Presidential Primer: Planning and Preparing; What to expect on Election Day and Post Election Activity

National Association of State Election Directors - February 2016
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We have a maxim in our office upon which we base our planning and preparation:

Election Day is for the Voter....
ELECTION 2016

• Planning and Preparation: Minding Your P’s and Q’s
  • For a presidential election to be successful (which in turn makes our profession well regarded and respected), consider the following “P” words:
    ➢ Planning and Preparation
    ➢ Policies and Procedures
Planning and Preparation

- Election officials and election administrators have to plan well for all contingencies of any election about what **must** happen legally or procedurally and what can occur that is not normal in the process.
- Planning and prioritizing are essential for success
- Thinking through what could happen out of the ordinary helps to avert the chance events that could derail an election.
Proper planning makes the difference in how smoothly the election works for voters:

Proper Planning Prevents Poor Performance!
Proper Planning helps to alleviate stress associated with conducting a presidential election.

- Have an emergency and contingency plan (also called a “continuity of operations plan”), and instruct local officials to have one as well. Try to anticipate and plan for any emergency or contingency.
Planning and Preparation: Election Day Emergency and Contingency Plans

- Things we have some control over
  - Ballot shortages
    - Encourage/Instruct locals to order ballots based on Active and Inactive voters, expected late and EDR registrants, expected provisional voters and expected larger than normal turnout
  - Poll worker shortages
    - Recruit and train more than needed
    - Try to recruit government workers
Planning and Preparation: Election Day Emergency and Contingency Plans

- Things we have some control over
  - Equipment issues
    - Monitor local equipment testing – encourage acceptance testing as soon as equipment, media and ballots are received, in addition to any public and election day testing required
  - Technical Support availability
  - Troubleshooting guide available
  - Use security seals and a seal log to monitor access and prevent unauthorized access
Planning and Preparation: Election Day Emergency and Contingency Plans

- Things we have some control over
  - Election Day lines
    - Learn from past elections
    - Redesign flow of polls if necessary
    - Have officials working lines to ensure people are in the correct line, etc.
  - Use resource allocation tools to make decisions on how to allocate limited resources
  - Communicate length of lines throughout the day
Planning and Preparation: Election Day Emergency and Contingency Plans

Things we don’t have control over

Weather related issues

- Poll workers and/or voters cannot get to the polls
- Blizzard conditions/excess snow that needs to be plowed shoveled for safety and access
- Weather disasters such as hurricanes, floods, etc.
- Courts may delay closing polls - have officials prepared for this contingency

Communicate updates often
**Planning and Preparation: Election Day Emergency and Contingency Plans**

**Things we don’t have control over**
- Power outages: Electricity/Internet/Phones
  - Have a plan to make sure voters continue voting
  - Manually issue ballots – provisional ballots
  - Paper registers/poll books
  - Plan for back-up power
  - Use mobile phone numbers
  - Have mobile and after hours contact information for all providers

**Voting Equipment Issues**
- How to report; who to report to
- Be prepared for media inquiries
  - Make sure a knowledgeable person is designated to talk about equipment issues to media
Planning and Preparation: Election Day Emergency and Contingency Plans

Things we don’t have control over

Personnel Issues

★ Cross train in case something prevents key-personnel from being available
★ Have mobile and after hour numbers for local election officials and all state elections staff
★ Share all processes and procedures, put them in writing and make them accessible to all key staff in case something happens to YOU
Planning and Preparation

★ Keep lists
★ Draft FAQs and uniform responses for common inquiries from public, press, candidates, etc.
★ Coordinate calendars
★ Training locals
  ★ Have refresher online courses
★ Training for poll workers
  ★ Have refresher online courses
★ Do an “election preparedness” survey to get LEAs thinking about what they need to do to get prepared
★ Send “observers” to select polls with a checklist
Policies and Procedures

Many of the things that affect how elections are conducted or administered are out of the control of election officials.

- State legislators often pass laws that complicate actually serving voters well or make decisions that force election administrators to have to comply with the laws even when it means it will likely result in poor administration.

- Courts and judges sometimes override laws that then place the election process in jeopardy; their intentions may be good, but the impact is often to place the election in a scramble.
Policies and Procedures

- But for the policies that are under control of election officials, policies are the way to assure reasonable actions to foster an accurate election that is fair.
- Policies become important to the conduct of elections to let candidates, the public, the voters and the media know what to expect during an election cycle.
- If the policies are less than desirable, then changing them needs to occur well before an election or some time after one. Changing policies during the critical 100-days prior to Election Day does not serve democracy well.
Policies and Procedures

What to do, when to do it and why it is necessary to do it a certain way, are concerns of every election office.

Training, training, training of staff, of election workers, of the voters, of the media, of the campaigns, about why the procedures and practices exist and how they protect the process is essential to a well-run election.

When election officials get in trouble, it is usually because someone in the process did not follow the established procedures and practices.
ELECTION 2016

Have Written Policies

Polling Place Situations Quick Guide

Montana Secretary of State
Linda McCulloch
Elections and Government Services

Updated: October 2013
• **What kinds of voter specific issues can you prepare for by having policies and procedures in place:**
  
  • Poll workers are faced with issues constantly on Election Day
  • Resolution of each issue affects a voter’s right to vote
  • Resolution must be uniform and accurate
  • In addition to the Election Judge Handbook publication we provide, we also publish a “polling place situations quick guide” with various scenarios and the resolution to each scenario described
  • While it is probably impossible to anticipate every potential scenario, it is extremely helpful to anticipate as many as we can, and to train local election officials and poll workers and give them every possible tool so that they can confidently and competently address these scenarios
What kinds of voter specific issues come up on Election Day that you can anticipate and prepare locals and poll workers for?

- Voter doesn’t have ID
- Voter’s name is not in register/poll book
- Voter was already issued an absentee ballot
- Voter is in Inactive status
- Voter is challenged
- Voter is not able to sign the register
- Voter makes a mistake on their ballot
- Election Day Registration issues
2016 - Even with Preparation and Planning, Policies and Procedures - A Perfect Storm?

- “Open” Presidential office
- Many states are implementing new laws
- Heightened interest from the public and the media
- Chief election offices on the ballot in many states
- More uninformed, inactive, transient/homless voters want to participate
- More candidates/voters not affiliated with a party want to participate
- All of these things can add up to a stressful and chaotic election year - prepare and plan - have policies and procedures!
ELECTION DAY ISSUES
Election Day

★ Communications:
★ Make sure local election officials know what to report to you.
★ Make sure that poll workers know when to contact local election officials.
★ Identify ahead of time issues staff need to run up the chain of command.

★ Dealing with Election Day complaints:
★ Who handles candidate and voter complaints about campaigns?
★ Polling place accessibility
Election Day

- Polling place staffing:
  - Make sure the polls are sufficiently staffed
  - Not like other elections—may want additional poll workers
- Make sure the ballots are delivered properly
  - The right ballots and enough of them...
- Presidential Election Only Voters:
  - Probably listed as inactive or moved since the last time they voted
  - Increased number of provisional voters
Election Day

- Observers and Exit Polling:
  - Candidate observers vs. other "public interest groups"
  - Role of poll workers in enforcing laws and regulations
- Voter fraud/suppression complaints
Election Day

- **Unexpected Issues:**
  - Weather: Ice storms, hurricanes; courts may delay closing polls
  - Power outages: Electricity goes out or someone kicks a plug

- **Voting Equipment Issues:**
  - How reported
  - Technical Support availability
  - Make sure voters continue voting

- **Evacuation procedures—what if you need to leave polling place?**
  - How long will polling place be unavailable?
  - What if you can’t go back?
  - Where to go (if relocation is possible)?
  - Who transports ballots and equipment?
  - How to notify voters?
Election Day
- Centralized results reporting
- Statewide reporting, or only through counties?
- Bandwidth for hits? If statewide race is close?
  - Make it easy to reach the most important races
  - Disable other links on web site if necessary
- Updated Election night contacts lists
  - Cell numbers? Office phone lines closed?
- Monitor results
  - Odd situations?
  - Contact counties early if questions
POST-ELECTION ISSUES
Post Election Issues

- Prepare for Recount or Contest
- Presidential race: Is it subject to recount, only court contest?
- Timeline is the issue, need completion by safe harbor date
- Outline process how recount would be conducted, training
- Security, retention procedures in place
- LEOs prepared for data requests?
- Media releases for canvassing process, unofficial vs. official results, recount process/timetable
- Web streaming capabilities, transparent process
Post Election Issues

★ Electoral Count Act of 1887’s “Safe Harbor Provision” is 5 weeks after election day (3 USC 5)
★ Safe Harbor is Tuesday, Dec. 13, 2016
★ Congress treat as “conclusive” any resolution of State disputes “at least six days before” the elector’s meeting when resolved by procedures in place prior to the election
★ First Monday after second Wednesday in December. (3 USC 5)
Post Election Issues
- Presidential Electors meeting
- Electors make and sign six certificates with two distinct lists for Pres/VP and with list of electors (3 USC 9)
  - One certificate by registered mail to President of Senate
  - Two certificates to Secretary of State of the state
  - Two certificates to Archivist of the U.S.
  - One certificate to the Judge of the district in which the electors assembled
What have we learned after a few presidential elections......

It’s going to get rough.....

Get your helmets on.....
ELECTION 2016 SCOREBOARD:

269 days, 15 hours, 45 minutes and 0 seconds till polls open

State/Territory Elections
50+

Anything that Could Go Wrong
0
ELECTION 2016

If all else fails, Michelle and Lisa have a secret weapon.