

# U.S. ELECTION ASSISTANCE COMMISSION



## *2012 Election Administration & Voting Survey*

### District of Columbia

## *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2012 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2010 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2010 with an "X" as shown below:

X No Change Since 2010

If the response has changed since 2010, please mark Changed Since 2010 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2010 response and record your 2012 response between the red bracketed text lines, as described below.

X Changed Since 2010

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

☐ No Change Since 2010    ☒ Changed Since 2010

**2010 Response:**

[Begin definition (a) below this line.]

Instance in which a voter casts a vote for a greater number of candidates or positions than the number for which he or she was lawfully entitled to vote; no vote shall be counted with respect to that office or question.

[End definition (a) above this line.]

**b. Under-vote**

☐ No Change Since 2010    ☒ Changed Since 2010

**2010 Response:**

[Begin definition (b) below this line.]

Instance in which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

[End definition (b) above this line.]

**c. Blank ballot**

☒ No Change Since 2010    ☐ Changed Since 2010

**2010 Response:**

[Begin definition (c) below this line.]

A ballot on which a voter has not voted in any contests.

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

☒ No Change Since 2010    ☐ Changed Since 2010

**2010 Response:**

[Begin definition (d) below this line.]

A ballot incorrectly marked and returned by the voter.

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

**\_\_X\_\_ No Change Since 2010      \_\_\_\_ Changed Since 2010**

**2010 Response:**

[Begin definition (e) below this line.]

Also known as “Special Ballot”. This is a ballot that is issued to a voter because the individual’s eligibility to vote in the precinct is in question.

[End definition (e) above this line.]

**f. Absentee**

**\_\_X\_\_ No Change Since 2010      \_\_\_\_ Changed Since 2010**

**2010 Response:**

[Begin definition (f) below this line.]

A ballot that is mailed to a registered voter, upon their written request to the Board of Elections, who cannot vote in their assigned polling place on Election Day. A voter may also vote by absentee ballot in person in the Board’s office.

[End definition (f) above this line.]

**g. Early voting**

**\_\_X\_\_ No Change Since 2010      \_\_\_\_ Changed Since 2010**

**2010 Response:**

[Begin definition (g) below this line.]

The period prior to Election Day in which a voter can appear in person at the agency or at a satellite voting center to cast a ballot.

.

[End definition (g) above this line.]

**h. Active Voter**

\_\_X\_\_ No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin definition (h) below this line.]

A voter who is eligible to vote in an election.

[End definition (h) above this line.]

**i. Inactive Voter**

\_\_X\_\_ No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin definition (i) below this line.]

A voter who is not eligible to vote, but can cast a provisional ballot to reinstate their registration status.

[End definition (i) above this line.]

**j. Other terms (please specify) \_\_\_\_\_**

\_\_X\_\_ No Change Since 2010             Changed Since 2010

**2010 Response:**

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

       No Change Since 2010      \_\_X\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (A2) below this line.]

In June 2012, the District's Uniform Military and Overseas Voters Act ("the Act") was enacted. The Act: 1) expanded the class of covered military and overseas voters; 2) extended to District elections the assistance and protections for military and overseas voters currently found in federal law; 3) required that absentee ballots for all elections be sent at least 45 days before an election; 4) required the electronic transmission of voting materials, including blank absentee ballots for all elections, upon request, and; 5) extended the acceptance of the Federal Write-In Absentee Ballot as a back-up measure for all elections.

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B1) below this line.]

Top-down

[End response to above question (B1) above this line.]

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above clarification question to B1 below this line.]

N/A

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B2) below this line.]

In January of each odd-numbered year, the Board shall confirm the residence address of each registered voter who did not confirm his or her address through the voting process or file a change of address at the polls in the preceding general election by mailing a first class non-forwardable canvass postcard to the residence address listed on the Board's records.

If the Postal Service returns the postcard and provides a new address for the registrant that is within the District of Columbia, the Board shall change the address on its records accordingly and then mail to both old and new addresses a forwardable notice advising the registrant that their address in the voter records has been changed to reflect the Postal Service information.

If the Postal Service returns the postcard as undeliverable and provides a new address for the registrant outside the District of Columbia, the Board shall mail a forwardable notice to both the old and new address, informing the registrant how to register to vote in their new jurisdiction or correct the address information obtained from the Postal Service.

If the Postal Service returns the postcard to the Board as undeliverable and indicates that no new address is available, the Board shall mail to the registrant at his or her last known address the forwardable notice specified above.

The forwardable notices issued to registrants whose initial non-forwardable mailings were returned by the Postal Service shall include a pre-addressed and postage- paid return notification postcard to enable the registrant to confirm or correct any address information obtained from the Postal Service.

Upon mailing of the forwardable notice to any registrant whose initial mailing the Postal Service returned as undeliverable, either with a new address outside the District or an indication that no new address was available, the Board shall designate the registrant's voter registration status as inactive on the voter roll, effective on the date of the mailing of the notice.

Where a registered voter who has been designated inactive on the voter roll provides the Board with a current residence address, or votes in any election, prior to the day following the second general election for federal office occurring thereafter, the inactive designation shall be removed from the registrant's record.

NO. The process is not different for UOCAVA voters.

[End response to above question (B2) above this line.]

**B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B3) below this line.]



Where a registered voter who has been designated inactive on the voter roll fails to respond to the forwardable notice and fails to vote during the period beginning on the date the notice was mailed and ending on the day after the second subsequent general election for federal office, the registrant's name shall be removed from the voter roll.

**YES. The procedures are the same for UOCAVA voters.**

[End response to above question (B3) above this line.]

**B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B4) below this line.]

YES. The Department of Motor Vehicles sends data electronically to the Board of Elections when a person registers to vote or updates his/her registration record at DMV.

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B5) below this line.]

The Board may utilize information obtained from the National Change of Address System (NCOA), which identifies registrants who have moved from the addresses listed on the Board's records.

If the Board learns that a registered voter has changed his or her residence address and has failed to inform the Board, in writing, of his or her current residence address, the registrant shall be mailed a non-forwardable notice, to the address listed on the voter roll.

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

\_\_X\_\_ No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B6) below this line.]

In regard to a voter with felony convictions, only felons who are incarcerated at the time of the election are prohibited from voting.

Felons no longer incarcerated and those that are incarcerated awaiting felony trial are eligible to vote.

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

\_\_X\_\_ No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B7) below this line.]

YES. A voter can fill out an application to register to vote on-line but the voter must print, sign and mail the application to the agency in order for the registration to be valid.

The agency does not accept pure on-line registrations.

[End response to above question (B7) above this line.]

## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (a) below this line.]

Votes are counted centrally at the main headquarters.

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (b) below this line.]

Yes, the votes are tabulated by precinct.

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (c) below this line.]

Absentee, mail, etc. votes are added to the in-precinct results.

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (d) below this line.]

It is the same process as for Absentee ballots.

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C2) below this line.]

The District of Columbia allows for no-fault absentee voting, as stipulated by the Omnibus Election Reform Amendment Act of 2009 and D.C. Official Code §1001.09(b)(2).

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C3) below this line.]

YES. Early voting is defined as the period prior to Election Day in which a voter can appear in person at the agency or at a satellite voting center to cast a ballot.

Early voting starts 15 days prior to the Election, Monday through Saturday. The hours are 8:30 AM to 7:00 PM.

Ballots for early voting are tabulated at the precinct. Tabulation results are reported on Election Night as early votes at the precinct.

[End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C4) below this line.]

Not applicable.

[End response to above question (C4) above this line.]

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

       No Change Since 2010        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (C5) below this line.]

Uses for a Special Ballot (or Provisional Ballot) include instances where the voter:

- (a) Wishes to vote in a precinct other than that serving the voter's address;
- (c) Is listed as an absentee voter on the alphabetical list or supplemental lists of registered voters (poll book) in the precinct but claims that he or she has not voted by absentee ballot;
- (d) Is listed on the poll book in the precinct but claims, in a primary election, that the party affiliation indicated on the listing is in error;
- (e) Is listed on the poll book in the precinct but claims, in a general election, that the ANC Single-Member District indicated on the listing is in error;
- (f) Alleges that his or her name has been erroneously omitted from the poll book, or alleges that his or her name or address is erroneously printed on the poll book;
- (g) Has been challenged pursuant to (section 708), and that challenge is accepted;
- (h) Votes in an election for federal office as a result of a federal or District of Columbia court order, or any other order, extending the statutory poll-closing time;
- (i) Has not previously voted in a federal election in the District and who registers to vote by mail and fails to present, either at the time of registration, at the

polling place, or when voting by mail, either a copy of a current and valid photo identification, a copy of a current utility bill, bank statement, government check, paycheck, or other document that shows his or her name and address;

(j) Resides temporarily at a District of Columbia licensed nursing home or assisted living facility, or at a qualified retirement home and casts a ballot at such facility;

(k) Has registered to vote during the in-person absentee voting period, at an early voting center designated by the Board, or at a polling place on Election Day.

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

       No Change Since 2010                        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (C6) below this line.]

Special Ballots for Federal Elections Out-of-Precinct Votes    (3 DCMR Chapter 7)

If a duly registered voter casts a Special Ballot in a precinct that does not serve his or her current residence address, the Board shall count that ballot for all contests for which the voter would have been eligible to cast votes had he or she cast a vote in the correct voting precinct.

Election officials review each provisional ballot to determine the root cause of the provisional ballot and to determine if the voter is properly registered.

If the cause is found to be valid, and the voter is properly registered, the provisional ballot will be accepted.

Voters who same-day register also cast a provisional ballot. If the voter's address is determined to be valid, that ballot will be accepted.

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.**

**If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.**

  X   **No Change Since 2010**             **Changed Since 2010**

**2010 Response:**

[Begin response to above question (C7) below this line.]

Post - Election Audits ( 3 DCMR Chapter 8 § 812 )

As stipulated by the Omnibus Election Reform Act of 2009-

After each primary, general and special election, the Board shall conduct a public manual audit of the voter-verifiable records tabulated by the Board. The Board shall manually audit:

- At least 5% of the precincts with precinct-level vote-tabulation machines during the election;
- At least 5% of the voter-verifiable records that are tabulated centrally, including absentee ballots and special ballots.

Of those voter-verifiable records audited, the Board shall examine no fewer than 3 contests, of which at least one shall be a District-wide contest and at least two shall be a ward-wide race.

The precincts audited shall be selected on an entirely random basis, provided that with each ward, each precinct in the election shall have an equal chance of being selected.

The contests audited shall be selected on an entirely random basis, provided that, within each category, each contest in the election shall have an equal chance of being selected.

The Board shall publicly announce the method by which it intends to randomly select precinct, voter –verifiable records tabulated centrally, and contests, and shall conduct the random selection in such a way as to allow the public to observe and ensure that the selection is random. The selection should be followed by the audit as soon as it is practicable.

The date of the audit shall be announced no later than 3 business days after tabulation has been completed, but no fewer than 24 hours in advance of the audit.

The audit shall be conducted in public view so that members of the public are able to verify that votes are correctly classified and tallied ,but are unable to touch ballots and other official materials or to interfere in any way the manual audit process.

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C8) below this line.]

Training and Certification of Poll Workers      (3 DCMR Chapter 7 § 705.6)

As stipulated by the Omnibus Election Reform Act of 2009 -  
All poll workers must complete at least 4 hours of training and receive certification as polling place workers under standards that the Board has established.

[End response to above question (C8) above this line.]



## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (D1) below this line.]

Over votes and under votes are tallied and reported in all contests.

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (a) below this line.]

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (b) below this line.]

The voter must check in at his/her polling site and sign the poll book before voting.

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (c) below this line.]

The voter must sign his/her absentee ballot.

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (d) below this line.]

[End response to above question (d) above this line.]

**e. any other stage in registration or voting process in which identification is required (please specify).**

       No Change Since 2010        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (e) below this line.]

Registration by Mail:

Individuals who have not previously voted in a federal election in the District and who register to vote by mail shall present, either at the time of registration, at the polling place, or when voting by mail, either a copy of a current and valid government photo identification, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

This does not apply to:

- a. Individuals whose registration application includes either a driver's license number or at least the last 4 digits of his or her social security number and with respect to whom the Board has been able to match the provided information with an existing identification record bearing the same number, name and date of birth as provided in such registration application; and
- b. Individuals entitled to vote otherwise than in person under Federal law.

Same-Day Registration:

Voters may register and cast a ballot at an early voting location or at their polling site on Election Day. They are required to provide proof of residence when registering, which includes:

- Government-issued photo identification, such as a Driver's license
- Utility bill
- Bank statement
- Government check or paycheck

Any other government or official document that shows the voter's full name and District address, including leases or residential rental agreements, occupancy statements from District homeless shelters, and tuition or housing bills from colleges or universities in the District.

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (D3) below this line.]

**3 DCMR Chapter 7 § 706: POLL WATCHERS AND ELECTION OBSERVERS**

Each qualified candidate and the proponents and opponents of proposed initiative, referendum, and recall measures, and Charter amendments, may petition the Board for credentials authorizing poll watchers at any:

- (a) Early voting centers;
- (b) Polling places; and/or
- (c) Ballot counting places.

Persons who wish to witness the administration of elections, including nonpartisan or bipartisan, domestic or international organizations, who are not affiliated with a candidate or ballot measure may petition the Board for credentials authorizing election observers at any:

- (a) Early voting centers;
- (b) Polling places; and/or
- (c) Ballot counting places.

Each petition shall be filed with the Board, not less than two (2) weeks before each election and shall be on a form furnished by the Board. Less than two (2) weeks before each election, the Board reserves the right to accept additional petitions based upon available space.

At the time of filing, the poll watcher petition form shall contain the following:

- (a) The name, address, telephone number, and signature of the candidate or organization representative, proponent, or opponent with the office for which he or she is a candidate, and a short title, if any, of the measure or proposed Charter amendment which he or she supports or opposes;
- (b) The name, address, and telephone number of the poll watcher supervisor, if a person is designated by the candidate, organization, proponent, or opponent;
- (c) The locations where access credentials are sought;
- (d) The names, addresses and telephone numbers of at least two (2) and not more than three (3) persons, authorized to represent the candidate, organization, proponent, or opponent on election day and receive the badges from the Board; and
- (e) A certificate from the applicant that each proposed poll watcher selected is a qualified elector, and that each poll watcher selected shall conform to the regulations of the Board with respect to poll watchers and the conduct of the election.

At the time of filing, the election observer petition form shall contain the following:

- (a) The name, address, and telephone number of the organization or individual seeking credentials;
- (b) The name, address, and telephone number of the election observer supervisor, if a person is designated by an organization;
- (c) The names, addresses, and telephone numbers of all observers who will be receiving badges;

- (d) The locations where access credentials are sought;
- (e) The names, addresses, and telephone numbers of at least one (1) and not more than three (3) persons, authorized to receive badges from the Board; and
- (f) A certificate from the applicant that each election observer selected shall conform to the regulations of the Board with respect to election observers and the conduct of the election.

The Board may limit the number of poll watchers or election observers to ensure that the conduct of the election will not be obstructed or disrupted.

The Board shall make a ruling on poll watcher and election observer petitions not less than ten (10) days prior to an election.

In making a determination of the number of watchers or observers allowed, the Board shall consider the following:

- (a) The number of candidates or requesting organizations;
- (b) Whether the candidates are running as a slate;
- (c) The number of proponents and opponents of measures and proposed Charter amendments;
- (d) The physical limitations of the polling places and counting place; and
- (e) Any other relevant factors.

Within twenty-four (24) hours of a denial, the Board shall issue a public notice with respect to any denial of a petition for credentials.

If a place cannot accommodate all those seeking credentials, the Board may grant preference to poll watchers over election observers, and organizations over individuals.

The Board shall issue a badge for each authorized poll watcher or election observer, with space for the watcher's or observer's name and the name of the candidate or party represented by the watcher, or any organization being represented by the observer. Badges shall also be issued for each authorized watcher representing the proponents or opponents of measures or proposed Charter amendments.

Badges shall be numbered consecutively, and consecutive numbers issued to each candidate, organization, proponent, or opponent.

All badges shall be worn by the authorized poll watcher or election observer in plain view at all times when on duty at the polling place or counting place.

An authorized alternate poll watcher or election observer may, in the discretion of the watcher or observer supervisor, be substituted for a watcher or observer at any time; provided, that notice is first given to the designated representative of the Board at the polling place or counting place.

A poll watcher shall be allowed to perform the following acts:

- (a) Observe the count;
- (b) Unofficially ascertain the identity of persons who have voted;
- (c) Report alleged discrepancies to the Precinct Captain; and
- (d) Challenge voters in accordance with the procedures specified in § 708.

An election observer shall be allowed to perform the following acts:

- (a) Observe the count;
- (b) Unofficially ascertain the identity of persons who have voted; and
- (c) Report alleged discrepancies to the Precinct Captain.

No poll watcher or election observer shall, at any time, do any of the following:

- (a) Touch any official record, ballot, voting equipment, or counting form;
- (b) Interfere with the progress of the voting or counting;
- (c) Assist a voter with the act of voting;
- (d) Talk to any voter while the voter is in the process of voting, or to any counter while the count is underway; provided, that a watcher or observer may request that a ballot be referred for ruling on its validity to a representative of the Board;
- (e) In any way obstruct the election process; or
- (f) Use any video or still cameras inside the polling place while the polls are open for voting, or use any video or still camera inside the counting center if such use is disruptive or interferes with the administration of the counting process.

Any poll watcher or election observer who, in the judgment of the Board or its designated representative, has failed to comply with any of the rules contained in this section may be requested to leave the polling place or the counting center.

If a poll watcher or election observer is requested to leave, that watcher's or observer's authorization to use credentials shall be cancelled, and he or she shall leave the polling place or counting place forthwith.

An authorized alternate poll watcher or election observer may be substituted for a watcher or observer who has been removed.

[End response to above question (D3) above this line.]

## SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (E1) below this line.]

Currently all complaints are forwarded to our General Counsel Office.

[End response to above question (E1) above this line.]

**E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (E2) below this line.]

[End response to above question (E2) above this line.]

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2012 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.