

The Help America Vote Act: A Misnomer? ¹

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Abstract

The Help America Vote Act of 2002 generated an unexpected policy outcome: the consolidation of polling places by counties unable to shoulder the costs of the Act's requirements as they applied to every county polling place. The costs of voting machine replacement and handicapped accessibility alterations to polls and voting systems particularly influenced the decision of county officials to close polling sites. In this paper I explore the effects of this policy outcome on voter turnout in Ohio and Kansas. In spite of reasons to expect otherwise, I find poll consolidation did not significantly affect the change in turnout between the presidential election of 2000 and 2004 in either state.

I. Introduction

Voting remains one of the few participatory acts in which the government can intervene to reduce the costs of participation by altering institutional mechanisms and processes.

Throughout the years, the federal government has done so through various reforms ranging from the landmark Voting Rights Act of 1965 to the National Voter Registration Act of 1993, also known as “Motor Voter.” The newest election reform, the Help American Vote Act of 2002 (HAVA), sought to increase the security and accuracy of elections and to lower the costs of voting. Congress hoped HAVA would restore voter confidence in the election system after many problems were brought to light during the presidential election of 2000.

Although not the primary aim of the legislation, many hoped increased voter turnout would be the result of provisions in the bill designed to enhance the efficiency of elections administration, promulgate poll accessibility to the handicapped, increase the number of voter-friendly voting machines, and in general, boost voter confidence in election results and the election process as a whole. To accomplish this, HAVA placed large compliance costs on county governments among which the costs of voting machine replacement and handicapped accessibility requirements were the most challenging. In order to cope with these costs, many counties chose to reduce the number of polling places within their jurisdictions. To date, this perverse outcome of HAVA remains to be accessed.

This paper investigates the effect polling place consolidation has had on voter turnout at the county level. There is good reason to think HAVA-related poll consolidation negatively impacts voter turnout. Consolidation of polling places increases the costs of voting for the individual voter: voters must locate their new polling place and be willing to travel to it to vote. As a consequence, according to cost calculi of voting, fewer voters are expected to turn out when

polls are consolidated. A few studies show poll consolidation can negatively affect turnout at the local level with distance to the poll being the primary mitigating factor (although these studies do not focus upon HAVA-related poll consolidation) (Hapsel and Knotts 2005; Brady and McNulty 2003). In spite of these reasons to think otherwise, I find overall voter turnout in two states was not affected by poll consolidation.

The paper will proceed as follows. In Section I, I review the literature on election reform and poll consolidation in particular. In Section II, I present background information on my two case studies, Ohio and Kansas, paying special attention to their elections management and HAVA related challenges. In Section III, I discuss my theoretical expectations concerning the effects of poll consolidation on turnout in each state. I present my data and methods in section IV and the results in section V. I discuss the results of both sets of regression analyses of voter turnout in section VI. I conclude in Section VII by considering the implications of my null findings for elections administration.

II. Literature Review

Numerous studies in political science have sought to explain the causes behind low voter turnout in the United States (Wattenberg 2002; Putnam 2000; Rosenstone and Hansen 1993; Boyd 1989; Wolfinger and Rosenstone 1980; Abramson and Aldrich 1982). These studies approach low voter turnout as a public policy problem, which can be resolved by intervention. In general, these studies ask why more voters do not turn out to vote at similar rates as other democracies.

In contrast, rational choice theories of voting seek to explain why voters turn out at all. These theorists grapple with the paradox of voter turnout in the face of miniscule odds that a

single vote will make the difference in a given election. The standard theory, first posited by Downs (1957) and extended by Riker and Ordeshook, explains voter propensity to turn out using a utility maximizing cost-benefit model (Riker and Ordeshook 1968). As part of this “calculus” rational choice theorists identify the costs of voting. The costs of voting range from gleaning information on candidates and issues and making a decision based upon that information to the “direct costs of registering and going to the polls” (Aldrich 1993, 248). However, the theory holds individuals will abstain from participation and voter turnout will decline even when the costs are voting are almost zero because of the low probability one vote will affect the outcome of the election (250). Yet many citizens *do* turn out to vote despite these odds because they believe voting is part of their civic duty rather than merely a means of promoting self-interest; however, other citizens are deterred by the costs.

Cost theories of voting predict that election reforms designed to reduce the costs of voting are likely to increase voter turnout. However, the empirical evidence in support of this prediction is mixed. Early studies of institutional reforms, such as the one conducted by Wolfinger and Rosenstone (1980), revealed that relaxed registration requirements at the state level increased the demographic diversity of the voting electorate. Yet, subsequent research showed reforms had little effect (Calvert and Gilchrist 1993).

More recently, studies evaluating the impact of the National Voter Registration Act of 1993 (more commonly known as the “Motor Voter Bill”) on both the magnitude and representativeness of voter turnout found only modest effects (Knack and White 2000; Highton and Wolfinger 1998). Similarly, research on early voting and vote-by-mail reforms are shown to have had only moderate effects on voter registration and turnout (Knack 2001; Berinsky, Burns, and Traugott 2001; Karp and Banducci 2000; Stein 1998; Knack 1995). In light of these

findings, none of these reforms appears to have sufficiently lowered the costs of voting (Downs 1957). Although past reforms have been shown to have only modest effects, these outcomes have not deterred further reform legislation.

The newest election reform to appear on the national scene is the Help America Vote Act of 2002 (HAVA). Created to correct systematic flaws revealed during the presidential election of 2000, HAVA also seeks to decrease the costs of voting. HAVA attempts to accomplish this goal by: introducing user friendly voting equipment; making polling places more accessible to the handicapped; and providing opportunities to vote provisionally when the voter's registration or poll assignment is in doubt. Other provisions of HAVA are designed to improve the accuracy, security, and management of elections and thereby restore public faith in the U.S. election system.²

Among the most expensive mandates were new requirements for the replacement of outdated voting machines and upgrades in polling place handicapped accessibility.³ States were required to replace punch card and lever voting machines and to purchase at least one Direct Recording Electronic voting machine for each poll for use by disabled voters.⁴ Although HAVA provided funds for new voting equipment, it did not provide funds for their set up costs, maintenance, warranties, climate-controlled storage, software licenses, back up machines, additional battery packs, toner and paper, etc. all of which must be funded by the counties (see Ohio State HAVA Plan 2003; Directive of Ohio Secretary of State 2005; Statement by Texas

² 42 U.S.C. Section 15301, et. seq.

³ For most states, the largest HAVA related cost was the creation and implementation of the statewide voter registration database (SVRS). Networking all counties into the same registration system and training election officials so they could use it accurately and effectively proved to be very expensive. All states were required to have the system by 2006 and very few had a system like this preceding HAVA. Thus, the SVRS ranked among the top priorities for most states, including Ohio and Kansas, in addition to other more state specific priorities.

⁴ 42 U.S.C. 15481; HAVA Title III, Section 301.

Association of Counties 2003). States with large numbers of non-compliant voting machines faced the heaviest cost burdens.

States were also required to make *all* of their polling places physically accessible to the handicapped and the elderly and to have one handicapped accessible voting machine available at each polling place.⁵ Previous legislation did not mandate complete handicapped accessibility compliance at the county level (See Appendix B). Thus, pre-dating HAVA, in many instances counties could make do with a few structurally accessible polling places (although state laws varied with regard to this). Post-HAVA this was no longer the case. Federal funds were provided to pay for the purchase of one handicapped accessible voting machine at each poll, outreach efforts advertising newly accessible polling places, and structural alterations to polling places.⁶ The cost burdens on counties varied depending upon the number of accessible polls and a county's possession of, or lack of, handicapped accessible voting equipment as well as the county's other HAVA compliance shortcomings.

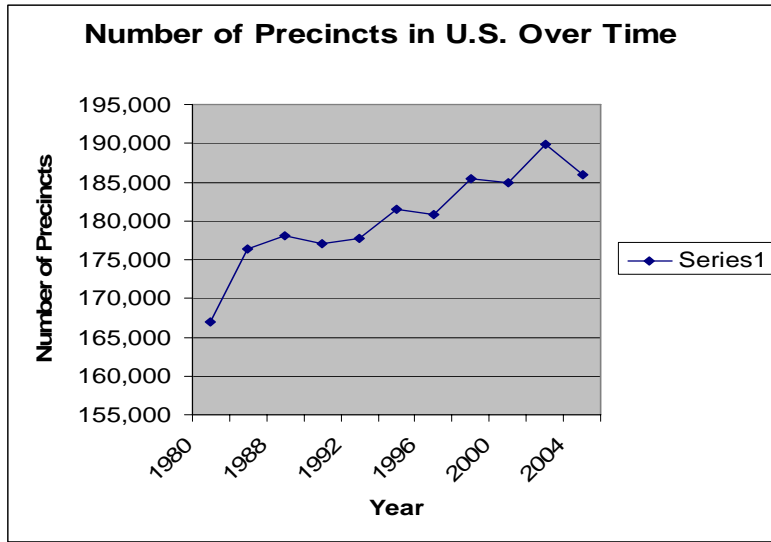
To cope with these costs many counties were forced to reduce the number of polling places. As a consequence, nationwide there has been a dramatic thirty-nine percent reduction in the number of precincts since 2002 (approximately 4,094 less precincts) (See Figure 1) (U.S. Election Assistance Commission).⁷ Precincts, the geographic groupings of the voting population, are consolidated into fewer polling places. Thus, the number of precincts can decrease as the number of polling places decreases. Polling places simply contain more precincts than in the past such that precinct consolidation and polling place consolidation go hand in hand.

⁵ States were originally required to do this by January 1, 2004 although most received extensions until January 1, 2006.

⁶ HAVA Section 261

⁷ Please note this information was only available from 1980 to 2005. I suspect, although I have not yet found this information, that precinct reductions grew in 2006.

Figure1: Precincts Nationwide



Past research reveals polling place location and accessibility are key cost factors for voters. Gimpbel and Schuknecht find the accessibility of polling places in terms of their geographic location is positively related to turn out— that is, the closer the poll’s proximity to the voter’s residence the more likely the voter will turn out — even after they control for “variables that account for the motivation, information and resource levels of local precinct populations” (2003, 471). In their study of Los Angeles County’s precinct consolidation during the 2003 recall election, Brady and McNulty (2003) find this policy reduced turnout by 1.88% in counties where polling places were changed for the special election.

Yet other studies have produced mixed results. Haspel and Knotts (2005) show with increasing distance the probability of voting decreases, although access to an automobile can reduce the cost of distance to the voter. Conversely, they also find moving a poll positively predicts turnout. They attribute this positive relationship between turnout and poll consolidation to a reduction in distance between the voter’s residence and the newly consolidated polling place. They further explain ““it appears that the gain in turnout that accrues from splitting precincts outweighs the loss due to any confusion over the location of the polling place” (2005,

569). In this vein, Stein and Vonnahme (2006) find the use of Vote Centers, a form of consolidation in which non-precinct based polls are placed in strategic locations within a county, increased the probability of individual turnout in Larimer County, CO. However, the drivers of this effect remain a mystery which only further research will remedy.

Together these studies of polling place consolidation are not very conclusive. The results may or may not be generalizable outside of the geographic and electoral contexts in which they were conducted. This study seeks to improve upon past work by widening the scope of investigation to include all of the counties in two states, Ohio and Kansas, during the past two presidential elections. Since the 2000 and 2004 presidential elections were both highly competitive, their respective electoral environments are comparable.

Ohio

As a battleground state in the past two presidential elections, Ohio has experienced high rates of voter turnout: 63.7% of registered voters turned out in 2000 and 69.9% turned out in 2004. In light of this as well as the attention given to Ohio recounts in these two elections, the question of elections management in the state is of national importance. With respect to HAVA, Ohio confronted several challenges among which voting machine replacement and improved handicapped accessibility ranked highest (Ohio State HAVA Plan 2003).

Ohio faced disproportionately large costs for voting machine replacement due to the predominance of outdated punch-card voting machines in a majority of its counties (Ohio State HAVA Plan 2003). According to the state HAVA plan, 69 of Ohio's 88 counties used this outdated form of voting equipment. Moreover, the state legislature ruled that all electronic voting machines in use in the state beginning in 2006 provide a paper record that could be verified by the voter before leaving the poll. This ruling forced the Ohio Secretary of State to alter existing

voting machine vendor contracts in order to substitute optical scan voting machines for the previously favored Direct Electronic Recording voting machines, which do not produce a paper trail. Although this decision proved to be the most cost-effective option — DRE machines that print a paper receipt are three times more expensive than an optical scan system — it also meant that Ohio had to purchase handicapped accessible DREs for each poll because optical scan voting systems are inaccessible to the handicapped (Colker 2005). Moreover, as a consequence of the delay, new voting machines were used in only some counties in the 2004 election whereas by May 2006 all Ohio counties used optical scan voting systems.

Additionally, preceding HAVA, Ohio had fairly minimal polling place handicapped accessibility requirements. Ohio election law deems a polling place accessible if it is free of barriers that would impede ingress and egress of people with disabilities. State law also required the poll entrance to be level or feature a nonskid ramp of not more than 8 percent gradient with entry doors a minimum of 32-inches wide (R.C. 3501.29.). Only seventy-five percent of the polling places within a county were required to meet the aforementioned standards for handicapped accessibility.⁸ However, HAVA demands much more. Not only must all areas of the poll be accessible but the handicapped must be able to participate with the same degree of privacy and independence as other voters—hence, they must be able to vote on an accessible voting machine. Moreover, *all* polling places must be handicapped accessible whereas previously counties could simply assign handicapped voters to a few accessible polling places (See Appendix B). HAVA provided insufficient funds to cover the magnitude of these costs in Ohio.⁹

⁸ Ohio Election Code § 3501.29

⁹ Ohio received Title II Accessibility Grants totaling \$471,600 in 2003 and \$328,144 in 2004 (Administration on Developmental Disabilities, Administration for Children and Families. U.S. Department of Health and Human Services, 2004). The grants may be used to make polling places physically accessible, offset the costs of

Kansas

To ensure any findings are not idiosyncratic to a battleground state, such as Ohio, I also examine the impact of poll consolidation on voter turnout in Kansas. As a traditional red-state with voter turnout well above 65% in the last two presidential elections, Kansas holds a very different position on the electoral map than Ohio – less pivotal perhaps but still important in its own right. In terms of HAVA implementation the state faced fewer compliance challenges than Ohio. Kansas was largely spared HAVA’s most costly requirement, voting machine replacement, as a super-majority of Kansas counties already owned and operated HAVA compliant voting equipment. That said, most Kansas counties have/had optical scan systems, which are inaccessible to the handicapped (Kansas State HAVA Plan 2004). As a result, many Kansas counties did not meet HAVA’s requirement to have one handicapped accessible voting machine available for use by the disabled and elderly in the 2004 presidential election and had to purchase new machines. Moreover, some Kansas polling places remained structurally inaccessible leading up to the 2004 presidential election (Governing 11/3/2006). In his newsletter to Kansas counties, the Secretary of State acknowledged these shortcomings and expressed concern that HAVA funding would be insufficient to cover the costs of compliance (Thornburgh September 2003).¹⁰

handicapped accessible voting machines, train election officials and poll workers about the special needs of the elderly and handicapped, and to provide individual voters, particularly handicapped voters, with information about the accessibility of their polling places and other related information. Accessibility Grants in Ohio were used to purchase accessible DRE voting machines with voter verifiable options (i.e. printers) at a cost of about \$5,000 per voting station. This means the grants could purchase about 150 DRE machines not including costs for storage, toner, printing, training etc. – all of this seems very well except Ohio has over 6,000 polls and each poll is required to have one accessible voter verifiable DRE machine!!! Some states could use requirements payments to purchase their handicapped accessible voting machines but Ohio had to use these funds to replace its outdated voting equipment with cheaper but inaccessible optical scan machines; hence, Ohio got short-changed on funding for voting equipment because of its large replacement needs *both* for handicapped and voter verifiable voting stations.

¹⁰ The Secretary of State’s FY06 budget reports the allocation of \$12,322,249 in HAVA funds to counties to cover the costs of one handicapped accessible electronic voting machine and related expenses (software, etc.) for each of approximately 2,000 polling places. Kansas also received Title II Accessibility Grant Funds totaling \$110,057 in 2003 and \$100,000 in 2004 (Administration on Developmental Disabilities Administration for Children and Families, U.S. Department of Health and Human Services).

To meet these requirements in many cases, the Kansas Secretary of State's Office determined it was more cost-effective to close inaccessible voting places and encouraged counties to do so (LJ World 2004). However, these decisions also came as part of a growing trend of poll consolidation in the state. Since 2000, Kansas has gone from over 2,400 polling sites to under 2,000. Although election officials point to the Help America Vote Act as a major reason there are now fewer places to vote, they also identify chronic shortages of poll workers in the state as another catalyst of poll consolidation (*Governing* 11/2/2006, VoteTrust USA 2006). To offset the impact of poll closures, Kansas counties offer early voting also known as in-person absentee voting (Kansas Secretary of State 2007).¹¹

Early voting, called "advance voting" in Kansas, offers two advantages to the voter: alternative days for voting and an alternative polling place at which to vote. Early voting was introduced in some Kansas counties in 1992 as a way of decreasing long lines and subsequently, waiting time, to vote; however, at this stage, voters could only vote early at their county elections office (League of Women Voters 2006). By 2000, counties had expanded the number of early voting stations. Since its introduction early voting has become more and more popular because of the increased number of early voting locations and days (LWV 2006). In the 2002 general election, 16.4 percent (139,343) of votes cast were cast before Election Day through the state's advance voting program (Kansas State HAVA Plan). In 2004, this figure climbed to 20.3 percent of all votes cast. With this alternative voting system already in place as well as fewer compliance

¹¹ Although HAVA did not require the introduction of early voting or easing of absentee voting regulations, many states chose to implement one or both after 2000 (electionline.org). Although no studies confirm this, it is likely HAVA's requirement that states have a centralized electronic voter registration system made it easier for counties to introduce early voting and other schemes, such as Vote Centers. The centralized SVRS makes it easier to verify the voter's identity (particularly in instances where the voter crosses political boundaries to vote), ensure individuals vote only once, and, depending on the system, can provide assistance with ballot processing, tabulation, and security (KS Secretary of State 2007).

costs, Kansas was in a better position than Ohio in terms of its ability to hold a HAVA-compliant federal election in 2004.

III. Theoretical Expectations

Despite high overall turnout witnessed in the 2004 presidential election, I expect poll consolidation in Ohio and Kansas will negatively affect voter turnout to some degree, especially in counties with high rates of consolidation. Past research suggests this is a reasonable expectation (e.g. Brady and McNulty 2003). Reassigning voters to a new polling place increases the costs of voting in two ways: the voter must find his or her new polling place *and* be willing to make the journey there. When the costs of voting increase, the voter is less likely to turn out to vote; however, the state can take steps to lower the costs of voting. Kansas sought to decrease the costs of poll consolidation to the voter by offering advance voting. I expect advance voting will offset the impact of poll consolidation, if it does have an effect on turnout. Ohio at the time of the 2000 and 2004 presidential elections offered “excuse” absentee voting which requires that the voter provide a reason why he or she cannot vote on Election Day – approximately 10.6 % of Ohio voters voted absentee in the 2004 presidential election. Excuse absentee voting is not considered an alternative form of voting because the voter is required to vote at the poll unless he or she is unable to do so for some particular reason.

Previous studies also confirm that the benefits of voting can be heightened so as to counterbalance the costs: the competitiveness of the electoral environment has often been cited as one such catalyst of turnout (Bibby and Holbrook 2004; Rosenstone and Hansen 2003; Key 1949). As a battleground state in both the 2000 and 2004 presidential elections, Ohio, unlike Kansas, received such a benefit. Not only did the state have a hotly competitive presidential

contest, but, in 2004, it also introduced a controversial ballot measure banning gay marriage in the state. Some evidence suggests ballot measures can increase turnout by heightening interest in the election, especially for issue voters (Smith and Tolbert 2004; see also, Campbell and Monson forthcoming). I expect the proposed gay marriage amendment did serve to increase turnout in Ohio, perhaps countervailing the impact of poll consolidation.

IV. Data and Method

To assess the impact of HAVA related poll consolidation on voter turnout, several sources of data are utilized. The Ohio and Kansas Secretary of State Offices provided information on turnout rates as well as tabulations of precincts and polling places for the 2000 and 2004 election cycles. These data were used to perform OLS regression analysis. The change in voter turnout, my dependent variable in all of the models used in this study, is calculated as the difference in the percentage of the total voting age population who voted in 2000 and 2004. As my main independent variables I employ two different measures of consolidation using figures for 2000 as the baseline because 2000 predates any and all HAVA related changes to election systems and management. As one measure of consolidation, I use the percent change in the number of registered voters per polling place between 2000 and 2004. This measure captures the human impact of poll consolidation – what else is consolidation but crowding more voters into fewer polling places? I also examine the rate of poll consolidation by subtracting the number of polls in 2000 from the number of polls in 2004. I then divide the difference by the baseline number of polls in 2000 and multiply by 100 to get the percentage change in the number of county polling places.

Since non-HAVA related increases and decreases in the number of polls can and do occur because of changes in the number of registered voters and/or anticipated turnout in a given election, such as a competitive presidential election, I control for both of these factors in my models for Ohio and Kansas. I utilize the percentage increase in the number of registered voters between 2000 and 2004 (using the voting age population as the denominator) as a control for the effect of changes in registration on turnout. As a measure of race competitiveness, I calculate the margin of the vote received by George W. Bush and John Kerry at the county level in the 2004 presidential election by subtracting the percentage of the vote received by Kerry from the percentage received by Bush. A difference of zero would indicate a tied race in a county.

The aforementioned variables are included in both the models for Ohio and Kansas. Their summary statistics are listed in tables 1 and 2. Although each state saw higher turnout in 2004, their respective electoral environments differed greatly. As a consequence, I also employ control measures capturing specific intrastate affects on turnout (see Tables 1 and 2). In Ohio a major driver of turnout is considered to be the controversy over the proposed gay marriage amendment, which sparked turnout among issue voters, particularly evangelicals (Campbell and Monson forthcoming). I control for this “issue voter” effect using the vote margin between those voting in favor and those voting against the proposition at the county level (Ohio Secretary of State 2007). In Kansas, I control for the high rate of Evangelical turnout in 2004 using data from the Glenmary Research Center (see Campbell and Monson 2007).¹² Although Kansas did not specifically vote on a moral value issue, successful efforts by the Bush campaign to emphasize these issues turned out many religious issue voters, particularly Evangelical Protestants in the Bible Belt. Additionally, in the Kansas models, I include a control measure for the change in the percentage of advance voting between 2000 and 2004 (Kansas Secretary of State 2007). Advance

¹² This data was graciously provided by David Campbell, University of Notre Dame.

voting grew in popularity between these two elections probably thanks in part to expanded opportunities to advance vote and as a result of efforts to publicize advance voting as an alternative to poll based voting.

V. Results

Ohio

Contrary to my predictions, in Ohio, HAVA related poll consolidation had an insignificant effect on the change in voter turnout between the 2000 and 2004 presidential elections. The results of both models are displayed in Table 3. For every 1 percent increase in the number of polling places there is a subsequent .016 increase in the percentage change in turnout between the two elections. In other words, as counties add polling places the difference between voter turnout in 2000 and turnout in 2004 grows, which means more voters turned out. This result implies more polling places serve to lower the costs of voting for the voter, although the precise reasons for this effect are not known. However, the variable is not significant nor is the magnitude of the coefficient impressive. A comparison of the predicted effect on turnout between the county with the maximum poll reduction (-52.4 %) and the county that actually added the largest number of polling places (an increase of 43.7%), holding all else constant, results in a difference in the change in turnout of only 1.5%. In a county with the average rate of poll consolidation (-7 polls), such as Ashtabula, the predicted difference in the number of citizens turning out, had this county decided to keep all of its polling places open, amounts to only 50 voters. In the end, the effect does not come even close to approaching statistical significance.

The second model echoes a similar story. With every 1 percent increase in the number of registered voters per county polling place there is a subsequent .012 decrease in the percentage difference between turnout in 2000 and 2004. As county election officials cram more voters into fewer polling places turnout begins to reflect 2000 levels rather than 2004 levels of participation. However, the effect is insignificant.

Turning to the control variables, a peculiar result arose. The change in voter registration explains the change in voter turnout contrary to expectation. The variable is negatively signed. In light of the massive voter registration drives in Ohio, especially during the 2004 election, and the subsequent 10 percent increase in statewide turnout, one would expect increases in registration to contribute positively to the percentage difference in turnout between the two elections, but it does not. As it turns out (ha!), registration drives in Ohio occurred in urban areas that were primarily Democratic. A county by county study conducted by the New York Times showed registration in some of these areas (within counties) increased by almost 250% whereas in more Republican and presumably more rural areas of the state, registration increased an average of 25% (New York Times 9/26/2004).¹³ Hence, in many counties registration rates may better reflect a lack of difference between turnout in the two elections rather than the overall increase in turnout seen statewide.

The other control variables also yielded some interesting results. While political competition did not significantly explain the change in voter turnout in either model, the vote margin for proposition one did. For every one point increase in the margin between those in

¹³ This uneven registration effect generates heteroskedasticity in both models. I use robust standard errors to compensate. I believe this is a natural form of heteroskedasticity as opposed to one caused by measurement error or model misspecification. Nonetheless, I tried adding other explanatory variables (such as urbanicity, county partisanship, etc.) to the model. I also tried dropping the registration variable as well as transforming it. I also tried transforming my dependent variable. None of these efforts changed my null finding. In the end, I decided to keep the original model as it better reflected my theoretical expectations and research on these two presidential elections in Ohio.

favor and those against the ballot initiative there is a .16 decrease in the percentage difference between turnout in 2000 and turnout in 2004. This result might not seem intuitive at first but when one considers that a larger margin represents a less competitive county electoral environment it begins to make sense. In counties with larger proposition one vote margins, the boost provided by the ballot initiative to turnout was lower; hence, 2004 turnout in counties with larger prop one vote margins looked more like turnout in 2000. Counties with smaller vote margins for proposition one, saw the reverse effect. In an average county with no poll consolidation and an *average* proposition one margin, the predicted change in turnout is 15.2 percent. By contrast, in the same county having the *maximum* proposition one margin (or in other words, the widest prop one margin witnessed in any Ohio county) resulted in a predicted change in turnout of 11.8 percent. Between these two examples there is a predicted 3.4 percent difference in turnout. Clearly proposition one helped increase turnout meaningfully in the 2004 presidential election.

Kansas

As in Ohio, the percent change in turnout in Kansas was not significantly affected by poll consolidation. The results for Kansas are presented in Table 4. Neither the percentage change in the number of polling places nor the percentage change in the number of registered voters per polling place significantly influences the percentage change in turnout. The coefficients' signs are the same as their counterparts in the models for Ohio. As the number of polling places increases the change in turnout grows; alternatively, as consolidation increases (multiply coefficient by negative one so that increasing consolidation rates are represented by positive rather than negative numbers) the percentage difference in turnout decreases. In moving from the county with the largest amount of poll reduction to the county with the largest amount of poll

addition, holding all else constant, there is a predicted 2.5% difference in turnout.¹⁴ To put this in real terms, if Sedgwick County, a county which closed 23.7 percent of its polls (constitutes 65 polls) – a poll reduction rate close to the 22 percent mean for this state — had decided to keep those polls open, the predicted difference in percentage turnout would be .33 percent higher, all else equal. This percentage translates roughly into 558 voters, a decent number; however, it is important to remember that Sedgwick is one of Kansas’ most populous counties. In Ottawa County, a county with a much smaller population and similar rate of poll closure, this same decision not to close any polls results in a predicted difference of only 9 more voters turning out. Thus, statewide the effect of poll consolidation in terms of total votes is minimal especially in light of opportunities to advance vote (discussed below).

Similarly, the larger the increase in the percentage of voters per polling place is, the smaller the percentage difference between turnout in the 2000 and turnout in the 2004 presidential elections. Again, these effects do not prove significant nor does the magnitude of the coefficients represent a meaningful difference in the percentage change in turnout. The average Kansas County increased the number of registered voters per poll by 72 percent. If this hypothetical county had chosen not to increase this number or in other words, had decided not to reassign voters to new polling places at all, then the predicted percentage change in turnout between 2000 and 2004 would be 4.73 percent as opposed to 4.53 percent – hardly an earth-shattering difference.

Although neither consolidation variable proved significant, several of the control variables significantly predict the change in voter turnout. In contrast to the Ohio models, the rate of voter registration in Kansas has the expected sign. For every one percent increase in voter

¹⁴ Although this percentage difference is larger than Ohio’s it is important to keep in mind that Kansas has less than a third of the population of Ohio (2.7 million people as compared to 11.4 million).

registration there is a subsequent .12 percent change in turnout between 2000 and 2004 and in model two, there is a .13 percent change. In addition to heightened registration, advance voting helped contribute to increasing turnout around the state. Every one percent increase in the number of voters using advance voting resulted in a .35 percent increase in turnout in model one and a .36 percent change in model 2.

Advance voting also helped offset the effects of poll consolidation on turnout. In counties which experienced the greatest degree of consolidation and saw a decrease in the number of voters using advance voting the expected change in turnout was 3.13 percent; however, if these same counties saw an increase in advance voting, the percent change in turnout was predicted to be 6.49 percent. Counties with minimal consolidation also experienced as much as a 4.61 percent boost in turnout thanks to advance voting. If a county widely offered advance voting *and increased* the number of polling places to the maximum rate found in the state (83.3 percent), the predicted change in turnout proves to be an impressive 8.93 percent holding all else equal. Even without any poll increases or decreases, when you compare the predicted change in turnout in counties without advance voting to those exhibiting the maximum advance voting rate there is a 3.2 percent increase in the predicted percent change in turnout.

Yet advance voting was not the only contributor to increased turnout, the percentage of evangelicals residing in the county also made a significant difference. Although Kansas did not have a ballot initiative of particular interest to this constituency, evangelicals were mobilized to vote for George Bush around the country because of his stance on many moral issues of importance to these voters. For every one percent increase in the county evangelical population there is a .112 decrease in the change in turnout in model 1 and a .114 decrease in model 2. In other words, as the number of evangelicals turning out to vote increases the difference between

turnout in 2000 and 2004 decreases. This result is probably a consequence of large evangelical turnout in both presidential elections: the more evangelicals who turned out in 2004 the more that election mirrored 2000.

VI. Discussion

The Help America Vote Act of 2002 generated an unexpected outcome, namely poll consolidation by counties trying to balance cost and administrative burdens placed upon them by the Act. In spite of good reasons to think otherwise, the results of this study show the impact of HAVA related poll consolidation on turnout to be minimal, if non-existent, in two states.

Although this investigation should be expanded nationwide using other measures of poll consolidation as well as specific measures of HAVA's impact, this initial finding reveals that with respect to turnout HAVA fulfilled the first rule of public policy: "do no harm." Whether HAVA has truly remedied problems in elections administration and produced positive effects remains to be seen as well as tested by further research. It is also important to stress presidential elections constitute the easiest test case for poll consolidation since they are high profile elections which are accompanied by widespread efforts to mobilize voters. Lower profile elections confront voters with greater information barriers. Thus, future examinations of the impact of poll consolidation on voter turnout should take these elections into account.

Although the answer to the primary hypothesis proved contrary to expectations, the results of this study do confirm the findings of past research on the costs of voting. The introduction of Proposition One to the ballot in Ohio encouraged issue voters to turn out; since these voters had a vested stake in the passage of the ballot initiative, their perceived benefits of voting increased. In counties with smaller Proposition One vote margins turnout was higher.

Thus, the inclusion of this variable shows competitiveness as well as issues can peak interest in election outcomes and generate participation.

The results presented here also suggest turnout can be increased by altering institutional mechanisms. In Kansas, advance voting has increased in popularity over the past few election cycles as an alternative to poll based voting. As discussed previously, HAVA makes advance voting easier for counties to manage thanks to its requirement that all counties be networked into a statewide voter registration system. The system allows election officials to check the registration status of voters and helps ensure that voters only vote once. In light of the findings of this study showing advance voting has helped increase turnout and the simple fact that over 20 percent of Kansas voters chose to advance vote in 2004, the advance voting program appears to be a successful elections management tactic in Kansas.

VII. Conclusion

Although HAVA's aims are laudable the Act has undeniably placed tremendous new burdens on counties and did so in a fashion which was haphazard at best. Counties were forced to make time-sensitive and costly decisions about voting machines, polling place accessibility, statewide voter registration systems, among myriad other things, before receiving any guidance from the federal government (Soaries Testimony 2004). By the time the Election Assistance Commission — the agency created to oversee HAVA implementation in the states — formed and received funding, the deadlines set in the Act were imminent. Subsequently, extensions were granted to the states, but those making the decisions leading up to the original deadlines could not be certain this would be the federal response. In an effort to cope with impending deadlines and implementation costs, counties in many states, including Ohio and Kansas, chose to close

inaccessible polling places and reassign voters to polls, which were structurally accessible and had handicapped accessible voting equipment available.

At least in Ohio and Kansas, this decision did not have a significant negative impact on turnout; however, the full effects of HAVA have not been witnessed as yet. The 2008 presidential election will be the true test of the success of the legislation as the election will likely generate high turnout and place the same stresses on the elections system seen in 2000 and 2004. By 2008 all of HAVA's reforms concerning elections management and systems will have been in place for two years; subsequently, the kinks in HAVA implementation will have been worked out at the county level. Hopefully, after the election, HAVA will be found to have ultimately fulfilled its goal to help Americans vote more easily and with greater security. Nonetheless, most would agree that its implementation has been more of a testament to the innovation and capabilities of county and state election administrators than a sterling example of thoughtful policy creation, planning, and execution by the federal government.

Appendix A: Glossary of Terms

Direct Electronic Recording Voting Machine (DRE):

DRE voting machines display the ballot on a computer screen and process and store vote data on a computer hard-drive. Users either touch the screen or use a control pad to cast their ballots.

Lever Voting Machine:

On lever voting machines each candidate or proposition is assigned a particular lever in a rectangular array of levers on the front of the machine. To select a candidate or proposition, the voter pulls down the corresponding levers. A counter inside the machine keeps tallies of each vote choice.

Punch Card Voting:

Punch cards are not actually machines but refer to the type of ballot which is read by a data processing machine. The card itself has holes corresponding to each candidate and issue. The voter punches these holes to make his or her selections. The tabulator reads the ballot by counting the holes made by the voter. The rectangular bits of paper which are punched out by the voter are called chads. The tabulator has difficulty detecting the hole if a portion of the chad remains or hangs from the card. This problem was prevalent in the presidential election of 2000.

Optical Scan Voting:

Optical scan machines are actually tabulations machines and not voting machines. Voters mark their selections on a scan-tron, a ballot specially designed to be fed into an optical scanner. The optical scanner literally scans the ballot for the marks made by the voter and tabulates them.

Polling Place:

A polling place is a building or facility where voters go to cast their ballots in an election. Polling places are often housed in public buildings, such as schools or local government offices, although many counties permit polling places to be located in private facilities.

Voting Precinct:

Precincts are geographical divisions of major civil divisions (MCD), such as townships, counties etc., into minor level divisions for the purposes of voting. Each address in area of the MCD is assigned to a precinct. In turn, each precinct is assigned to a particular polling place. Polling places can contain multiple precincts.

Appendix B: Summaries of Relevant Legislation

HAVA Handicapped Accessibility Mandates and Related Legislation

HAVA Sec. 261 PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES Requires:

USE OF Title I FUNDS.—an eligible State and eligible unit of local government shall use the payment received under this part for:

- (1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and
- (2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

Note: HAVA handicapped accessibility requirements exceeded the requirements of previous legislation. Previously, counties could simply assign handicapped voters to accessible polling places rather than making all polling places accessible. See below for applicable legislation:

Voting Accessibility for the Elderly and Handicapped Act 42 U.S.C. 1973:

Each State or political subdivision responsible for registration for Federal elections shall provide:

- A reasonable number of accessible permanent registration facilities (Section 4)
- Registration and voting aids for Federal elections for handicapped and elderly individuals (Section 5)

Americans with Disabilities Act 42 U.S.C. (Chapter 20, Subchapter I-f) 12101:

§ 1973ee–1. Selection of Polling Facilities

(a) Accessibility to all polling places as responsibility of each political subdivision within each State, except as provided in subsection (b) of this section, each political subdivision responsible for conducting elections shall assure that all polling places for Federal elections are accessible to handicapped and elderly voters.

Exceptions:

- (1) in the case of an emergency, as determined by the chief election officer of the State; or
- (2) if the chief election officer of the State—
 - (A) determines that all potential polling places have been surveyed and no such accessible place is available, nor is the political subdivision able to make one temporarily accessible, in the area involved; and

(B) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by the chief election officer of the State)—

(i) will be assigned to an accessible polling place, or

(ii) will be provided with an alternative means for casting a ballot on the day of the election.

HAVA Voting Machine Mandates

What HAVA Requires

Section 301(d) of HAVA requires, no later than January 1, 2006, that all voting systems used in elections for Federal office meet certain requirements delineated below.

Each voting system used in a Federal election on or after January 1, 2006 must permit the voter to do the following:

- (1) Verify privately and independently the votes selected before casting a ballot and to privately and independently be able to change or correct a ballot before it is cast (including receiving a replacement ballot)
- (2) Notify the voter of an over-vote (casting votes for more candidates than allowed)
- (3) Notify the voter of the effect of over-voting, *i.e.*, the vote for that office will not be counted
- (4) Provide the voter with the opportunity to correct the ballot, if he or she has overvoted.

Voting Machines must also be accessible to all voters:

(1) All voting systems must meet all requirements of alternative language access of section 203 of the Voting Rights Act of 1965 (42 U.S.C. § 1973aa-1a).

(2) Voting systems must be accessible to voters with disabilities, including voters with visual impairment, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. According to HAVA, this requirement is met by providing at least one direct recording electronic (DRE) voting unit, or other voting system equipped for individuals with disabilities at each polling place.

All voting systems must perform the following functions:

- (1) Produce a record with an audit capacity (the paper record produced must be available as an official record for purposes of a recount)
- (2) Produce a permanent paper record with a manual audit capacity
- (3) Allow the voter to correct any error before the permanent paper record is produced
- (4) Meet FEC guidelines for voting system error rates (errors attributable *only* to system errors, and not an act of the voter).

Finally, HAVA requires that each State adopt “uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.”

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Variables	Mean	SD	Minimum	Maximum
Voter Turnout	15.0	8.09	-12.8	34.7
Percent Poll Change	-7.95	15.4	-52.4	43.7
Percent Change Registered Number of Voters Per Poll	16.1	22.8	-26.9	117.9
Percent Change Registration	2.17	6.98	-21.6	21.6
Vote Margin Proposition 1	35.4	12.6	-10.9	56.5
Political Competition 2004	16.9	19.1	-34	53

Variables	Mean	SD	Minimum	Maximum
Voter Turnout	4.50	5.52	-8.05	19.1
Percent Poll Change	-22.2	29.6	-90.9	83.3
Percent Change Registered Number of Voters Per Poll	71.6	153.3	-43.3	965.3
Percent Change Registration	2.87	13.4	-117.9	37.6
Percent Change Advanced Voting	2.38	4.67	-11.3	26.2
Political Competition 2004	45.1	17.8	-31	72
Evangelical Constituency	17.1	8.03	2.86	38.3

Table 3: Poll Consolidation and the Change in Ohio Voter Turnout Between 2000 and 2004

<i>INDEPENDENT VARIABLES</i>	<i>Percentage Change in Voter Turnout</i>	
	Model 1	Model 2
Percentage Change in Number of Registered Voters Per Polling Place	----	-.012 (.027)
Percentage Change in Number of Polling Places	.016 (.043)	----
Percentage Change in Voter Registration	-.835*** (.187)	-.814*** (.185)
Vote Margin for Proposition One	-.159** (.060)	-.159** (.059)
Political Competition 2004	.018 (.040)	.021 (.041)
Intercept	22.3***	22.4***
N	88	88
R-squared	.519	.520

*p<.05 **p<.01 ***p<.001

Note: Unstandardized coefficients displayed. Robust standard errors in parentheses

Table 4: Poll Consolidation and the Change in Kansas Voter Turnout Between 2000 and 2004

<i>INDEPENDENT VARIABLES</i>	<i>Percentage Change in Voter Turnout</i>	
	Model 1	Model 2
Percentage Change in Number of Registered Voters Per Polling Place	----	-.003 (.004)
Percentage Change in Number of Polling Places	.014 (.019)	----
Percentage Change in Voter Registration	.123*** (.034)	.128** (.038)
Percentage Change Advanced Voting	.353* (.165)	.360* (.182)
Political Competition 2004	-.097** (.029)	-.099** (.028)
Percentage Evangelicals	-.112* (.053)	-.114* (.054)
Intercept	9.99*	9.93*
N	104	104
R-squared	.216	.215

*p<.05 **p<.01 ***p<.001
 Note: Unstandardized coefficients displayed. Robust standard errors in parentheses.