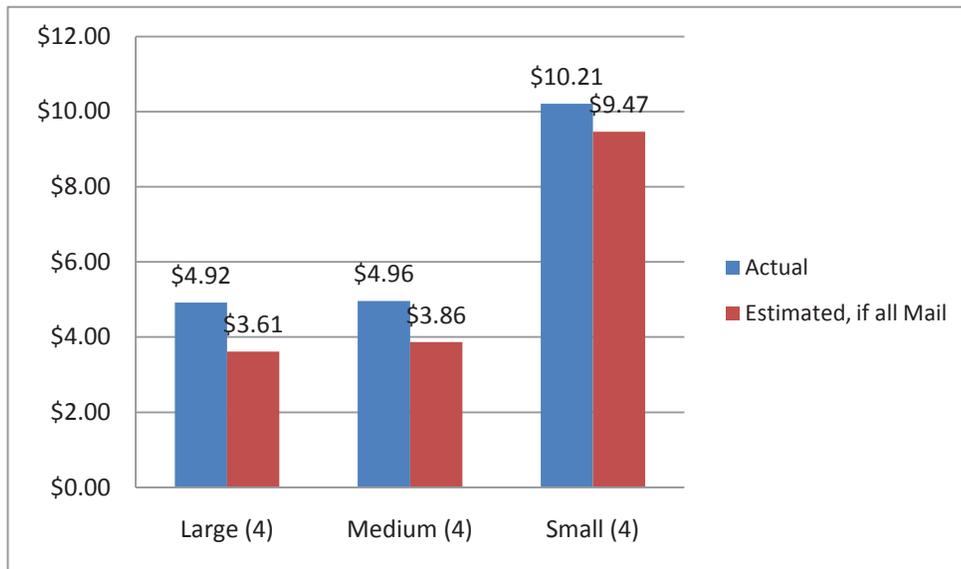
### **Urban and Rural Differences**

The study conducted by Russ Ragsdale on the 2008 election showed much higher costs per voter for rural counties. Indeed, they tend to significantly skew the range. The current study likewise found significant cost variation across counties, with the less populated rural counties having a significantly higher cost per registered voter. Interestingly, in the Ragsdale study medium sized counties had somewhat lower costs than large counties, suggesting that more than economies of scale may be operating to bring down costs.<sup>74</sup>

In the present study, with the inclusion of more fixed costs, there appears to be a downward sloping cost curve. The large counties sampled had an average cost per registered voter of \$4.92; medium counties had an average cost of \$4.96; while small counties had an average cost of \$10.21 (see Figure 21).

The potential for savings from an all MIB election, however, has an opposite pattern with larger counties having the potential to realize greater savings than smaller counties (see Figure 22). Estimated savings in large counties would be \$1.31 per registered voter, or 27% of total costs. In medium size counties, \$1.09 could be saved, 22% of total costs. In the smaller rural counties where fixed costs loom large, the likely savings from all MIB election is much smaller; \$0.74 per registered voter, or just 7 percent of total costs.

**Figure 22. General Election Costs per Registered Voter by County Size**



### Statewide Potential Cost Savings

A shift to all MIB elections could result in considerable cost savings to counties. Even with a requirement for service centers and mailings to inactive-FTV, this study estimates potential savings in a non-presidential even year election of almost \$4,000,000. Given the great variation in practice among the state's counties and the limited data available on election costs, this estimate is offered with some trepidation.<sup>75</sup> It is derived by making the following assumptions:

- The four large counties in our study (Denver, Jefferson, El Paso and Larimer) are representative of all seven counties in the state with registered voter populations greater than 200,000;
- The four medium counties in our study (Douglas, Weld, Mesa and Broomfield) are representative of the ten counties in the state with registered voter populations between 25,000 and 200,000; and
- The four small counties in our study (Rio Grande, Prowers, Saguache and Washington) are representative of the 47 counties with registered voter populations smaller than 25,000.

### Additional Support for MIB Cost Savings

Eight of the counties participating in the study were selected as matched pairs, with half conducting their primary using their usual methods and half choosing the option of all mail balloting. The eight counties separately reported their actual costs in conducting the 2010 primary election.

For this analysis, we standardize costs by the number of primary-eligible voters, rather than the total count of registered voters. This is because voters (active and inactive) without a party affiliation are not

eligible to cast votes in the primary. The four MIB counties reported primary costs per primary eligible voter of \$6.95. Their costs were \$1.50 less per primary-eligible voter than counties whose primaries were administered in the usual manner, i.e. in-person voting at precinct polling places or vote centers. If regular staff salaries and capital equipment costs are omitted, the costs were 3.77 and 4.76 per registered voter, respectively.

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## Endnotes

<sup>1</sup> [http://www.eac.gov/assets/1/workflow\\_staging/Page/57.PDF](http://www.eac.gov/assets/1/workflow_staging/Page/57.PDF)

<sup>2</sup> Hall, Thad; Alvarez, Michael; Lenz, Gabriel; Stewart, Charles; Berinsky, Adam; Ansolabehere, Stephen (2008) 2008 Survey of the Performance of American Elections <http://hdl.handle.net/1721.1/49847> (downloaded 12/22/11).

<sup>3</sup> *The Politics of Voter Fraud*, Lorraine Minnite, Washington, DC: Project Vote [http://poli375engage.pbworks.com/f/Politics\\_of\\_Voter\\_Fraud\\_Final.pdf](http://poli375engage.pbworks.com/f/Politics_of_Voter_Fraud_Final.pdf) downloaded 11/13/10; Tracy Campbell (2004) *Deliver the Vote*, NY: Carroll & Graf. 2005; John Fund, *Stealing Elections*, Encounter Books.

<sup>4</sup> Aldrich, John (1993) Rational choice and turnout, *American Journal of Political Science* 37:1, p.266.

<sup>5</sup> Highton, Benjamin (2004) Voter Registration and Turnout in the United States, *Perspectives on Politics* 2:3, 507-515.

<sup>6</sup> Civic Youth, [http://elections.gmu.edu/voter\\_turnout.htm](http://elections.gmu.edu/voter_turnout.htm)

<sup>7</sup> Highton, Benjamin and Wolfinger, Stanley (June 1998) Estimating the Effects of the national Voter Registration Act of 1993, *Political Behavior* 20: 79-104.

<sup>8</sup> Marianne Goodland (4/9/10), Voting bill ignites Capitol firestorm, *Colorado Statesman* <http://www.coloradostatesman.com/content/991749-voting-bill-ignites-capitol-firestorm>; Jessica Fender, "Republicans rage over voter registration proposal,"

<http://blogs.denverpost.com/thespot/2010/04/05/republicans-rage-over-voter-registration-proposal/7945>.

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<sup>10</sup> For provisions for emergency voter registration in Colorado, see C.R.S. 1-2-217.5.

<sup>11</sup> Rosenstone, Steven J. and Wolfinger, Raymond E. (March 1978) The effect of registration law on voter Turnout, "American Political Science Review, 22-45]

<sup>12</sup> Hall, et al. (2008)

<sup>13</sup> "Voters Win With Same Day Registration," p.1, [http://www.demos.org/pubs/voterswin\\_feb032010.pdf](http://www.demos.org/pubs/voterswin_feb032010.pdf), downloaded 11.13.10

<sup>14</sup> Rosenstone and Wolfinger (1978)

<sup>15</sup> Highton & Wolfinger (1998)

<sup>16</sup> Knack, Stephen & White, James (March 2000) "Election Day Registration and Turnout Inequality," 22: 29-44

<sup>17</sup> Making Voting Easier: election day registration in New York, <http://www.vote.caltech.edu/drupal/node/66>

<sup>18</sup> Brians, Craig and Goffman, Bernard (March 2001) Election Day Registration's Effect on U.S. Voter Turnout, *Social Science Quarterly* 82:1, 170-184.

<sup>19</sup> PEW Center of the States (February 2007) Election-Day registration: A Case Study [www.pewcenteronthestates.org/report\\_detail.aspx?id=32754](http://www.pewcenteronthestates.org/report_detail.aspx?id=32754) (downloaded 12.18.10)

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<sup>21</sup> GAO (September 2005).

<sup>22</sup> U.S. Election Assistance Commission (December 2006), Election Crimes, p.9 [http://www.eac.gov/assets/1/workflow\\_staging/Page/57.PDF](http://www.eac.gov/assets/1/workflow_staging/Page/57.PDF), downloaded 11/15/10).

<sup>23</sup> "Acorn"

<http://topics.nytimes.com/top/reference/timestopics/organizations/a/acorn/index.html?scp=2&sq=acorn%20voting%20fraud&st=cse>, downloaded 11.12.10.

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- <sup>32</sup> Mann and Sondheimer (2009).
- <sup>33</sup> Mann & Sondheimer, p.11.
- <sup>34</sup> Mann & Sondheimer, p.19
- <sup>35</sup> Mann & Sondheimer, p.43
- <sup>36</sup> Mann & Sondheimer, p.47
- <sup>37</sup> Mann, Chris and Sokhey, Ed (October 2010) Colorado Voter Poll: Results of the August 2010 Colorado Primary Election Survey (unpublished manuscript, Department of Political Science, University of Miami).
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- <sup>68</sup> Registered voters by status are available by month on the Colorado Secretary of State's website. See <http://www.sos.state.co.us/pubs/elections/VoterRegNumbers/VoterRegNumbers.html>
- <sup>69</sup> Registered voters include "active voters" who have voted within the last four years and those who are "inactive" because they failed to vote in the last four years.
- <sup>70</sup> This is the difference between a simple average calculated across counties and an average weighted by total expenditures.
- <sup>71</sup> In a focus group of clerks that was asked to review the draft survey instrument, there was considerable debate over whether and how to capture salary costs of clerk office staff. However, since some counties perform more election preparation work in-house, while others rely on vendors, costs comparisons might be have been thrown off if regular staff salaries were omitted. Having made the decision to include regular payroll costs, the question still arose as to whether to include the salary of the Clerk and Recorder. While all clerk and recorders spend a great deal of time on work related to elections, their salary costs were not included in the estimates presented here.
- <sup>72</sup> It is important to note that while most Colorado counties own their voting equipment, that much of it was purchased under federal HAVA grants in the period from 2002 to 2006. Although the counties did incur these costs, when estimating the savings that would result from a change to MIB elections, it is important to consider the rather sizable savings that would be achieved if counties could significantly reduce future equipment purchases. Such purchases will begin in the next few years, and counties responding to the new survey indicated that they were delaying equipment decisions pending changes to state election laws, specifically adoption of all-mail ballot elections for even years.
- <sup>73</sup> The useful life of voting equipment varies widely and depends on factors such as technological obsolescence, decertification, and the rate at which new equipment is certified for use in Colorado. Some counties buy used rather than new equipment. Given all of this variation, a ten-year depreciation period seemed reasonable.

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<sup>74</sup> Larger counties tend to have more diverse populations that may require additional staffing and equipment to accommodate more handicapped and bilingual voters. The data presented here suggest that efficiency may possibly follow a U-curve in which costs are higher at the two ends of the population scale.

<sup>75</sup> Further extrapolation of this study's findings to other states should be done with even greater caution. Colorado has already incurred costs associated with shifts to convenience voting (PMIV, plus early vote centers plus polling place). Its savings therefore may be calculated off of a different base than is true of other states.