How Should We Protect Our Free and Fair Elections?

University of New Hampshire
Hosted by: Communication and Deliberation Across Differences
December 8th, 2021

Ground Rules:
- Be authentic, inclusive, and respectful in your engagement
- Listen to appreciate another’s perspective
- Practice gracious and constructive disagreement
- Share speaking time so everyone has an opportunity to participate
- Maintain confidentiality and avoid generalizing
- Uphold and appreciate the participatory process

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How Are U.S. Elections Run?

“The U.S. is characterized by a highly decentralized election administration system. The entities that do the rubber-meets-the-road functions of running an election are typically on the county or city/town level... Each state’s election administration structure and procedures grew organically, as times changed and administering an election became an increasingly complex task.”

“Critics say the level of local control can lead to mismanagement and inconsistent application of the law. This often comes into focus in large federal elections especially, when the media and the public focus on how different the voting experience can be depending on where a voter lives. On the other hand, this decentralization allows individual jurisdictions to experiment and innovate—to see how elections might best be run for the state and the locality’s particular circumstances.”

Elections are usually administered at the county level, though in some New England and Midwestern states it falls to cities or townships to run elections. In all, this means that there are more than 10,000 election administration jurisdictions in the U.S. The size of these jurisdictions varies dramatically, with the smallest towns having only a few hundred registered voters and the largest jurisdiction in the country, Los Angeles County, with more than 4.7 million.

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Q: How would you explain the U.S. voting system?

Q: What is your own personal experience with voting?

Q: How would you explain the U.S. voting system?
# Key Terms & Definitions

<table>
<thead>
<tr>
<th>Key Term</th>
<th>Definition</th>
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<tr>
<td>Civic Duty</td>
<td>The responsibility of a citizen to participate in government</td>
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<td>Election Day</td>
<td>The first Tuesday after the first of November, a day in which elections for public office are held; also the last day on which voters may cast a ballot.</td>
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<tr>
<td>Voting Machine/Technology</td>
<td>Currently, the U.S. employs two categories of voting machines. Optical scan voting machines are similar to standardized test scoring machines, where you fill in a bubble on the ballot next to the candidate names. Those are, at this point, the most widely used voting technology in the U.S. The other category we have are the direct-recording electronic voting machines, typically touch screen.</td>
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<tr>
<td>Automatic Voter Registration</td>
<td>A system where eligible voters are automatically registered to vote whenever they interact with government agencies (ie. Department of Motor Vehicles)</td>
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<td>Voting Rolls</td>
<td>A list of the individuals that have registered on an electoral roll where a voter resides, as a prerequisite for being entitled to vote</td>
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<tr>
<td>Voter ID</td>
<td>A means of proving a person's identity for the purposes of voting, according to the laws of the jurisdiction. Common forms of Identification are Driver's Licenses and Passports</td>
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<td>Mail-In Voting</td>
<td>Method of casting ballots by which eligible voters are mailed ballots and information packets by the local jurisdiction. Voters can return their marked ballots by mail, to a voting location, or in drop boxes, depending on the jurisdiction.</td>
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<tr>
<td>Absentee Voting</td>
<td>A ballot cast by a voter other than in-person on election day; Some jurisdictions use the term synonymous with mailed ballots while other jurisdictions use the term synonymous with early voting</td>
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<td>Popular Vote</td>
<td>The vote for a candidate or issue made by the qualified voters, as opposed to a vote made by elected representatives</td>
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<td>Electoral College</td>
<td>A body of people representing the states of the U.S., who formally cast votes for the election of the president and vice president</td>
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<td>General Election</td>
<td>Election in which all eligible voters, regardless of party affiliation, are able to vote for candidates to fill public office and/or vote on ballot measures, and the office of the state governor is also on the ballot</td>
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<tr>
<td>Primary Election</td>
<td>Election in which voters choose the delegates to the presidential nominating conventions allotted to their states by the national party committees</td>
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Q: What words and ideas come to the mind when you think about elections in the United States? Why did you choose those words/phrases/ideas?
Why Does Language Matter? 
Building a Shared Vocabulary

- Electoral College
- Ballot Theft
- Turnout
- Suffrage
- National Election Day
- Popular Vote
- Gerrymandering
- Voter Fraud
- Voting Rights Act
- Literacy Test
- Civic Duty
- Voter Suppression
- Redistricting
- Reform
- Ballot Boxes
- Foreign Interference
- Jim Crow
- Voter ID
- Stolen Election
- Voter Roll Purge
- Felon Disenfranchisement

Q: What are your feelings about these words and phrases?

Voting By Mail Has Gotten More Common In The U.S.
Share of U.S. voters who cast their ballot by mail in presidential elections

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<tr>
<td>Share</td>
<td>7.8%</td>
<td>10.1%</td>
<td>12.9%</td>
<td>16.9%</td>
<td>18.5%</td>
<td>20.9%</td>
</tr>
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Source: U.S. Census Bureau

Voter Identification Laws in Effect in 2021

Q: How do these words influence how we talk and how we think about voting and elections?

NH Executive Council District 2
This district includes the cities Keene, Concord, and Portsmouth to create a Democratic majority. It is the only district with a Democrat Executive Council.
Is Voting a Right or a Privilege?

Voting as a **RIGHT**

| Something that does not need to be earned, it is assumed to be yours | Something that cannot be taken away |

Voting as a **PRIVILEGE**

| Something that is earned | Something that can be taken away or limited just as easily as it can be given |

**15th Amendment:**
“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”

**Voting Rights Act of 1965:**
This act aimed to overcome legal barriers at the state and local levels that prevented African Americans from exercising their right to vote as guaranteed under the 15th Amendment to the U.S. Constitution.

**19th Amendment:**
The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Q: Which concerns you more, voting as a right or a privilege?

Q: How have these two terms shaped the public discourse around voting reforms?

“**It’s a matter of making our voting system more transparent and showing that voting is a serious matter [and] for all of us to encourage voters to go out and vote.”** American veteran living abroad.

**National Voter Registration Act:**
The right to vote is a “fundamental right” that the federal, state, and local governments must all uphold. This includes reassessing and rectifying registration laws that harm voter participation due to discriminatory and unfair practices.
Introduction to Voting in the U.S.

Who can’t vote?

- Non-citizens, including permanent legal residents
- Some people with felony convictions (laws vary by state)
- Some people who are mentally incapable (laws vary by state)
- For presidential elections: US citizens residing in US territories
- Indigenous People living on tribal reservations

Who does vote?

“I think it’s a lack of public knowledge about how to vote, whether it’s important to vote, and also understanding the different candidates and their priorities” - Indonesian immigrant to NH

Voting Statistics 2020:

- 155 million people turned out for the 2020 presidential election
- Had the highest voter turnout of the 21st century, with 66.8% of citizens
- Asian voter turnout was at an all-time high of 59.7%
- Voter turnout was highest among those ages 65 to 74 at 76.0%
- Percentage was lowest among those ages 18 to 24 at 51.4%
- Overall voter turnout increased as age increased
  - Exception of 75+, which had a voter turnout rate that was below 65-74 year olds
Widening the Lens

According to Tuft's CIRCLE (Center for Information & Research on Civic Learning & Engagement) survey of low-income youth, it was reported that:

- 39% did not know where to vote
- 52% need to rearrange their school or work schedule
- 26% need help discerning truth vs. fake news
- 26% need help with their questions about candidates, ballots, & polls

Q: If everyone (18 & older) could legally vote, and everyone did vote, how would it affect our politics?

Q: Who is affected by the concerns raised about the U.S voting system?

Q: What obstacles have you faced when trying to vote? How do voting issues disproportionately impact some voters more than others?

"I think the system is cumbersome. There is a process for proving identity, citizenship, and age that could be streamlined and made less confusing for voters." Deputy Town Clerk, Durham NH.
Q: How secure do you think our elections are?

How many cases have been committed?
This is a tricky question because different organizations have different standards of counting

- A Brennan Center for Justice study found 31 cases of “intentional” voter fraud from 2000-2007
- The Heritage Foundation has found 1,334 cases of different types of voter fraud, ranging from duplicate votes, fraudulent use of absentee, impersonation fraud at the polls, ineligible voting, altering the vote count, etc... from 1982-2001
- A study for nonprofit, Electronic Registration Information Center, “identified 372 possible cases of double voting or voting on behalf of deceased people out of 14.6 million votes cast by mail in 2016 and 2018”. That is roughly .0025% per 14.6 million. (Washington Post)

The risks of committing voter fraud
Each act of voter fraud in a federal election will result in:
- 5 years in prison
- $10,000 fine
- Additional state penalties

Complicating the Narrative

What is voter fraud?
“Voter fraud occurs when individuals cast ballots despite knowing that they are ineligible to vote, in an attempt to defraud the election system” - Justin Levitt, Brennan Center for Justice

Q: How do you define voter fraud?

One-in-four Americans think voter fraud has been a major problem with voting by mail, contrary to evidence

% of U.S. adults who say voter fraud has been a ______ when it comes to voting by mail in U.S. presidential elections

No answer 1%
- Major problem 25%
- Not a problem at all 27%
- Minor problem 27%
- Not sure 20%

Voting Laws (By State) as of July 2020

- Shorten window to apply for a mail-in ballot
- Shorten deadline to deliver mail-in ballot
- Regulate who remains on absentee voting lists
- Limit the number, location, or availability of mail-in ballot drop boxes
- Restrict assistance in returning a voter’s mail-in ballot
- Impose stricter signature requirements for mail-in ballots
- Impose harsher voter ID requirements for mail-in voting
- Impose harsher voter ID requirements for in-person voting
- Expand voter purges or risk faulty voter purges
- Increase criteria for absentee voting based on disabilities
- Ban snacks and water to voters waiting in line
- Eliminate Election Day registration
- Reduce polling place availability (locations or hours)
- Limit early voting days or hours

- Expand early voting opportunities
- Expand options for voting by mail
- Expand mail ballot drop box access/box locations
- Ease voter registration
- Provide greater access to voters with disabilities
- Improve language accessibility
- Protect polling place access
- Prohibit discrimination through state voting rights act
- Ease voter ID requirement
- Restore voting rights to people with past convictions
- Ease voting rights for people in jail
- Expand election day registration
- Improve voter list maintenance

Q: What do you appreciate about these voting laws? What concerns you about these voting laws?
How Do We Protect Our Free and Fair Elections?

Access

What works well in our current system? What may need to be improved?

Fairness

"Democracy takes time and is worth waiting for.”
Member, NH Democratic Party

Security
"I do think that better education about civics and about the mechanics of voting would be helpful. Many people become frustrated with the system, partly because they don't understand it. The media is often more focused on sensationalism and “stirring the pot” than actually helping people understand the system and the issues. This leads to cynicism or disinterest."
- Rhode Island 2018 State Senator
References:

References:
https://www.brennancenter.org/our-work/research-reports/truth-about-voter-fraud
22. Viebeck, E. (2020, June 8). Minuscule number of potentially fraudulent ballots in states with universal mail voting 
William S. Hein.
24. A Sampling of Recent Voter Fraud Cases from Across the United States. The Heritage Foundation Election Fraud 
Database. https://www.heritage.org/voterfraud
https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-july-2021

Additional Resources:
NH Department of State. (n.d.). Register to Vote. New Hampshire Department of State. 
https://sos.nh.gov/elections/voters/register-to-vote/registration-deadlines/
HOW DO I VOTE IN NEW HAMPSHIRE?

State Primary Election for 2022
September 13th, 2022

Registration deadline 2022 Primaries
Between 6 and 13 days before election + same day registration available

State General Election for 2022
November 8th, 2022

Registering to vote
"Registering to Vote in New Hampshire is easy! Register to vote at your town hall before the deadline or register to vote the day of the election at your polling place. " - sos.nh.gov

*Out-of-state NH students are eligible to register in NH*

What's required for voting registration?
- Proof of age, identity, domicile, and citizenship
- Full list of documents can be found on sos.nh.gov

Absentee (mail-in) voting eligibility in NH
- Voter will be absent from his or her polling location on the day of the election.
- The voter is unable to visit the polls because of the observance of a religious commitment.
- The voter is unable to visit the polls because of a physical disability.
- The voter is unable to visit the polls because of an employment obligation.
- The voter is unable to visit the polls due to military service.

What if I want to vote in my home state?
You can vote absentee for your state of permanent residence. Rules for eligibility vary by state; some require an excuse, some don't, and some need be requested only if being mailed to a new address.
Visit https://www.vote.org/absentee-voting-rules/ to find out more.