

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

League of Women Voters of Minnesota
Education Fund, Vivian Latimer Tanniehill,

Plaintiffs,

v.

Steve Simon, in his official capacity as
Secretary of State of Minnesota,

Defendant.

Civil Action No. 0:20-cv-01205-ECT-TNL

**MEMORANDUM OF LAW IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

INTRODUCTION

The United States is living through the worst pandemic in over a century. Minnesota officials are rightly urging the public to avoid close contact between households to minimize the spread of Coronavirus Disease 2019 (COVID-19). Yet the state is asking its citizens to violate this social distancing practice to vote in upcoming elections. To cast a ballot, Minnesota voters must either go to the polls in person, or have their absentee ballot signed by a witness. For many members of Plaintiff League of Women Voters of Minnesota Education Fund, it is impossible to have an absentee ballot witnessed without risking exposure to COVID-19. The danger is especially grave for Minnesotans like Plaintiff Vivian Latimer Tanniehill, whose age and underlying health conditions make her particularly vulnerable to becoming severely ill or dying from the virus.

The fundamental right to vote cannot be conditioned on voters' willingness to risk contracting a disease that has killed more than 100,000 Americans over the past few months. The Court should therefore enter a preliminary injunction requiring Defendant to suspend

enforcement of the witness requirement for absentee voting for the duration of 2020 and inform the public of this suspension.

FACTUAL BACKGROUND

I. Absentee Voting in Minnesota

Minnesota permits any eligible voter to vote by absentee ballot. Minn. Stat. § 203B.02, subd. 1.¹ However, it is impossible for a voter to cast a valid absentee ballot without interacting in person with someone else.

When a voter properly requests to have an absentee ballot provided by mail, the local county auditor or municipal clerk sends the voter the ballot, together with a package of other materials, including multiple envelopes and directions for casting the ballot. *See* Minn. Stat. § 203B.07, subd. 1. One of the envelopes issued to each absentee voter is a signature envelope, on which a blank certificate is printed. To fill out the certificate, the voter must (1) provide her Minnesota driver's license number, state identification number, or the last four digits of her Social Security number, or indicate that she does not have any of these numbers; and (2) sign a sworn statement that the voter meets all legal requirements to cast this ballot. Minn. R. 8210.0600; Minn. R. 8210.0500; Minn. R. 8210.3000; *see also* Minn. Stat. § 203B.07, subd. 3.²

¹ Minnesota law also permits elections in certain towns, cities, and unorganized territories to be conducted entirely by mail, “with no polling place other than the office of the auditor or clerk or other locations designated by the auditor or clerk.” Minn. Stat. § 204B.45; *see also* Minn. Stat. § 204B.46. The process for casting, verifying, and counting ballots in all-mail elections is generally the same as the process for absentee ballots under Minn. Stat. Chapter 203B. *See* Minn. Stat. § 204B.45, subd. 2 (providing that “the provisions of the Minnesota Election Law governing deposit and counting of ballots” generally apply in all-mail elections, and “[t]he mail and absentee ballots for a precinct must be counted together”). This Memorandum uses the term “absentee” to refer to all ballots transmitted by mail in Minnesota.

² By statute, the blank certificate is to be “printed on the back of the return envelope.” Minn. Stat. § 203B.07, subd. 3. In practice, the envelope on which the certificate is printed is known as the signature envelope. *See* Minn. R. 8210.0600 (standard instructions to absentee voters).

The blank certificate also contains a section to be filled out by a third-party witness, who must be registered Minnesota voter, a notary, or an individual authorized to administer oaths. *See* Minn. Stat. § 203B.07, subd. 3; Minn. R. 8210.0600, subp. 1a; Minn. R. 8210.3000, subp. 4b. The witness must sign the certificate and write either her Minnesota street address or her title indicating that she is a notary or other official authorized to administer oaths. If the witness is a notary, she must also affix her notary stamp. *See* Minn. R. 8210.0600, subp. 1a; Minn. R. 8210.3000, subp. 4b.

By signing the certificate the witness certifies, at a minimum, that: (1) the voter showed the witness the blank ballot before voting; (2) the voter marked the ballot in private if physically able to do so, or else the ballot was “marked as directed by the voter” by someone else; (3) the voter enclosed and sealed the ballot in its dedicated envelope; and (4) the witness is a registered Minnesota voter, a notary, or a person authorized to administer oaths.³ Minn. Stat. § 203B.07, subd. 3; Minn. R. 8210.0600, subp. 1a; Minn. R. 8210.3000, subp. 4b.⁴ In order to complete these steps so the witness can truthfully make the required certifications, the voter and witness must be physically together for the voting process.

It is exceedingly rare for voters to attempt to cast fraudulent absentee ballots, both nationally and in Minnesota. In a comprehensive study covering all elections from 2000 to 2012,

³ The standard witness certification adopted by regulation states, “I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.” Minn. R. 8210.0600; Minn. R. 8210.3000, subp. 4b. This language is ambiguous as to whether a *former* registered Minnesota voter qualifies as a witness. However, the statute establishing the witness requirement specifies that the witness, if not a notary or other person authorized to administer oaths, must be “a person who *is* registered to vote in Minnesota.” Minn. Stat. § 203B.07, subd. 3 (emphasis added).

⁴ Additionally, if the voter is not yet registered to vote and is submitting a voter registration application with an absentee ballot, the witness must certify that “the voter registered to vote by filling out and enclosing a voter registration application in this envelope” and that the voter provided appropriate proof of residence. Minn. R. 8210.0600, subp. 1a; *see also* Minn. Stat. § 203B.07, subd. 3.

journalists found 491 cases of alleged absentee ballot fraud nationally, and just *one* in Minnesota. Ex. 1 (Election Fraud Database). This represents a miniscule fraction of absentee voting. In the November 2012 election alone, over 21.8 *million* Americans, including 255,141 Minnesotans, voted by domestic absentee ballot. Ex. 2 (Election Assistance Commission 2012 Voting Survey) at 9.

Setting aside the witness requirement, Minnesota law provides numerous safeguards against any potential fraud in absentee voting. To begin with, Minnesota provides steep criminal sanctions for absentee voting fraud. It is a felony for any individual to “make or sign any false certificate” required by Minn. Stat. Chapter 203B, the statutory chapter on absentee voting; “make any false or untrue statement in any application for absentee ballots;” “apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;” “exhibit a ballot marked by that individual to any other individual;” violate Chapter 203B “for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote;” “use information from absentee ballot materials or records for purposes unrelated to elections, political activities, or law enforcement;” “provide assistance to an absentee voter” except as specifically authorized by law; “solicit the vote of an absentee voter while in the immediate presence of the voter during the time the individual knows the absentee voter is voting;” or “alter an absentee ballot application after it has been signed by the voter, except by an election official for administrative purposes.” Minn. Stat. § 203B.03. Similarly, any person who votes in Minnesota despite knowing that she is ineligible to vote is guilty of a felony. Minn. Stat. § 201.014. A felony in Minnesota is punishable by imprisonment for up to five years, a fine of up to \$10,000, or both. Minn. Stat. § 609.03.

Minnesota also protects against counting fraudulent absentee votes by subjecting all absentee ballots to a verification process to determine whether the ballot is accepted or rejected. Local ballot boards composed of trained officials are responsible for making this determination. Minn. Stat. § 203B.121; Minn. Stat. § 204B.45, subd. 2. Each absentee ballot must be examined by at least two ballot board members who, subject to limited exceptions, must belong to different major political parties. Minn. Stat. § 203B.121, subd. 2; Minn. Stat. § 204B.45, subd. 2; Minn. R. 8210.2450, subp. 1. Before an absentee ballot is accepted for counting, the majority of the ballot board members examining the ballot must determine that the ballot satisfies *six* independent criteria, five of which have nothing to do with the witness statement. Minn. Stat. § 203B.121, subd. 2.

- *First*, “[t]he voter’s name and address on the absentee ballot application must match the voter’s name and address on the signature envelope.” Minn. R. 8210.2450, subp. 2; *see also* Minn. Stat. § 203B.121, subd. 2(b)(1).
- *Second*, the ballot board members must determine that “the voter signed the certification on the envelope.” Minn. Stat. § 203B.121, subd. 2(b)(2). “A ballot must be rejected . . . on the basis of the signature if the name signed is clearly a different name than the name of the voter as printed on the signature envelope.” Minn. R. 8210.2450, subp. 2.
- *Third*, the ballot board members must check whether “the voter’s Minnesota driver’s license, state identification number, or the last four digits of the voter’s Social Security number are the same as a number on the voter’s absentee ballot application or voter record.” If so, the ballot may move on to the next verification step; if not, the ballot board members “must compare the signature provided by the applicant to determine whether

the ballots were returned by the same person to whom they were transmitted.” Minn. Stat. § 203B.121, subd. 2(b)(3); *see also* Minn. R. 8210.2450, subp. 3.

- *Fourth*, the ballot board members must verify that “the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope.” Minn. Stat. § 203B.121, subd. 2(b)(4); *see also* Minn. R. 8210.2450, subp. 4.
- *Fifth*, the ballot board members must check that “the certificate has been completed as prescribed in the directions for casting an absentee ballot.” Minn. Stat. § 203B.121, subd. 2(b)(5). This is the only one of the six verification steps that depends on the presence of a witness signature. The witness requirement is deemed satisfied if the witness has signed the required statement and done any one of the following: provided a Minnesota address, provided a title indicating that the witness is eligible to administer oaths, or affixed a notarial stamp. Minn. R. 8210.2450, subp. 5. The ballot board does not check whether the witness’s name or address matches an existing voter registration record for purposes of determining whether the ballot in question should be accepted or rejected. *See id.*
- *Sixth*, it must be confirmed that “the voter has not already voted at that election, either in person or, if it is after the close of business on the seventh day before the election, by absentee ballot.” Minn. Stat. § 203B.121, subd. 2(b)(6); *see also* Minn. R. 8210.2450, subp. 6.

If the majority of ballot board members examining a ballot determine that it fails to satisfy *any* of these six criteria, the ballot is rejected. Minn. Stat. § 203B.121, subd. 2(c)(1).

II. The COVID-19 Pandemic Necessitates Consistent Social Distancing and Will Increase Demand for Absentee Voting

The United States—and much of the rest of the world—“is in the midst of an unprecedented health crisis occasioned by the worldwide COVID-19 pandemic.” *In re Rutledge*, 956 F.3d 1018 (8th Cir. 2020). SARS-CoV-2 is a new virus that causes COVID-19. Ex. 3 (Decl. of Dr. Arthur Reingold), at ¶ 7. As of May 28, 2020, there have been 1,678,843 confirmed cases of COVID-19 and 99,031 deaths attributed to COVID-19 in the United States, according to the Centers for Disease Control and Prevention (“CDC”). Ex. 4 (CDC National COVID-19 Case Data). Minnesota has had 22,947 confirmed cases and 967 deaths. Ex. 5 (Minnesota COVID-19 Dashboard). These figures almost certainly understate the real numbers of COVID-19 cases and deaths, given limitations in testing. *See* Ex. 3 (Reingold Decl.) at ¶ 13.

Some individuals infected with SARS-CoV-2 experience no symptoms or only mild symptoms. *Id.* ¶¶ 7, 12. Others, however, experience respiratory failure or other life-threatening complications from COVID-19. *Id.* ¶¶ 7, 8. Hospitals treating COVID-19 patients, including all sites of the Minnesota-based Mayo Clinic, are prohibiting or severely restricting visitors to avoid spreading the virus. Ex. 6 (Statement of the Mayo Clinic). Unable to receive visitors, many hospital patients dying of COVID-19 are dying alone. *See* Ex. 7 (New England Journal of Medicine Report).

Anyone could potentially become severely ill or die from COVID-19. However, certain populations are at a heightened risk of severe illness or death from COVID-19—specifically, patients over age 65, people with immunologic conditions, and people with certain other health conditions, including some heart conditions, asthma, COPD, diabetes, obesity, and chronic kidney disease. Ex. 3 (Reingold Decl.) at ¶ 8.

SARS-CoV-2 spreads easily from person to person through respiratory droplets. *Id.* ¶ 9. The virus also may also be capable of aerosolization, meaning it may linger in the air and infect people who enter the airspace. *Id.* Additionally, the virus can spread through contact with contaminated surfaces. *Id.* SARS-CoV-2 is so contagious that each infected individual is estimated to infect two to eight others. *Id.* Infected individuals who are not symptomatic can nevertheless spread the virus *Id.* ¶ 12.

There is currently no vaccine for COVID-19, and it is unlikely that a vaccine approved by the Food and Drug Administration will be available for at least the next twelve months. *Id.* ¶ 14. Before the U.S. population can develop “herd immunity” that protects against widespread transmission of COVID-19, approximately 80 to 95 percent of the population must become immune to the virus. *Id.* ¶ 15. For this to happen, either a vaccine must become widely available, or the majority of U.S. residents must be infected with the virus and develop antibodies to it. *Id.* ¶¶ 15-16. All told, it is likely that there will be resurgences of COVID-19 transmissions across the U.S. throughout 2020 and into 2021, even accounting for behavioral interventions and government-imposed restrictions designed to control the spread of the virus. *Id.* ¶ 16. Resurgences in the fall and winter of 2020 are especially likely, given that SARS-CoV-2 may spread most easily in colder weather (although this is not yet confirmed). *Id.* ¶ 18.

Nevertheless, behavior is an important factor influencing the course of the pandemic. The only known ways to reduce the spread of COVID-19 are frequent handwashing, disinfecting surfaces, social isolation, and social distancing (i.e., maintaining at least six feet of separation between individuals). *Id.* ¶ 11. The CDC currently advises that “[l]imiting face-to-face contact with others is the best way to reduce the spread of” COVID-19. Ex. 8 (CDC Social Distancing Recommendations). Early evidence shows that social distancing slows transmission of the virus,

and jurisdictions that imposed stay-at-home orders early are succeeding in reducing transmission. Ex. 3 (Reingold Decl.) ¶ 13.

Recognizing the importance of social distancing, Minnesota Governor Tim Walz issued an Executive Order directing all Minnesota residents to stay home through May 17, except when engaging in certain exempt activities. Ex. 9 (Minn. Emergency Exec. Order 20-48). In a subsequent Executive Order currently in effect, Governor Walz renewed many restrictions while relaxing others. The current Executive Order prohibits gatherings of more than ten people, requires public accommodations including restaurants and bars to stay closed, requires workers to work from home if possible, mandates social distancing protocols in workplaces that open, and states that “[a]ll persons currently living within the State of Minnesota who are at risk of severe illness from COVID-19 . . . are strongly urged to stay at home or in their place of residence.” Ex. 10 (Minn. Emergency Exec. Order 20-56).

Emerging evidence shows that elections with a large amount of in-person voting are dangerous during the pandemic. In Wisconsin, the presidential primary drew nearly 400,000 in-person voters on April 7, 2020. Ex. 11 (Wisconsin Elections Commission Report). As of May 16, at least 71 people had tested positive for COVID-19 after voting in person or serving as poll workers in the Wisconsin primary. Ex. 12 (Madison Article). In Milwaukee County alone, at least 52 individuals who participated in the election as in-person voters or poll workers had tested positive for COVID-19 by May 4, including 26 who did not begin experiencing symptoms until April 9 or later. Ex. 13 (Milwaukee County COVID-19 Election Report). An analysis by university economists has preliminarily found that, controlling for other potentially relevant factors, Wisconsin counties with more in-person voters per voting location had higher rates of positive COVID-19 tests, while counties with more absentee voting had lower positive COVID-

19 test rates—patterns that emerged in the weeks following the primary. Ex. 14 (National Bureau of Economic Research Paper on Wisconsin Primary); *see also* Ex. 3 (Reingold Decl.) ¶ 19.

To avoid COVID-19 transmission at polling places, the CDC currently recommends that election officials “[e]ncourage mail-in methods of voting” during the pandemic. Ex. 15 (CDC Recommendations for Election Polling Locations). Defendant himself has recognized the importance of shifting toward absentee voting during the pandemic, saying in a recent statement: “To slow the spread of COVID-19 we need to reduce large gatherings, including at polling places. I’m challenging all eligible Minnesota voters to cast their vote from the safety of their home.” Ex. 16 (Statement of Def. Simon re: Absentee Ballots).

Minnesota will hold two statewide election days in the remaining part of 2020. Primary elections for offices including U.S. Senate, U.S. House of Representatives, Minnesota Senate, and Minnesota House of Representatives, among others, will be held on August 11, with early voting from June 26 to August 10. The general Presidential election will be held on November 3, with early voting from September 18 to November 2. Ex. 17 (Minn. SOS Elections Calendar). Given the apparent danger of voting in person, demand for absentee voting in these elections will likely rise to unprecedented levels.

III. Applying the Witness Requirement During the Pandemic Burdens Plaintiffs

Although absentee voting offers Minnesotans a safer alternative to in-person voting during the COVID-19 pandemic, it is not entirely safe. For Minnesota voters who do not live with a person qualified to witness absentee ballots—i.e., a registered Minnesota voter, a notary, or another person authorized to give oaths—complying with the witness requirement for absentee voting necessarily means meeting in person with an individual outside their household.

This increases the voter's risk of being exposed to COVID-19 or transmitting the virus. Ex. 3 (Reingold Decl.) ¶ 19.

For Plaintiff Vivian Latimer Tanniehill, the witness requirement may be an insurmountable obstacle to voting during the COVID-19 pandemic. Ms. Latimer Tanniehill is sixty-seven years old and lives alone. Ex. 18 (Decl. of Vivian Latimer Tanniehill) at ¶ 2. She has previously had open heart surgery, takes a blood-thinning medication daily for her cardiac health, and has asthma. *Id.* ¶ 17. The combination of her age and underlying health conditions places her at high risk of developing severe or life-threatening symptoms if she contracts COVID-19. *Id.* ¶¶ 16-18; *see also* Ex. 3 (Reingold Decl.) ¶ 8. Although she has always voted in person in the past, she believes that voting in person would be too risky during the pandemic. Ex. 18 (Latimer Tanniehill Decl.) at ¶ 21. She therefore hopes to vote absentee in the August and November 2020 elections, and possibly subsequent elections. *Id.* ¶ 14. However, in order to vote absentee under current Minnesota law, Ms. Latimer Tanniehill would need to invite another person into her home or travel to meet with another person, violating the social distancing protocol she has been assiduously following. *Id.* ¶¶ 19, 23. She is anxiously monitoring public health conditions to assess the health risk that would come with having her absentee ballot witnessed, so that she can decide whether the risk is too high to tolerate. *Id.* ¶ 25.

Ms. Latimer Tanniehill serves as Advocacy Chair of the Board of Directors of the League of Women Voters of Minnesota Education Fund (LWVMN), and has a passion for democratic participation stemming from her childhood. Latimer Tanniehill Decl. ¶¶ 7-11. As a Black woman originally from Birmingham, Alabama, she experienced segregation and state-sanctioned racism as a day-to-day reality. *Id.* ¶¶ 6-7. After moving to Minnesota at age seven, she saw her mother vote in the 1960 election—the first election in which she had ever been able to vote. *Id.* ¶ 8.

These early experiences impressed on Ms. Latimer Tanniehill the paramount importance of voting. *Id.* Giving up her vote to protect her health would be a painful choice for Ms. Latimer Tanniehill. *Id.* ¶ 25.

Other members of LWVMN are similarly at risk of having to forego voting during the pandemic to avoid the health hazards of having their ballots witnessed. LWVMN is a nonprofit organization with about 2,200 members throughout Minnesota. Ex. 19 (Decl. of Michelle Witte) at ¶ 9. Many of LWVMN's members are over age 65, and some have additional health conditions that make them especially vulnerable to becoming severely ill or dying if they contract COVID-19. *Id.* ¶ 11. While some LWVMN members live with a registered Minnesota voter or other qualified witness, many others (like Ms. Latimer Tanniehill) live alone or live only with people who cannot witness absentee ballots, such as minor children or non-U.S. citizens. *Id.* ¶ 12. LWVMN members who cannot have their ballots witnessed at home—especially those at high risk of severe symptoms or death from COVID-19—will face a choice between endangering their health and giving up their vote during the pandemic.

For LWVMN itself, the continued enforcement of the witness requirement during the pandemic has become a drain on its time, energy, and money. LWVMN has scarce resources, with just three full-time employees serving about 2,200 members and 35 local chapters throughout Minnesota. Ex. 19 (Witte Decl.) at ¶¶ 6, 9, 13. Ordinarily, LWVMN's core activities include conducting voter registration drives and hosting forum events to help voters learn about candidates and policy issues. *Id.* ¶¶ 15, 29. These services to the electorate are most in demand in presidential election years, and 2020 is no exception. *Id.* ¶¶ 15, 18. LWVMN is trying to ramp up these activities and adapt them to the current public health situation, which requires a formidable investment of resources. *Id.* ¶¶ 20, 21. On top of this challenge, LWVMN now must

set aside resources to help Minnesota absentee voters—a much larger group than ever before—understand the witness requirement and comply with it as safely as possible. *Id.* ¶¶ 26-27. LWVMN is now developing a communications campaign educating voters about the need for an absentee ballot witness and the qualifications for serving as a witness. LWVMN is also developing plans to help voters have their absentee ballots witnessed during the pandemic—potentially by implementing a program in which LWVMN would directly connect voters with volunteers who are willing and able to serve as witnesses (although these volunteers will likely be scarce during the pandemic). *Id.* ¶¶ 29-30. These projects focused on the witness requirement take time, energy, and money—resources that LWVMN would otherwise devote toward updating and executing its core activities such as voter registration and educational forum events. *Id.* ¶ 29.

LEGAL STANDARD

“Whether a preliminary injunction should issue involves consideration of (1) the threat of irreparable harm to the movant; (2) the state of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest.” *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981). The Court must apply this test in a “flexible” manner appropriate to “the particular circumstances of each case.” *Id.* “[W]here the balance of other factors tips decidedly toward plaintiff a preliminary injunction may issue if movant has raised questions so serious and difficult as to call for more deliberate investigation,” even if the district court does not conclude that the movant is more than fifty percent likely to succeed on the merits. *Id.*

ARGUMENT

I. Plaintiffs are likely to succeed on the merits of their claim for a temporary suspension of Minnesota’s witness requirement for absentee voting during the COVID-19 pandemic.

By applying its witness requirement for absentee ballots during the COVID-19 pandemic, Minnesota puts voters in danger for no good reason. Plaintiffs are therefore likely to succeed in showing that the witness requirement is unconstitutional as applied in this unique situation.

The constitutional right to vote “is of the most fundamental significance under our constitutional structure.” *Burdick v. Takushi*, 504 U.S. 428, 433 (1992); *see also Reynolds v. Sims*, 377 U.S. 533, 562 (1964) (“[T]he right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights.”). When analyzing the constitutionality of a restriction on voting, the Court “must weigh ‘the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate’ against ‘the precise interests put forward by the State as justifications for the burden imposed by its rule,’ taking into consideration ‘the extent to which those interests make it necessary to burden the plaintiff’s rights.’” *Burdick*, 504 U.S. at 434 (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983)). A severe restriction on voting rights “must be narrowly drawn to advance a state interest of compelling importance.” *Burdick*, 504 U.S. at 428 (citation omitted). Even if the challenged restriction falls short of being “severe,” courts do not revert to rational basis review but employ a “sliding scale,” subjecting each voting restriction to a level of scrutiny calibrated to the burden it imposes. *Fish v. Schwab*, 957 F.3d 1105, 1124, 1124 n.4 (10th Cir. 2020); *id.* at 1128 (applying “heightened scrutiny” to a “significant” burden on voting rights).

Minnesota's enforcement of its witness requirement for absentee voting during the COVID-19 pandemic cannot survive review under this framework. Requiring voters to have their absentee ballots witnessed and signed during the COVID-19 pandemic, at substantial risk to their health, places a severe burden on the right to vote for Ms. Latimer Tanniehill and many other members of LWVMN. The state derives no significant benefit from keeping the witness requirement in place during the pandemic—and certainly no benefit important enough to justify burdening voters to this degree.

A. The witness requirement severely burdens voting rights as applied to voters during the COVID-19 pandemic.

Minnesota's witness requirement for absentee voting puts Ms. Latimer Tanniehill and many other voters to an impossible choice: exercise their right to vote during the COVID-19 pandemic, or protect their health and the health of others by following social distancing best practices. The state thus imposes a severe burden on voting rights.

In Minnesota and across the nation, life has changed dramatically because of the COVID-19 pandemic. Millions of Minnesotans, including Ms. Latimer Tanniehill and most members of LWVMN, are avoiding close contact with people outside their households to minimize the risk of contracting or spreading COVID-19. Ex. 18 (Latimer Tanniehill Decl.) ¶¶ 18-19; Ex. 19 (Witte Decl.) ¶ 20. There is no serious dispute that social distancing is necessary to minimize the spread of what can be a deadly disease, especially for people over 65 and people with certain underlying health conditions. The latest academic research supports this view. *See* Ex. 3 (Reingold Decl.) ¶¶ 8, 11, 13. The CDC agrees. Ex. 8 (CDC Guidance on Social Distancing); Ex. 20 (CDC Guidance on Individuals at Higher Risk of COVID-19). So do the Governor of Minnesota and Defendant Simon himself. Ex. 10 (Minn. Emergency Exec. Order 20-56); Ex. 16 (Def. Simon Statement on Absentee Ballots).

Under these circumstances, the requirement to meet in person with a witness makes absentee voting a health hazard for many voters, leaving these voters without *any* safe avenue to cast a ballot. The state’s failure to provide safe absentee voting—at a time when in-person voting is irreducibly dangerous—gravely burdens voters. *See Republican Party of Arkansas v. Faulkner Cty.*, 49 F.3d 1289, 1294 (8th Cir. 1995) (“[A]n alternative means of [ballot] access must be provided absent a sufficiently strong state interest”); *Thomas v. Andino*, No. 3:20-cv-01552-JMC, 2020 WL 2617329, at *19 n.20 (D.S.C. May 25, 2020) (“In-person voting, while still technically an available option, forces voters to make the untenable and illusory choice between exercising their right to vote and placing themselves at risk of contracting a potentially terminal disease.”); *see also United States v. Annis*, No. 16-195(1), 2020 WL 1812421, at *2 (D. Minn. Apr. 9, 2020) (“There is no question that COVID-19 is a cause for alarm, and the Court does not fault Annis’s concerns, given his health conditions.”).

Other district courts have recognized this reality in cases directly on point. In *Thomas v. Andino*, the court found that a group of plaintiffs—including individuals at heightened risk of severe illness from COVID-19—were “likely to prevail on their constitutional challenge to [South Carolina’s] Witness Requirement under the *Anderson-Burdick* balancing test because the character and magnitude of the burdens imposed on [the] Plaintiffs in having to place their health at risk during the COVID-19 pandemic likely outweigh the extent to which the Witness Requirement advances the state’s interests of voter fraud and integrity.” 2020 WL 2617329, at *21. The court therefore issued a preliminary injunction against enforcement of South Carolina’s witness signature requirement in the June 2020 primaries, and ordered state officials “to immediately and publicly inform South Carolina voters about the elimination of the Witness Requirement for absentee voting.” *Id.* at *30.

Similarly, in *League of Women Voters of Virginia v. Virginia State Bd. of Elections*, the court approved a partial settlement in which Virginia’s election authorities agreed not to enforce the state’s witness requirement for absentee voting in the June 2020 primary. No. 6:20-CV-00024, 2020 WL 2158249, at *1 (W.D. Va. May 5, 2020). In approving the agreement, the court found that enforcing Virginia’s witness requirement during the pandemic was “a probable violation of federal law.” *Id.* at *6. As the court explained,

[T]he measure is too restrictive in that it will force a large class of Virginians to face the choice between adhering to guidance that is meant to protect not only their own health, but the health of those around them, and undertaking their fundamental right—and, indeed, their civic duty—to vote in an election. The Constitution does not permit a state to force such a choice on its electorate.

Id. at *8 (citing *Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 670 (1966)). Even if it were possible to mitigate the health risks by taking certain precautions in voter-witness interactions, the court found that “many would be dissuaded from exercising their vote both on account of the remaining health risks and required steps to mitigate them . . . especially those who are elderly, immunocompromised, or otherwise at grave risk from the virus.” *Id.*

The reasoning in *Thomas* and *League of Women Voters of Virginia* squarely applies here. Indeed, Minnesota’s witness requirement imposes a *greater* burden on voting during the pandemic than the witness requirements in Virginia and South Carolina. Unlike those states, Minnesota requires absentee ballot witnesses to meet stringent qualifications, increasing the number of voters who must look outside their own household to find a witness. *Compare* Minn. Stat. § 203B.07, subd. 3 (witness must be “a person who is registered to vote in Minnesota or . . . a notary public or other individual authorized to administer oaths”), *with* Va. Code §§ 24.2-706, 24.2-707 (requiring a witness but not restricting who may serve as a witness), *and* S.C. Code § 7-15-220 (same).

Other courts have similarly recognized that when state laws require in-person signature gathering to exercise First and Fourteenth Amendment rights, those requirements impose severe burdens in the context of the COVID-19 pandemic. *See, e.g., Miller v. Thurston*, No. 5:20-cv-05070-PKH, ECF No. 41, Slip Op. at 14-15 (W.D. Ark. May 25, 2020) (finding that in-person signature gathering and notarization requirements “impose severe burdens on Plaintiffs’ core political speech, especially in light of the State-recognized need for social distancing during this pandemic.”); *Goldstein v. Sec’y of Commonwealth*, 142 N.E.3d 560, 570-71 (Mass. 2020) (signature-gathering requirements “now impose a severe burden on, or significant interference with, a candidate’s right to gain access to the . . . primary ballot” in Massachusetts because “if a candidate seeks to obtain signatures on nomination papers in the traditional ways, he or she reasonably may fear that doing so might risk the health and safety not only of the person requesting the signature but also of the persons who are signing, of the families with whom they live, and potentially of their entire community”); *Garbett v. Herbert*, 2:20-cv-245-RJS, 2020 WL 2064101, at *12 (D. Utah Apr. 29, 2020) (finding severe burden because “[i]n light of nearly all public events being canceled, orders for people to stay six feet apart and to stay home, and the extraordinary impact on nearly all aspects of everyday life, it is difficult to imagine a confluence of events that would make it more difficult for a candidate to collect signatures”); *Libertarian Party of Illinois v. Pritzker*, No. 20-cv-2112, 2020 WL 1951687, at *4 (N.D. Ill. Apr. 23, 2020). Notably, most of these cases involve the right to run for office, which is not, on its own, a fundamental right. *Libertarian Party of Illinois*, 2020 WL 1951687, at *2. The argument for finding a severe burden is even stronger here, where the constitutional interest at stake is the fundamental right to vote. *See Harper*, 383 U.S. at 670.⁵

⁵ A recent case involving Wisconsin’s witness requirement for absentee voting also supports

The facts of this case aptly illustrate why courts around the country are recognizing the severe burdens involved in obtaining physical signatures during the pandemic. For Ms. Latimer Tanniehill, complying with Minnesota’s witness requirement is such a grave health risk that it may prevent her from voting in upcoming elections, including the August and November 2020 elections. Ex. 18 (Latimer Tanniehill Decl.) ¶ 25. Given her personal background and her activism promoting democratic participation, surrendering her vote during the pandemic is not a matter Ms. Latimer Tanniehill would take lightly. *Id.* ¶¶ 7-11. The same goes for Ms. Latimer Tanniehill’s fellow members of LWVMN, who presumably joined the organization because they value democratic participation. *See* Ex. 19 (Witte Decl.) ¶ 4. These voters are at risk of losing a

finding a severe burden in this case. In *Democratic National Committee v. Bostelmann*, the district court found that “at least some isolated voters, and in particular those who are immunocompromised or elderly, will likely not be able to secure a witness certification safely even with reasonable efforts, or at minimum have reasonable concerns about their ability to do so.” No. 20-cv-249-wmc, 2020 WL 1638374, at *20 (W.D. Wis. Apr. 2, 2020). The court recognized that the witness requirement “may impose severe burdens” on these voters, and therefore ordered the defendants “to accept an unwitnessed ballot that contains a written affirmation or other statement by an absentee voter that due to the COVID-19 pandemic, he or she was unable to safely obtain a witness certification despite his or her reasonable efforts to do so, provided that the ballot is otherwise valid.” *Id.*

The Seventh Circuit stayed the district court’s injunction as to the witness requirement, primarily because the injunction came too close to the presidential primary, the state had issued guidance allowing for socially distanced signature options, and the state was considering additional accommodations. Slip Op. at 3-4, *Democratic Nat’l Comm. v. Bostelmann*, No. 20-1538 (7th Cir. Apr. 3, 2020). In that case, the district court had ordered the relief well after absentee voting was underway and less than two weeks before the election. The Seventh Circuit also suggested that it was premature to draw conclusions about the difficulty Wisconsinites would encounter in having their absentee ballots witnessed, because the Wisconsin Election Commission had recently issued some relevant guidance and might “consider yet other ways for voters to satisfy the statutory signature requirement (if possible, for example, by maintaining the statutory presence requirement but not requiring the witness’s physical signature).” *Id.* at 4. Whatever the merits of these considerations in the Wisconsin case, they do not apply here. Minnesota’s next statewide election is not until August 11. Moreover, Minnesota has not issued formal guidance on witnessing absentee ballots safely during the pandemic, and it is clear that Minnesota law requires the witness’s physical signature.

constitutional right they treasure because the health risks of complying with the witness requirement are too serious to ignore.

B. Minnesota's interest in enforcing the witness requirement during the pandemic is slight.

Minnesota derives no substantial benefit from enforcing the witness requirement for absentee voting during the COVID-19 pandemic. The state's choice to keep this requirement in place throughout the pandemic therefore cannot pass any form of heightened scrutiny, let alone the strict scrutiny that such a severe burden on voting rights demands. *See Burdick*, 504 U.S. at 434; *Fish*, 957 F.3d at 1128.

Like every other state, Minnesota has a "legitimate interest in preventing voter fraud and safeguarding voter confidence." *Brakebill v. Jaeger*, 932 F.3d 671, 678 (8th Cir. 2019). This interest can justify a restriction on voting, but only if the restriction is appropriately tailored to address the actual threat to election integrity, accounting for the severity of the burden on voters and the availability of other means to serve the state's interest. *See Burdick*, 504 U.S. at 434; *Thomas*, 2020 WL 2617329, at *20 ("While states certainly have an interest in protecting against voter fraud and ensuring voter integrity, the interest will not suffice absent 'evidence that such an interest made it necessary to burden voters' rights.'") (quoting *Fish*, 957 F.3d at 1133).

The witness requirements at issue in *Thomas* and *League of Women Voters of Virginia* failed this test, based on facts remarkably similar to this case. In both cases, the courts found no evidence that requiring a witness signature was effective in preventing absentee voter fraud. *League of Women Voters of Virginia*, 2020 WL 2158249, at *9; *Thomas*, 2020 WL 2617329, at *21. Indeed, both witness requirements shared a feature that undermined their effectiveness at preventing fraud: Virginia and South Carolina could not or would not verify the witness's signature to confirm that the ballot was properly witnessed. *League of Women Voters of Virginia*,

2020 WL 2158249, at *9; *Thomas*, 2020 WL 2617329, at *20-*21. The court in *League of Women Voters of Virginia* further noted that Virginia had “other means of combatting voter fraud integrated into the absentee-voting system,” including “serious felony charges for absentee voting malfeasance.” 2020 WL 2158249, at *9. “For the fraudster who would dare to sign the name of another qualified voter at the risk of being charged with Class 4 and Class 5 felonies . . . writing out an illegible scrawl on an envelope to satisfy the witness requirement would seem to present little to no additional obstacle[.]” *Id.*

Minnesota’s interest in election integrity similarly fails to justify the severe burden that its witness requirement imposes on voters during the pandemic. To begin with, fraudulent absentee voting is vanishingly rare throughout the U.S., and *especially* in Minnesota. A comprehensive study covering all elections from 2000 to 2012 found 491 cases of alleged absentee ballot fraud nationally, and just one in Minnesota. Ex. 1 (Election Fraud Database). By way of comparison, over 21.8 *million* Americans, including 255,141 Minnesotans, voted by domestic absentee ballot in the November 2012 election *alone*. Ex. 2 (Election Assistance Commission 2012 Voter Survey); *see also Thomas*, 2020 WL 2617329, at *20 n.21 (noting further evidence that absentee voter fraud is rare). Minnesota expanded the availability of absentee voting in 2013, *see* 2013 Minn. Sess. Law Ch. 131 (H.F. 894), but there is no evidence that this legislation has led to any pattern of absentee voting fraud.

Without its witness requirement, Minnesota would still have robust safeguards against absentee voting fraud. Like Virginia, Minnesota imposes serious criminal penalties for fraudulent absentee voting. *See* Minn. Stat. § 203B.03 (creating felony offenses for fraud and other misconduct in absentee voting); Minn. Stat. § 201.014 (any person who votes in Minnesota

despite knowing that she is ineligible to vote is guilty of a felony); Minn. Stat. § 609.03 (felonies punishable by imprisonment for up to five years, a fine of up to \$10,000, or both).

If a fraudulent absentee ballot were returned in defiance of these criminal prohibitions, the ballot would not automatically be counted, but would be subjected to rigorous verification process along with all other absentee ballots. Each absentee ballot is rejected unless it satisfies *six* independent criteria, as judged by a ballot board composed of trained officials who generally must include members of different political parties. *See* Minn. Stat. § 203B.121, subd. 2; Minn. Stat. § 204B.45, subd. 2; Minn. R. 8210.2450, subp. 1. Five of the six criteria have nothing to do with the required witness statement. Minn. Stat. § 203B.121, subd. 2; *see also supra* at 5-6.

Even if requiring a witness signature could in theory make a meaningful contribution to preventing fraud, Minnesota's witness requirement would fail to do so, due to an "enforcement weakness[]" apparent in the statute" and its implementing regulations. *League of Women Voters of Virginia*, 2020 WL 2158249, at *9. As in Virginia and South Carolina, local ballot boards in Minnesota *will not* reject a ballot on the ground that the witness's name, address, or signature fails to match a name, address, or signature contained in the witness's voter registration record. *See* Minn. R. 8210.2450, subp. 5. Instead, the witness requirement is automatically deemed satisfied if the witness's portion of the certificate is filled out with a signature and any one of the following: a Minnesota address, a title indicating that the witness is eligible to administer oaths, or an affixed notarial stamp. *Id.* "For the fraudster who would dare" commit absentee ballot fraud in the first place, adding a signature and address for a fictional witness whose existence will never be verified "would seem to present little to no additional obstacle[.]" *League of Women Voters of Virginia*, 2020 WL 2158249, at *9. Luckily, Minnesota has much stronger anti-fraud mechanisms in place. *See supra* at 3-6. No doubt the requirement that the voter provide her

Minnesota driver's license, state identification number, or the last four digits of her Social Security number is a much higher barrier for a would-be fraudster than a witness signature.

Like the witness requirements in Virginia and South Carolina, the witness requirement in Minnesota has “not been justified by countervailing, demonstrated interests.” *Id.* at *8. By all means, the Court should give “adequate consideration to the state’s interests” and permit Minnesota to maintain overall statutory scheme that “gives . . . effect to the state’s substantial interest in combatting voter fraud.” Slip Op. at 3-4, *Democratic Nat’l Comm. v. Bostelman*, No. 20-1538 (7th Cir. Apr. 3, 2020). But the evidence in this case shows that applying the witness requirement during the COVID-19 pandemic—and effectively disenfranchising many voters in the process—is not remotely necessary to vindicate this interest. Plaintiffs are therefore likely to succeed on the merits of their as-applied challenge to Minnesota’s witness requirement.

II. Plaintiffs will suffer irreparable injury in the absence of preliminary relief.

Minnesota’s witness requirement has caused and will continue to cause Plaintiffs irreparable damage absent a preliminary injunction. A violation of the right to vote in any election constitutes irreparable injury. After an election has passed, the right to vote is lost permanently and the harm cannot be redressed. *Fish v. Kobach*, 840 F.3d 710, 752 (10th Cir. 2016); *see also Elrod v. Burns*, 427 U.S. 347, 373-74 (1976) (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”).

A. Ms. Latimer Tanniehill and other members of LWVMN face a choice between their safety and their vote.

Enforcing Minnesota’s witness requirement during the pandemic would irreparably harm Ms. Latimer Tanniehill and other members of LWVMN by forcing them to risk their health or refrain from voting.

Ms. Latimer Tanniehill fears that she will have to put her life on the line in order to vote in the upcoming August and November 2020 elections. Ex. 18 (Latimer Tanniehill Decl.) ¶¶ #21, 25. She is Black, over 65 years old, asthmatic, and an open-heart surgery survivor who takes a blood-thinning medication daily for her cardiac health. *Id.* ¶¶ 7, 17.⁶ Ms. Latimer Tanniehill is therefore particularly vulnerable to becoming severely or fatally ill if she contracts COVID-19. In light of her particular vulnerability to the disease, Plaintiff Latimer Tanniehill does not allow anyone inside her home, including her own adult children and grandchildren. *Id.* ¶ 19. Her youngest daughter visits by standing outside on the sidewalk while Plaintiff Latimer Tanniehill talks to her from an upstairs window. When Plaintiff Latimer Tanniehill's oldest daughter and grandchildren visit to help her with lawn work outside, they wear face masks and gloves while practicing social distancing. *Id.* 19.

In order for Plaintiff Latimer Tanniehill to vote absentee, she would have to violate the social distancing guidelines she has been following by inviting someone inside her home or traveling outside of her home to visit someone else. Ex. 18 (Latimer Tanniehill Decl.) at ¶ 25. She would then have to show that person her blank ballot and have that person sign a statement after she finishes filling out the ballot. This would require her to touch an object immediately after a person who lives outside her household touches it, a process which the CDC has warned may lead to transmission of COVID-19. Ex. 22 (CDC Report on How COVID-19 Spreads). Ms. Latimer Tanniehill's only other option is to risk voting in person, which would involve waiting in line with other voters, interacting with poll workers, and touching voting equipment that might

⁶ The CDC has reported that older persons and those with certain preexisting health conditions are at higher risk of contracting, developing serious illness, and dying from COVID-19. *See* Ex. 20 (CDC Report on Higher Risk Populations). The CDC has also reported that certain racial and ethnic minorities, including Black individuals, are at higher risk of serious illness or death from the virus. *See* Ex. 21 (CDC Report on COVID-19 and Racial and Ethnic Minorities).

be contaminated. This form of prolonged exposure to other individuals at a crowded polling place would also put her at serious risk of contracting COVID-19.

If the witness requirement for absentee voting stays in place through the pandemic, Ms. Latimer Tanniehill does not know whether she will be able to vote in the August and November 2020 elections by absentee ballot. Ex. 18 (Latimer Tanniehill Decl.) at ¶ 25. While she would rather tolerate a small risk of COVID-19 infection than give up her right to vote, if the risk of infection is too high, she may make the painful choice not to vote. *Id.* Either of these outcomes would irreparably harm Ms. Latimer Tanniehill.

Many other members of LWVMN are in the same position of choosing between two irreparable harms. Many LWVMN's members are over age 65, and Ms. Latimer Tanniehill is far from the only one with health conditions that elevate the risk of becoming severely ill or dying from COVID-19. Ex. 19 (Witte Decl.) at ¶ 11. Nor is it unusual for LWVMN members to live alone, or to live in households without anyone qualified to witness an absentee ballot. *Id.* ¶ 12. If the witness requirement stays in place through the pandemic, some LWVMN members will forego voting because they reasonably fear exposing themselves to COVID-19 by interacting with a witness. *Id.* ¶ 32. LWVMN members, including Ms. Latimer Tanniehill, therefore face imminent and irreparable harm in the absence of a preliminary injunction.

B. LWVMN also faces irreparable injury in the form of diverted resources.

If the witness requirement remains in force throughout the pandemic, LWVMN will have to divert resources from its core activities to take new and unprecedented steps to facilitate absentee voting, with a particular focus on educating voters about the witness requirement for absentee voting and helping them connect with witnesses as safely as possible. Ex. 19 (Witte

Decl.) at ¶¶ 29-30. This diversion of resources is already happening, and will only increase absent injunctive relief.

Until recently, the witness requirement had not been a major focus of LWVMN's programming because most Minnesota voters usually vote in person. *Id.* ¶ 24. However, because of the COVID-19 pandemic, LWVMN expects to see an unprecedented surge in absentee voting throughout Minnesota in the August 2020 state primary and the November 2020 general election. *Id.* ¶ 25. LWVMN will encourage its members to vote absentee if possible, and expects that most of its members will do so. Therefore, LWVMN will have to increase its involvement in educating voters about absentee voting. *Id.* ¶ 26.

If Minnesota had no witness requirement for absentee voting, LWVMN's voter education efforts on absentee voting would be relatively simple and straightforward: it would focus on raising awareness of the fact that all registered Minnesota voters have the right to vote absentee. *Id.* ¶ 27. However, the witness requirement complicates things significantly. LWVMN must inform voters not only that absentee voting requires a witness, but that that witness must be a registered Minnesota voter, a notary, or another person authorized to give oaths. *Id.* ¶¶ 23, 27. LWVMN is developing a communications campaign to tackle the challenge of educating voters about the requirements for absentee voting, particularly the witness requirement. *Id.* ¶¶ 29 LWVMN's office staff is currently spending time and energy on developing strategies to educate the public about the witness requirement—time and energy that it would otherwise invest in adapting its core activities, such as voter registration drives and forum events, to the new COVID-19 reality. *Id.* ¶ 29.

LWVMN's office staff is also spending significant time and energy developing plans for how voters can have their absentee ballots witnessed as quickly and safely as possible during the

pandemic. *Id.* ¶ 30. LWVMN is in the early stages of creating a program that would allow voters to request a witness and be connected with others who are eligible and willing to witness absentee ballots. *Id.* ¶ 30. However, developing this program is an expensive and time-consuming task. LWVMN has no existing technology or infrastructure for connecting voters with witnesses, and no experience brokering these peer-to-peer connections. *Id.* ¶ 31.

The resources that LWVMN is expending to address the State’s witness requirement cannot be recovered at a later date. “Irreparable harm occurs when a party has no adequate remedy at law, typically because its injuries cannot be fully compensated through an award of damages.” *Gen. Motors Corp. v. Harry Brown’s, LLC*, 563 F.3d 312, 319 (8th Cir. 2009). Further, Plaintiffs do not and could not seek damages from Defendant Simon because he is a state official. When a plaintiff sues a state official alleging a violation of federal law, the federal court may not award retroactive monetary relief. *Baker Elec. Co-op., Inc. v. Chaske*, 28 F.3d 1466, 1473 (8th Cir. 1994). Therefore, the harm that LWVMN faces in the absence of a preliminary injunction will be irreparable.

III. The public interest and balance of harms weigh heavily in favor of the preliminary injunction.

Once a party moving for a preliminary injunction “makes a threshold showing that it is likely to prevail on the merits, the district court should then proceed to weigh the other *Dataphase* factors,” which include the threat of irreparable injury to the movant, the balancing of harms among interested parties, and the effect on the public interest. *Planned Parenthood Minn., N.D., S.D. v. Rounds*, 530 F.3d 724, 732 (8th Cir. 2008) (citing *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981)). While the usual inquiry on a motion for preliminary injunction “calls for assessing the harm to the opposing party and weighing the public interest,”

“[t]hese factors merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

A. The general public would benefit from the preliminary injunction.

The Supreme Court has held that “voting is of the most fundamental significance under our constitutional structure.” *Burdick*, 504 U.S. at 433 (internal citations omitted). Because the right to vote is “preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.” *Reynolds v. Sims*, 377 U.S. 533, 562 (1964). Thus, it is clear that the public has a strong interest in all eligible voters being able to vote, because “it is always in the public interest to protect constitutional rights.” *Phelps-Roper v. Nixon*, 509 F.3d 480, 485 (8th Cir. 2007), *modified on reh’g*, 545 F.3d 685 (8th Cir. 2008); *see also Iowa Right to Life Comm., Inc. v. Williams*, 187 F.3d 963, 970 (8th Cir. 1999) (“[T]he public interest favors protecting core First Amendment freedoms.”).

Without injunctive relief, *many* Minnesotans who are otherwise eligible to vote will face a severe—and potentially insurmountable—burden on their ability to vote. According to U.S. Census Bureau data, approximately 26 percent of voting-age Minnesotans live alone. Ex. 23 (Census Bureau Data). Although under normal circumstances most Minnesotans may be able to find an eligible individual to witness their absentee ballot, the extraordinary circumstances of the COVID-19 pandemic prevent a significant portion of Minnesota’s electorate from effectively exercising the franchise without causing harm to themselves and their communities by spreading the disease. The Eighth Circuit has recognized that even “extreme measures” are justified by the global pandemic; this minor alteration to Minnesota’s absentee laws to ensure safe access to the right to vote is certainly justified. *In re Rutledge*, 956 F.3d at 1029.

Critically, an injunction temporarily lifting the witness signature requirement for absentee ballots will do nothing to impede the interests of those Minnesota voters who do live with someone who can witness their ballot without risking infection or spread of COVID-19. Even those voters who *are* able to fulfill the requirement have an interest in the health of Minnesota’s democracy and the perception of a legitimate election—both of which are served by the removal of a barrier that forces Minnesotans to risk either disenfranchisement or their health. That interest is shared by the State, which has an affirmative interest in protecting voters’ confidence in the integrity of elections. *See Eu v. San Francisco Cty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989).

In addition to the election-related interests, an injunction would also serve the public by protecting public health. *See In re Rutledge*, 956 F.3d at 1031 (relying on “the State’s admittedly legitimate interests in protecting or promoting the public’s health and safety during the COVID-19 pandemic”); *see also J.S.G. ex rel. Hernandez v. Stirrup*, No. SAG-20-1026, 2020 WL 1985041, at *11 (D. Md. Apr. 26, 2020) (“[G]ranting relief that reduces the risk of the further spread of COVID-19 also significantly furthers the public interest.”). The only ways to limit the spread of COVID-19 are self-isolation, social distancing, frequent handwashing, and disinfecting surfaces. *See Ex. 3* (Reingold Decl.) at ¶ 11. Social distancing requires the maintenance of at least six feet of distance between individuals who do not live in the same household. *Id.* Critically, requiring someone to come into close proximity with someone outside their household will place them at greater risk of infection, especially for those at greater risk of complications and death from COVID-19. *Id.* ¶ 19. It is in all Minnesotans’ interest to slow the spread of COVID-19. For that reason, Minnesota officials have not only implemented policies to restrict gatherings and encourage social distancing, *see Ex. 10* (Minn. Emergency Exec. Order 20-56),]

but also encouraged Minnesota voters to cast absentee ballots by mail in order to reduce crowding at in-person polling locations and reduce transmission of the virus during upcoming elections. Ex. 16 (Def. Simon Statement on Absentee Ballots).

B. Plaintiffs are seeking appropriately tailored relief.

The public interest would be served by a Court order granting preliminary relief as to the August and November 2020 elections.

To begin, it is not too late for the Court to grant relief that improves the August 2020 primary. Judicial orders issued shortly before elections are sometimes disfavored if they “can themselves result in voter confusion and consequent incentive to remain away from the polls.” *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006). This motion is being filed well over two months in advance of the next election, leaving ample time for implementation. In any event, the injunction Plaintiffs seek would not cause confusion and depressed voter participation, which were the Supreme Court’s chief concerns in *Purcell*. The relief sought here is narrowly tailored and would make absentee voting easier for both voters and election administrators without threatening the integrity of the election. Temporary suspension of the witness requirement would cause *more* voter participation, not less.

Nor is it too early for the Court to grant relief from the witness requirement for absentee voting in the November 2020 general election. As explained above, the witness requirement imposes a severe burden on voting rights at this time—not because any given voter is *certain* to catch COVID-19 from a witness, but because every interaction outside the voter’s own household creates a *risk* of such transmission. *See Thomas*, 2020 WL 2617329, at *21 (noting that witness requirement requires voters “to place their health at risk during the COVID-19 pandemic”). This reality will not change between now and November. As Plaintiffs’ expert

epidemiologist Dr. Arthur Reingold confirms, the U.S. will likely see resurgences of COVID-19 transmissions throughout 2020 and into 2021. Ex. 3 (Reingold Decl.) at ¶ 16. Even if infection rates drop over the summer, colder weather in the fall and winter of 2020 may lead to a spike in transmission. *Id.* ¶ 18. Given this outlook, the risk of COVID-19 will continue to deter voters from meeting with witnesses during the absentee voting period for the November election, regardless of the precise infection rate at that time. And the public is served when, to the extent possible, the rules of an election are set in advance so voters and election officials can plan accordingly.

Finally, if the Court withholds relief as to the November election until the exact health risks around Election Day are known, it may then prove too late to provide fully effective relief. For example, if COVID-19 cases surge one week before the November election, the Court would not be able to as effectively provide the necessary relief to voters (i.e. printed materials with the witness requirement may already be in voters' hands). Plaintiffs and the broader public would therefore be prejudiced by any undue delay in settling the question of whether the witness requirement will apply in the November election.

C. The burden imposed by a preliminary injunction on Defendant, if any, would be far less severe than the irreparable harm Plaintiffs currently face.

Plaintiffs' requested relief would impose little, if any, burden on Defendant. First, Defendant has encouraged Minnesota voters to cast absentee ballots, particularly in the 2020 elections. *See* Ex. 16 (Def. Simon Statement on Absentee Ballots). Injunctive relief facilitating absentee voting for many thousands of Minnesota voters by temporarily lifting the onerous witness requirement would *further* Defendant's goals, not frustrate them.

Operationally, it would not be difficult for Defendant to suspend the witness requirement for the August and November 2020 elections. Under Minnesota law, the Secretary of State

unambiguously has the authority to both issue instructions to local election officials and modify or create standard forms sent to absentee voters statewide, such as envelopes and instructions. *See* Minn. Stat. §§ 203B.125; 204B.27; 204B.45, subd. 3. Most importantly, the Secretary has the specific authority to “adopt alternative election procedures to permit the administration of any election” affected by a judicial order from a state or federal court. Minn. Stat. § 204B.47. Defendant can quickly and easily utilize this authority to suspend the witness requirement for upcoming elections if directed to do so by the court, for example by removing the necessary fields from absentee ballot envelopes and directing local election officials not to reject absentee ballots that lack a witness signature.

Plaintiffs’ requested injunction would impose no additional administrative burdens on the State. The requested relief would not require Defendants to develop or implement any new procedures for processing absentee ballots; in fact, if anything, it would *lessen* the administrative burden on the state by removing a step from the absentee ballot verification process.

Nor would Defendant be unduly burdened by an order to educate the public about the suspension of the witness requirement for the 2020 elections. Defendant is already engaged in publicly promoting absentee voting. *See* Ex. 16 (Statement of Def. Simon re: Absentee Ballots). If the witness requirement is suspended for the 2020 elections, it is not too much to ask that Defendant expand his existing public education efforts to include up-to-date information, preventing potential absentee voters from being deterred by the mistaken belief that a witness is required. *See Thomas*, 2020 WL 2617329, at *30 (ordering defendants to “immediately and publicly inform South Carolina voters about the elimination of the Witness Requirement” through channels including “all relevant websites and social media outlets”). The less public

education Defendant does on this matter, the more this task will fall to LWVMN, a private organization without the State's resources.

Finally, an injunction would not compromise Minnesota's interest in secure elections. Plaintiffs share Minnesota's interest in maintaining the integrity of its elections and ensuring that Minnesota voters have confidence in the fairness and security of their elections. As noted above, Minnesota has a variety of other safeguards that adequately serve the State's interest in election integrity and preventing absentee ballot fraud. Even absent the witness requirement, Defendant and local Minnesota election officials will undertake a rigorous process to ensure that only validly cast absentee ballots from eligible voters are counted.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant their Motion for Preliminary Injunction.

Date: May 29, 2020

Respectfully submitted,

/s/ Julia Dayton Klein

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GP:4846-3691-5902 v1

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

League of Women Voters of Minnesota
Education Fund, Vivian Latimer Tanniehill,

Plaintiffs,

v.

Steve Simon, in his official capacity as
Secretary of State of Minnesota,

Defendant.

Civil Action No. 0:20-cv-01205 ECT-TNL

**LR 7.1(f) CERTIFICATE OF
COMPLIANCE**

I, Julia Dayton Klein, certify that the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction complies with Local Rule 7.1(f).

I further certify that, in preparation of the above document, I used the following word processing program and version Microsoft Word, Version 2016 and that this word processing program has been applied specifically to include all text, including headings, footnotes, and quotations in the following word count.

I further certify that the above document contains the following number of words:
10,389.

Dated: May 29, 2020

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EXHIBIT LIST

<u>Exhibit #</u>	<u>Document Description</u>
1	Election Fraud Database
2	Election Assistance Commission 2012 Voting Survey
3	Declaration of Dr. Arthur Reingold
4	CDC National COVID-19 Case Data
5	Minnesota COVID-19 Dashboard
6	Statement of the Mayo Clinic
7	New England Journal of Medicine Report
8	CDC Social Distancing Recommendations
9	Minnesota Emergency Executive Order 20-48
10	Minnesota Emergency Executive Order 20-56
11	Wisconsin Elections Commission Report
12	Madison Article
13	Milwaukee County COVID-19 Election Report
14	National Bureau of Economic Research Paper on Wisconsin Primary
15	CDC Recommendations for Election Polling Locations
16	Statement of Def. Simon regarding Absentee Ballots
17	Minnesota Secretary of State Elections Calendar
18	Declaration of Vivian Latimer Tanniehill
19	Declaration of Michelle Witte
20	CDC Guidance on Individuals at Higher Risk of COVID-19
21	CDC Report on COVID-19 and Racial and Ethnic Minorities
22	CDC Report on How COVID-19 Spreads
23	Census Bureau Data
24	Declaration of Caleb Jackson

Date: May 29, 2020

Respectfully submitted,

/s/ Julia Dayton Klein

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forthcoming

EXHIBIT 1

Search for fraud cases by name, date or jurisdiction: 

Minnesota

Minnesota has 10 cases of alleged election fraud since 2000. By category, Voter had the highest percentage of accused at 100 percent (10 cases). The most prevalent fraud was Felon Casting Ineligible Vote at 80 percent (8 cases). The status of most cases was Unknown at 70 percent (7 cases). Responses to requests for public records varied from state to state. Some state and local officials were quick to respond by sending available records; others failed to provide a single document.

View the documents

[The responses to our requests.](#)[The actual cases we received.](#)

Definitions

[Read the database definitions.](#)

Select from

STATE

YEAR

TYPE OF ACCUSED

All

Voter

Campaign Official

Unknown

Third Party

Organizations

Election Official

TYPE OF ACCUSATION

All**Absentee Ballot Fraud**

Vote Buying

Voter Impersonation
Fraud

Registration Fraud

Non-Citizen Casting
Ineligible Vote

Petition Fraud

Unknown

Double Voting

Campaign Fraud

Intimidation

Casting Ineligible
VoteFalsification of
Election Counts

Other

Procedural Error

Felon Casting
Ineligible Vote

Voting

CASE STATUS

All

Convicted

Dismissed

Pleaded

Case Pending

Showing 0 to 1 of 1 cases found

NAME	STATE	YEAR	TYPE OF ACCUSED	TYPE OF ACCUSATION	CASE STATUS	SYNOPSIS
Barbara Ann Nyhammer	MN	2008	Voter	Absentee Ballot Fraud, Double Voting	Unknown	Yes

TYPE OF ACCUSED

Voter

100.0%

TYPE OF ACCUSATION

Absentee

Ballot Fraud

100.0%

Double
Voting

100.0%

CASE STATUS

Unknown

100.0%

Election Fraud in America

This database contains all cases reported to News21 of alleged election fraud across America since 2000. Search it to find specifics about such cases by state, individual and category of fraud. Read our [story](#) and the [methodology](#) explaining how the data was gathered and its limitations.

BY NEWS21 STAFF, COMPILED BY CORBIN CARSON | NEWS 21

PUBLISHED AUG. 12, 2012, 2:10 P.M.

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- [News21 Voter Fraud Database: Public Documents Obtained](#)

Search for fraud cases by name, date or jurisdiction:

Enter a name, state or fraud type here

Submit



National

The nation has 2,068 cases of alleged election fraud since 2000. By category, Unknown had the highest percentage of accused at 31 percent (645 cases), followed by Voters at 31 percent (633 cases). The most prevalent fraud was Absentee Ballot Fraud at 24 percent (491 cases). The status of most cases was Pledged at 27 percent (558 cases). Responses to requests for public records varied from state to state. Some state and local officials were quick to respond by sending available records; others failed to provide a single document.

View the documents

- [The responses to our requests.](#)
- [The actual cases we received.](#)

Definitions

[Read the database definitions.](#)

Select from

STATE

All

YEAR

All

TYPE OF ACCUSED

All

TYPE OF ACCUSATION

All

Absentee Ballot Fraud

Voter Buying

Voter Impersonation Fraud

Registration Fraud

Non-Citizen Casting Ineligible Vote

Petition Fraud

Unknown

Double Voting

Campaign Fraud

Intimidation

Casting Ineligible Vote

Falsification of Election Counts

Showing 0 to 20 of 491 cases found

Next

NAME	STATE	YEAR	TYPE OF ACCUSED	TYPE OF ACCUSATION	CASE STATUS	SYNOF	TYPE OF ACCUSED	
Jesus Dario Hernandez	NM	2012	Campaign Official	Absentee Ballot Fraud	Case Pending	Yes	Campaign Official	37.7%
							Unknown	22.8%
Richard E. Williams	WA	2012	Voter	Absentee Ballot Fraud	Unknown	Yes	Voter	21.0%
							Election Official	16.3%
Alice Crews	GA	2012	Election Official	Absentee Ballot Fraud	Consent Order	Yes	Third Party Organizations	2.2%
Gary Galuski	NY	2012	Campaign Official	Absentee Ballot Fraud	Case Pending	Yes		
Johnson County Names Unknown	KS	2012	Voter	Double Voting, Absentee Ballot Fraud	Unknown	Yes	Absentee Ballot Fraud	100.0%
							Casting Ineligible Vote	4.9%
Mitchell Robles	CT	2011	Campaign Official	Absentee Ballot Fraud	Not Charged	Yes	Voter Buying	3.3%
William Christopher Twilley	GA	2011	Voter	Absentee Ballot Fraud	Consent Order	Yes	Registration Fraud	3.1%
							Other	2.9%
Mark Evangelous	MA	2011	Campaign Official	Absentee Ballot Fraud	Unknown	Yes	Double Voting	2.9%
Douglas Campbell	IN	2011	Campaign Official	Absentee Ballot Fraud	Case Pending	Yes	Campaign Fraud	1.2%
Linda Gunsbv	GA	2011	Campaign Official	Absentee Ballot Fraud	Consent Order	Yes	Procedural Error	1.0%

Other
 Procedural Error
 Felon Casting
 Ineligible Vote
 Voting
CASE STATUS
All
 Convicted
 Dismissed
 Pled
 Case Pending
 Unknown
 Not Charged
 Acquitted
 Consent Order

Terry Danner	IN	2011	Campaign Official	Absentee Ballot Fraud	Case Pending	Yes	Falsification of Election Counts	0.4%
Paulette Parker	CT	2011	Campaign Official	Absentee Ballot Fraud	Consent Order	Yes	Intimidation	0.2%
Freddie Higgins	GA	2011	Campaign Official	Absentee Ballot Fraud	Dismissed	Yes	Felon Casting Ineligible Vote	0.2%
Alan Lloyd Skari	MT	2011	Voter	Absentee Ballot Fraud	Pled	Yes	CASE STATUS	
Phillip Apruzzese	CT	2011	Third Party Organizations	Absentee Ballot Fraud	Consent Order	Yes	Pled	26.1%
Willie James Hall	GA	2011	Voter	Absentee Ballot Fraud	Pled	Yes	Consent Order	21.8%
Charlotte Nelson	GA	2011	Unknown	Absentee Ballot Fraud	Dismissed	Yes	Unknown	18.5%
Hudson Hallum	AR	2011	Campaign Official	Absentee Ballot Fraud	Case Pending	Yes	Not Charged	13.6%
Laura Fench	GA	2011	Unknown	Absentee Ballot Fraud	Pled	Yes	Case Pending	8.1%
Garland Renchen	OH	2011	Campaign Official	Intimidation, Absentee Ballot Fraud, Vote Buying	Case Pending	Yes	Dismissed	7.1%
							Convicted	3.1%
							Acquitted	1.6%

EXHIBIT 2

U.S. ELECTION ASSISTANCE COMMISSION



2012 Election Administration and Voting Survey

A Summary of Key Findings, September 2013

U.S. ELECTION ASSISTANCE COMMISSION

The 2012 Election Administration and Voting Survey

A SUMMARY OF KEY FINDINGS

September 2013

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Executive Summary

The U.S. Election Assistance Commission's (EAC) Election Administration and Voting Survey (EAVS) is the nation's foremost data collection effort on how Americans cast their ballots. The 2012 survey is the fifth sponsored by EAC and forms the basis for this report.

There were approximately 194.2 million total eligible and registered voters in the United States reported for the November 2012 election, an increase of nearly 3.7 million registered voters since the last presidential election in 2008. The 2012 EAC survey collected information on how 131,590,825 Americans participated in the election. Response rates to the survey have been increasing over time, with 2012 seeing the highest jurisdiction-level participation rates since the EAC began conducting this study.¹ Although the completeness of State responses varied, valuable voting data were collected from each of the 50 States, three territories, and the District of Columbia.²

Over half of American voters cast a regular ballot in person at a polling place on Election Day in 2012 (56.5%). Others voted by domestic absentee ballot (16.6%); by early voting before Election Day (9.0%); by mail voting (4.9%); by provisional ballot, the validity of which was decided after Election Day (1.6%); or by absentee ballot as overseas or uniformed services voters (0.5%).³

States transmitted nearly 33.1 million domestic absentee ballots and 83.5% were returned and submitted for counting. Oregon and Washington conduct their elections entirely by mail, and in three other Western States (Arizona, Colorado, and Montana), more than half of all voters cast their ballots via absentee voting.

Improved data collection on Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots resulted in a more complete picture of voting by uni-

formed services and overseas voters. States reported transmitting over 876,000 ballots to UOCAVA voters, and 66.0% were returned and submitted for counting. Of UOCAVA ballots cast, 95.8% were counted; the others were rejected for various reasons, including missing ballot return deadlines.

Provisional ballots once again proved to be a substantial source of both ballots and votes in some States, with more than 2,702,000 provisional ballots submitted by voters nationwide. Four States—Arizona, California, New York, and Ohio—each reported more than 100,000 provisional ballots submitted and accounted for 70.6% of the nation's total. States counted 72.9% of their provisional ballots in whole or in part. Over 651,000 provisional ballots, or 24.1%, were rejected, most commonly because it was determined that the voter was not properly registered. States reported using their provisional ballots in different ways; for example, some States issue provisional ballots when voters wish to change their address on Election Day.

In addition to the voting data, the 2012 survey collected information on a range of election administration topics, including the ages of poll workers, the number of polling places, and the types of voting technology. Among the key findings were that States employed almost 888,000 poll workers in nearly 120,000 polling places in the 2012 election, or roughly 7.4 poll workers per polling place, a slight increase from the last presidential election. Poll workers tend to be older on average than the general population. Ages were reported for over 361,000 poll workers; of those, 59.1% were between ages 41 and 70 and over one-fifth (22.3%) were aged 71 years or older. Over a third of responding jurisdictions (39.0%) reported having some difficulty in obtaining sufficient numbers of poll workers.

The type of voting technologies varies across and within States. Seventeen States reported deploying 121,638 Direct Recording Electronic (DRE) machines without voter-verified paper ballots. Another 18 States reported using 79,357 DREs with voter-verified paper audit trails (VVPAT).

-
- 1 Appendix A to this report provides an overview of response rates for the last three surveys.
 - 2 Throughout this report, the word "States" includes "States, territories, and the District of Columbia."
 - 3 An additional 0.2% voted by other means. States were unable to classify the remaining 10.7% of ballots.

The most widely deployed technology was the optical or digital scanner that reads voter-marked ballots; 40 States reported using 271,384 such counters or booths in at least some of their jurisdictions.

While gaps remain in the States' election data collection, response rates to the survey were higher in 2012 than for previous data collections. There were also 3,476 more jurisdictions that participated in the survey than in 2010, largely as a result of a change in the reporting unit in Wisconsin.⁴ Readers are encouraged to consult the complete county-level data available at EAC's website, at www.eac.gov, for complete details, including explanatory comments.

⁴ Wisconsin's reporting units in 2012 were municipalities. In prior reports, Wisconsin's data were aggregated by county.

Introduction

The United States Election Assistance Commission (EAC) is an independent, bipartisan commission created by the Help America Vote Act of 2002 (HAVA). Its mission is to assist State and local election officials with the administration of Federal elections. EAC provides assistance by disbursing, administering, and auditing Federal funds for States to implement HAVA requirements; conducting studies and other activities to promote the effective administration of Federal elections; and serving as a source of information regarding election administration.

Since 2004, EAC has collected data on voting, elections, and election administration in the United States. These data form the basis for three biennial reports: a federally mandated report on the impact of the National Voter Registration Act (NVRA), 42 U.S.C. §1973gg (completed in June 2013), a mandated report on the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA), 42 U.S.C. §1973ff (completed in July 2013), and this comprehensive report summarizing findings across all areas of the survey.

Detailed information on the 2012 Election Administration and Voting Survey is presented in this report. It contains summaries of the NVRA and UOCAVA reports and new information on the methods Americans used to vote and how State and local administrators ran their elections in 2012. Summary information at the State level is included in the tables which accompany the report.

Survey Methodology

In 2012, as in previous years, EAC distributed two questionnaires to the States: a quantitative survey, the Election Administration and Voting Survey (EAVS) and a qualitative Statutory Overview, which asks States to report on their election laws, definitions, and procedures. In order to minimize the burden on States when preparing to respond to the survey, the 2012 survey contained only minor changes to both the Statutory Overview and the EAVS questionnaire from the 2010 versions. The final, approved version of the survey, posted on the EAC website in May 2012, contained 48 questions in the EAVS questionnaire and 22 questions in the Statutory Overview. A majority of the questions in both surveys contained sub-questions.

The quantitative portion of the 2012 EAVS was composed of six sections:

1. Voter registration, which included questions required by the NVRA;
2. Uniformed and Overseas Citizens Absentee Voting Act, which included questions required by that Act;
3. Domestic civilian absentee ballots, which asked about the number of ballots submitted, counted, and rejected;
4. Election administration, which asked States to report on their precincts, polling places, and poll workers;
5. Provisional ballots, which asked about the number of ballots submitted, counted, and rejected; and
6. Election Day activities, which contained a range of questions, from the number of people who participated in the 2012 election to the types of voting technology employed by local governments.

States' Collection of Election Information

For 2012, EAC continued its efforts to present the survey to State officials earlier in the election cycle and to facilitate the task of responding by providing improved survey instruments and increased technical assistance. The primary survey instrument designed to assist the States in collecting and reporting their statistical data was a Micro-

soft Excel®-based template. The template offered the States two different methods for entering data: a form-based method that resembled the look of the questionnaire, and a sheet-based view that used a familiar spreadsheet format. Embedded in the Microsoft Excel®-based template was a set of error-checking algorithms to help States check their data using logic and consistency rules before submitting their data to EAC. To further ease the data entry burden, the template was preloaded with each State's jurisdictions, and EAC provided a guide summarizing how to use the template to States.⁵ Most States chose to submit their data using this instrument via the project website or via email.

States were asked to send their responses to EAC by February 1, 2013. The data provided by the States were then checked for logic and consistency errors. Any errors or questions concerning the submitted data were referred back to the States for review and correction, if necessary. The States had two weeks to review and correct their submissions. Fifty-four States submitted their data to EAC.⁶

About the States' Data

In May 2010, EAC adopted a data policy to guide States' submission and verification of their survey data. *The Guide to the Election Administration and Voting Survey* document provides information to election officials responsible for completing the survey and offers EAC assurances about States' validation of the data. The Guide is available on EAC's website (www.eac.gov). The Guide contains information about:

- EAC processes related to releasing the survey instrument and final reports based on the survey data;

⁵ States were allowed to change the list of jurisdictions to match their own reporting and administration systems. Some States, particularly those with township systems, may change the number of local jurisdictions administering elections from year to year, as towns run joint elections to ease the administrative burden.

⁶ The Virgin Islands did not respond. Its name appears in the tables but without any data.

- the technical assistance EAC provides to the States;
- deadlines for submitting the survey data;
- the processes and procedures for States' submission of the data, including use of the data templates EAC provides;
- the processes and procedures for States' review, verification, and correction of the data; and
- instructions on how to address errors in the data after the submission deadline has passed.

In response to both media and general public inquiries about State data cited in EAC's previous EAVS reports and the Federal government's recent policies related to data quality, EAC formally requested that States verify and certify in writing the data they submit. For the 2012 EAVS, every State submitted with their data a certification page signed by its Chief State Election Official.⁷

The 54 States that responded to the 2012 survey varied in their approaches to and completeness of their election data collection. Most States relied, at least to some degree, upon centralized voter-registration databases (VRDs) and voter history databases, which allowed State election officials to respond to each survey question with information from the local level. Other States, conversely, collected relatively little election data at the State level and instead relied on cooperation from local jurisdiction election offices to complete the survey. Some States were not able to provide data in all the categories requested in the survey and some did not have data for all of their local jurisdictions.

This report summarizes the results of the 2012 EAVS and includes a set of detailed tables. A complete dataset of responses to the survey is available on EAC's website at www.eac.gov.

Caution is necessary when interpreting the survey data, particularly when comparing the data from year-to-year or State-to-State, due to changes in State data collection practices over-time and the varying levels of completeness in many States' responses. Information on the number of jurisdictions in each State is provided in the tables.

7 The numbers reported here from the States may differ from those provided elsewhere by the States. As these have been certified by the States' Chief Election Officials, they are considered by EAC to be the final and official statistics on the 2012 election.

Guide to Terms

Active Voter: A voter registration designation indicating the voter is eligible to vote. See also Inactive Voter.

Ballots Cast: Total numbers of ballots submitted by all voters for counting, including by all voting methods (absentee, provisional, early, in a polling place, etc.).

Ballots Counted: Number of ballots actually processed, counted, and recorded as votes.

Domestic Absentee Ballot: A ballot submitted, often by mail, in advance of an election, often by a voter who is unable to be present at the polls on Election Day. This excludes ballots sent to overseas voters that are covered by the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA).

Citizen Voting Age Population (CVAP): Persons who are citizens and of voting age (18 years or older). These numbers are estimates generated by the U.S. Bureau of the Census American Community Survey. See also Voting Age Population.

Early Voting: Refers generally to any in-person voting that occurred prior to the date of the election at specific polling locations for which there were no special eligibility requirements. Early voting is not considered absentee voting under the State's definitions/requirements for absentee voting.

Electorate: The body of persons eligible to vote.

HAVA: The abbreviation for the Help America Vote Act of 2002, 42 U.S.C. §15301 et seq. The text of HAVA and additional information is available on EAC's website at www.eac.gov.

Inactive Voter: The NVRA allows election jurisdictions to move voters to an inactive voter list if the registrant: (1) has not either notified the applicable registrar (in person or in writing) or responded during the period described in the statute to the notice sent by the applicable registrar; and subsequently (2) has not voted or appeared to vote in two or more consecutive general elections for Federal office. Before moving voters to an inactive list, jurisdictions verify voter rolls through mailings or the U.S. Postal Service's National Change of Address (NCOA) service. This inactive status and the fail-safe provisions of the NVRA allow such people to vote if there was an error. See also Active Voter.

Jurisdictions: Generic term to signify various geographic areas that administer elections. The jurisdictions in this study are also the reporting units and may include counties, parishes, municipalities, independent cities, townships, towns or cities, or, in the case of Alaska, an entire State.

Poll Worker: Election judges, booth workers, wardens, commissioners, or other similar terms that refer to the person or persons who verify the identity of a voter; assist the voter with signing the register, affidavits, or other documents required to cast a ballot; assist the voter by providing a ballot or setting up the voting machine; and serve other functions as dictated by State law. This does not include observers stationed at polling places or regular election office staff.

Polling Place: A facility staffed with poll workers and equipped with voting equipment, or paper ballots, at which persons cast ballots in person on Election Day. Several precincts may be combined into one polling place.

Precinct: An administrative division representing a geographic area in which voters are provided ballots for particular offices. These manageable geographic units may also be referred to as electoral districts, voting districts, boxes, beats, or wards, depending on State law. The number of allowed registered voters in precincts will vary according to State law.

Provisional Ballot: A ballot provided: (1) to an individual who claims he or she is registered and eligible to vote but whose eligibility or registration status cannot be confirmed at the time he or she presents him- or herself to vote; or (2) for other reasons allowed by Federal, State or local law.

Section 5: At the time of the 2012 Survey (November through February 2013), some jurisdictions were required by Section 5 of the Voting Rights Act, 42 U.S.C. §1973 et seq., to obtain preclearance from the Department of Justice or the United States District Court for the District of Columbia before implementing a change in a voting standard, practice, or procedure.

Section 203: Some jurisdictions are required by Section 203 of the Voting Rights Act, 42 U.S.C. §1973 et seq., to provide supplemental voting information to certain language minority groups.

Spoiled ballots: Ballots that, under the applicable State law, are incorrectly marked or impaired in some way by the voter and turned in by the voter at the polling place or mailed in absentee. A replacement ballot is issued so that

the voter can correctly mark the ballot; also referred to in some States as a “voided” ballot.

Voting Age Population (VAP): People who are 18 years of age or older, regardless of whether they are eligible to register to vote, based on estimates made by the Bureau of the Census 2010 U.S. Census and adjusted for the estimated change in population between 2010 and 2012. Note that not all persons of voting age may be eligible to vote (e.g., felons, individuals judged to be mentally incompetent, noncitizens, etc.). See also Citizen Voting Age Population.

Survey Results

REGISTERING TO VOTE

In most places in the United States, voting begins with registration. While North Dakota has no voter registration and some other States allow eligible voters to register and vote on the same day, in most States, registration takes place several weeks prior to the casting of ballots. States maintain their voter registration rolls by removing invalid registrations when voters move out of State or die and by keeping eligible and registered voters on the rolls.

The key Federal legislation on voter registration is the National Voter Registration Act, or NVRA, 42 U.S.C. §1973gg. The information presented in this section is offered in greater detail in the EAC report, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2011–2012*, available on EAC’s website. The report includes complete data tables with totals for each State; data cited in this section are contained in those tables.

How Many Are Eligible To Vote?

The United States Census is required by Article I, Section 2 of the U.S. Constitution. Obtaining an accurate and complete census of the population remains a daunting task. Complicating the situation is that the decennial census is only a baseline. For example, population estimates must take into account immigration (both legal and illegal), internal migration, mortality rates, and natural population growth and aging.

The Census estimated the domestic Voting Age Population (VAP), which includes those 18 years and older, at 243,003,673 for 2012. Voter participation data by State are shown in Table 29.⁸ The VAP is based on the 2010 U.S. Decennial Census, with the estimated change in population between 2010 and 2012 taken into account.

The EAC obtained estimates of the citizen voting age population (CVAP) from the 2011 American Community

REGISTERING TO VOTE

To register to vote a person must be a U.S. citizen and, meet age and residency requirements. Eligibility varies according to State laws. Persons who have been legally declared mentally incompetent or who have been convicted of a felony and have not had their civil rights legally restored may not be able to vote (based on State law).

Individuals can register to vote by mail when applying for a driver’s license or identity card at their State’s driver’s licensing offices, at offices providing public assistance, at offices providing State-funded programs for people with disabilities, and at Armed Forces recruitment offices. Many states offer voter registration services on their website.

An individual can obtain a registration application from either the local election official in his or her county or city or town of residence, or through registration outreach programs sponsored by various private groups. Federal registration forms and many State forms are now accessible on the Internet.

The National Mail Voter Registration Form is the one document that allows individuals to register to vote from anywhere in the United States. (North Dakota does not have voter registration; Wyoming and the four territories do not accept this form; New Hampshire accepts the form only as a request for an absentee voter mail-in registration form.) The form is available at www.eac.gov. ★

Survey from the U.S. Census Bureau and applied them to the 2012 VAP. The nationwide estimate for CVAP for 2012 was 222,250,587. The State CVAP data are also reported in Table 29.⁹

8 Tables 1-7 are presented in *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2011–2012*. Tables 8-27 are presented in the 2012 Uniformed and Overseas Citizens Absentee Voting Act Survey report. Both reports are available on EAC’s website (www.eac.gov).

9 U.S. Bureau of the Census, American Community Survey, <http://www.census.gov/acs/www>. The true number of eligible voters is reduced further by variation in State laws such as the eligibility of those convicted of felony crimes and those judged to be mentally incapacitated.

Registration

States reported that more than 194 million persons registered to vote for the 2012 election. While EAC's NVRA report showed that approximately 79.9% of the nation's estimated voting age population of 243 million was registered to vote, registration rates varied across the country from a low of 54.5% in Wyoming to a high of 97.9% in Michigan.¹⁰

The 2012 EAVS asked a question to distinguish between States that did have Election Day or Same Day Registration in 2012 versus States that did not have formal Election Day Registration but in some cases allowed voters to register and vote on the same day for the 2012 election. Most States require eligible persons to register to vote in advance of the election, but an increasing number of States are allowing some form of Same Day or Election Day Registration. Some States have formal same-day voting systems, while others limit same-day voting to certain contests or certain groups of voters. For example, Alaska limits Election Day registrants to voting only for Federal offices. Further, some States experience overlaps between early voting periods and the cutoff date for registration resulting in some voters being able to register and vote on the same day.

Twelve States including Alaska, the District of Columbia, Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Rhode Island, Wisconsin, and Wyoming indicated that they had Election Day Registration or Same Day Registration for the November 2012 presidential election. California, Colorado, Mississippi, New Mexico, Ohio, Oregon, Vermont, and Washington reported a number of voters who were allowed to register and then to vote on the same day, but did not indicate that they have Election Day Registration or Same Day Registration

Active Versus Inactive Voter Rolls

States vary in how they report their registration figures. In 2012, 16 States indicated that they only count active voters in their total number of registrations, 30 States counted both active and inactive voters as registered voters, and seven States had some jurisdictions count only active voters while other jurisdictions counted both active and inactive voters in their registration figures.¹¹ Responses to

the 2012 survey show that over 23.1 million registrants in the United States remain on the list of inactive voters."

Voter Turnout Rates in 2012

Every eligible voter does not necessarily register to vote, and not every registered voter casts a ballot in each election. In Table 29, voter turnout is reported using three different measures of the eligible population.

Estimates of voter turnout vary depending on the population base used for comparison. Often turnout is based on a percentage of the total estimated voting age population, an estimate of the number of individuals living in the United States who were 18 or older in 2012. This measure provides the lowest estimate of voter participation in the United States because it does not take into account persons' citizenship status. Using Census estimates of the citizen voting age population (CVAP) to calculate turnout produces a higher estimate of voter participation because a lower number of eligible voters is assumed.

HOW AMERICANS CAST THEIR BALLOTS

An increasing number of alternatives to voting in person at a polling place on Election Day have expanded the ways that Americans cast their ballots in Federal elections. In some places, such as Oregon and Washington, voters primarily receive and submit their ballots through the mail. Further, more States have adopted "no-excuse" absentee voting, which allows more people to vote by mail or in person before Election Day as a convenience. Twenty-five States reported maintaining "permanent absentee" lists, automating the distribution of ballots to voters who request their ballot through the mail in every election. In some communities, election administrators have set up "vote centers," central locations where any voter from any precinct can cast his or her ballot. Finally, voters in Federal elections who encounter challenges or problems at the polling place, such as finding their names removed from the registration rolls, can now vote "provisional" ballots, which can be counted later when questions concerning registration are resolved.

Over 56% of Americans who voted in the 2012 general election voted in the traditional way of casting their ballots in person at their local polling place on Election Day. The 2012 survey collected data from over 7,800 jurisdictions (of 8,154 total) on how people who participated in the 2012 elections cast their ballot (see Table 28).

Of the 131,590,825 voters participating in the election, 74,343,638 (56.5%) voted in person at polling places.

¹⁰ This excludes North Dakota, which has no voter registration, and Alaska and the District of Columbia, which reported registration rates over 100% of the estimated voting age population.

¹¹ North Dakota does not have voter registration and therefore does not make a distinction between active and inactive voters.

An additional 21,853,762 (16.6%) voters cast their ballots as domestic absentee voters, and States reported 600,048 UOCAVA voters (0.5%).¹² Mail voting accounted for 6,459,136 ballots, or 4.9% of the vote. Provisional ballots accounted for 2,139,315 ballots, or 1.6% of the vote.¹³ Provisional balloting is discussed in greater detail below.

Twenty-nine States reported that 11,794,312 people (9.0%) cast their votes before Election Day through various

-
- 12 UOCAVA data on voter participation differs from UOCAVA ballot data because of variations in how States answered the questions and/or track their data.
 - 13 An additional 0.2% voted by other means. States were unable to classify the remaining 10.7% of ballots.

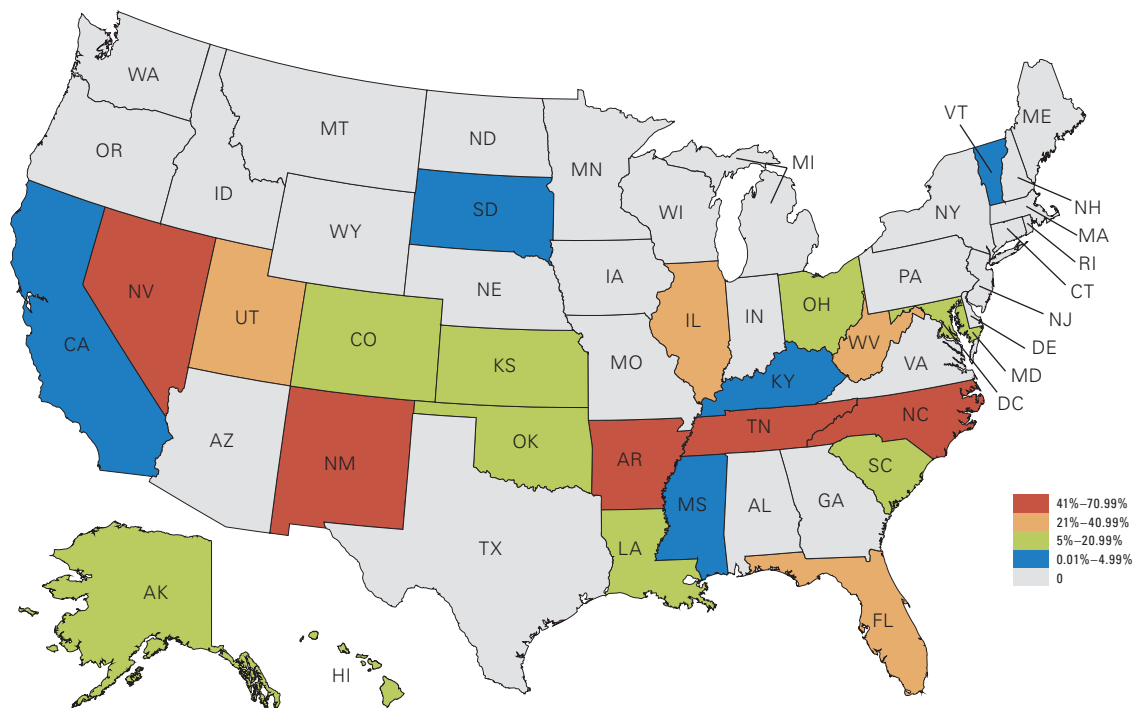
VOTER REGISTRATION

The 2012 election saw a substantial increase in the total number of registration applications received directly over the Internet. In 2012, States reported receiving 3,329,216 Internet applications, up from 768,211 in 2010. The number of States receiving Internet applications has also increased in the past few election cycles, from 8 States in 2008, to 17 in 2010, and to 21 States in 2012. Note: States vary in their interpretation of Internet (or online) voter registration; for some it is defined as offering a fillable PDF while for others it includes the ability to email the voter registration form. ★

RANKING OF STATE BY PERCENTAGE OF VOTER TURNOUT

Rank	Based on Voting Age Population (VAP)		Based on Citizen Voting Age Population (CVAP)		Rank	Based on Voting Age Population (VAP)		Based on Citizen Voting Age Population (CVAP)	
1	Minnesota	71.9%	Minnesota	75.3%	27	District of Columbia	56.3%	Pennsylvania	59.6%
2	Wisconsin	69.8%	Wisconsin	72.1%	28	Florida	55.9%	South Dakota	59.6%
3	New Hampshire	68.7%	Colorado	71.0%	29	Connecticut	55.8%	Louisiana	59.3%
4	Maine	68.2%	New Hampshire	70.8%	30	Alaska	55.6%	Rhode Island	58.7%
5	Iowa	67.6%	Iowa	69.7%	31	Illinois	54.4%	Alaska	58.2%
6	Colorado	65.6%	Maine	69.3%	32	South Carolina	54.4%	Wyoming	58.2%
7	Ohio	63.4%	Massachusetts	66.6%	33	Rhode Island	54.2%	Alabama	57.9%
8	Montana	62.8%	Virginia	66.2%	34	Kentucky	54.0%	Georgia	56.9%
9	Michigan	62.8%	Maryland	65.8%	35	Indiana	53.9%	South Carolina	56.5%
10	Virginia	61.6%	Washington	65.7%	36	New Jersey	53.8%	Nevada	56.4%
11	Missouri	61.5%	Michigan	65.1%	37	Georgia	52.6%	Utah	55.9%
12	North Carolina	60.8%	Ohio	64.9%	38	Utah	52.0%	Indiana	55.7%
13	Massachusetts	60.7%	North Carolina	64.7%	39	Kansas	51.6%	California	55.6%
14	Vermont	60.7%	Oregon	64.5%	40	Tennessee	50.0%	Kentucky	55.3%
15	Washington	60.4%	Montana	63.5%	41	Nevada	48.6%	Kansas	54.3%
16	Maryland	60.2%	Florida	63.2%	42	Arkansas	48.3%	New York	53.2%
17	Oregon	59.9%	Missouri	63.1%	43	Arizona	47.1%	Arizona	53.1%
18	North Dakota	59.9%	District of Columbia	62.1%	44	Oklahoma	46.7%	Tennessee	51.8%
19	Delaware	58.7%	Delaware	62.1%	45	New York	46.6%	Arkansas	50.1%
20	South Dakota	58.6%	Vermont	61.9%	46	West Virginia	46.6%	Oklahoma	48.7%
21	Nebraska	58.6%	Nebraska	61.4%	47	California	45.5%	Texas	48.4%
22	Louisiana	57.8%	New Jersey	61.2%	48	New Mexico	43.2%	West Virginia	46.9%
23	Pennsylvania	57.7%	North Dakota	60.9%	49	Texas	41.9%	New Mexico	46.9%
24	Idaho	57.0%	Connecticut	60.8%	50	Hawaii	40.1%	Hawaii	44.0%
25	Wyoming	56.9%	Illinois	59.9%	51	Mississippi	39.7%	Mississippi	40.4%
26	Alabama	56.3%	Idaho	59.8%					

FIGURE 1. EARLY IN-PERSON VOTING 2012 GENERAL ELECTION



forms of early voting. In several States, early voting made up a sizeable proportion of the total votes cast. For example, in Nevada, North Carolina, and Tennessee, early voters constituted over half of all ballots.

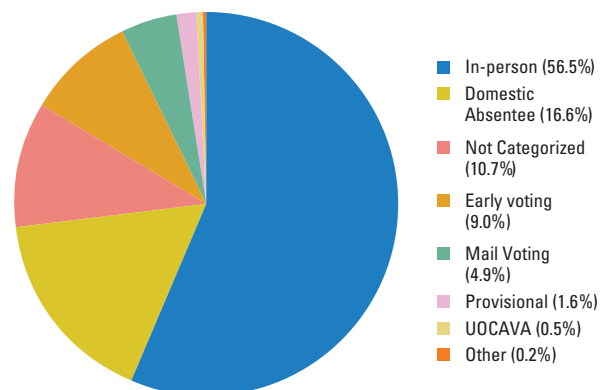
In reporting these totals, States drew from various sources to determine their participation numbers¹⁴ (see Table 30):

- 17 States reported using poll book records;
- 27 States drew from totals of ballots counted;
- 19 States used databases of voter histories; and
- 10 States used the total number of votes for the highest office on the ballot.

Domestic Absentee Voting

Absentee voting covers a range of circumstances under which voters cast their ballots without appearing at a polling place on Election Day. Some States require valid reasons, such as being out of town on Election Day or having a work schedule that precludes getting to a polling place. Other States allow any voter who requests it to vote by absentee ballot. Absentee voting has gradually expanded through the years, and many States no longer require an

FIGURE 2. HOW AMERICANS VOTED IN THE 2012 GENERAL ELECTION



excuse. Oregon and Washington have moved to replace their polling place systems entirely with vote-by-mail.¹⁵ States reported that 33,070,385 absentee ballots were transmitted to voters (see Table 31). The 2012 EAC survey collected data on absentee voting from 54 States. Approximately 8 out of 10 absentee ballots (27,624,254 ballots, or

¹⁵ States vary in whether they consider vote-by-mail ballots to be absentee ballots; some States with vote-by-mail reserve the term “absentee” for specific circumstances. Also, the absentee voting discussed in this section generally does not include voters covered by UOCAVA.

¹⁴ Most States used a combination of methods.

83.5%) were returned and submitted for counting. Additionally, 425,310 (1.3%) of the domestic absentee ballots were reported to have been returned as undeliverable, 266,642 (0.8%) were spoiled, and for 3,760,269 (11.4%) the status was uncertain. As in past elections, Western States had the highest rates of absentee voting, with absentee voting accounting for more than half of all ballots in Arizona, Colorado, and Montana.

HIGHEST ABSENTEE VOTING RATES¹⁶

Colorado	71.4%
Arizona	65.9%
Montana	57.5%
Georgia	48.8%

States reported counting 26,834,076 absentee ballots (97.1%), and rejecting 258,380 (0.9%) (see Tables 32, 33a, 33b, and 33c). Guam, Kentucky, and Louisiana reported rejecting 5% or more of their absentee ballots. The reasons for rejecting voters' absentee ballots varied widely. Many States do not track the reasons absentee ballots are rejected, leaving an incomplete picture of why these ballots were not counted.

Readers should note that the "Reasons for Rejected Absentee Ballots" listed below are for ballots submitted for counting; nearly 692,000 absentee ballots were never submitted, but instead were returned as undeliverable or spoiled.

OVERSEAS VOTING

Voting by members of the uniformed services and by U.S. citizens living overseas is an area of critical concern in election administration. The reliance of the United States on local election administration and on casting ballots in physical polling places, as well as State requirements of prior registration, present special difficulties for eligible voters living outside the country. Federal requirements concerning registration and voting by overseas and uniformed services voters are contained in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C. §1973ff, signed into law in 1986.

Since 2004, EAC has gathered data on UOCAVA ballots and voters, pursuant to the statutory reporting obligations in UOCAVA and HAVA. In the 2012 survey, 18 questions sought to gather detailed information on overseas voting. What is presented in this section is explained

TOP REASONS FOR REJECTING ABSENTEE BALLOTS

	Number	Percent
Non-matching signature	45,392	17.6%
First-time voters lacking required ID	7,719	3.0%
Already voted in person	4,717	1.8%
Unofficial envelope	1,949	0.8%
Unsealed envelope	1,035	0.4%

in more detail in the *2012 Uniformed and Overseas Citizens Absentee Voting Act Survey Observations Report*, available at EAC's website, www.eac.gov.

Improved data collection of UOCAVA-related information resulted in high response rates in 2012 and more jurisdictions responding overall to this portion of the survey than in previous years. While gaps remain, better data are gradually becoming available on UOCAVA voting.

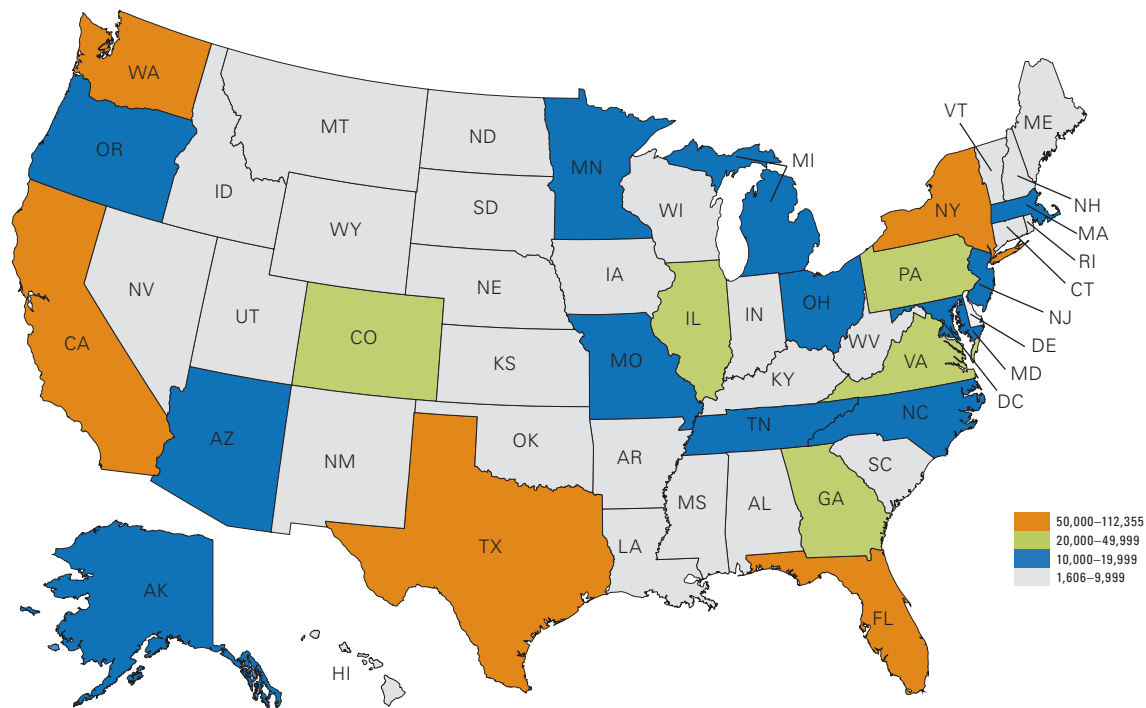
Responding to the survey's UOCAVA questions, States reported transmitting over 876,000 ballots under 42 U.S.C. §1973ff-3(a) of UOCAVA. Five States (California, Florida, New York, Texas, and Washington) each transmitted more than 50,000 ballots and together accounted for nearly half of the national total of ballots transmitted. Military voters accounted for slightly more of the ballots transmitted than did civilian voters.

While 876,362 ballots transmitted to uniformed services and overseas civilian voters, 606,425 ballots (69.2%) were submitted for counting including Federal Write-in Absentee Ballots (FWABs) which are not transmitted to voters. Nearly one-quarter of transmitted ballots, 22.2%, were not returned and their status remained unknown. Among the ballots submitted for counting were at least 44,766 FWABs, which UOCAVA voters can use when their requested ballots do not arrive in time. FWAB usage remains a relatively small proportion of UOCAVA voting for both uniformed services and civilian voters.

Once submitted, 95.8% of UOCAVA ballots were counted. Military voters made up slightly more of the total ballots counted (52.4%) than civilian voters (45.4%). Forty-nine States reported rejecting 33,762 UOCAVA ballots. The

¹⁶ Oregon and Washington - which vote entirely by mail - were also excluded.

FIGURE 3. NUMBER OF BALLOTS TRANSMITTED TO UOCAVA VOTERS — 2012 ELECTION



most common reason for rejecting a UOCAVA ballot was that the voter missed the deadline for returning the ballot; 40.4% of rejected ballots were not counted for this reason.

CASTING AND COUNTING PROVISIONAL VOTES

The 2012 Federal election was the fifth in which voters in all 50 States, the territories, and the District of Columbia were allowed to cast a provisional ballot even if their name did not appear on the voter registration rolls in the jurisdiction where they intended to vote, they failed to have the required identification, their eligibility was challenged by an election official, or for other reasons provided by law. Pursuant to HAVA Section 302(a), such voters were allowed to cast a provisional ballot, which would be later counted if election officials determined the person was eligible to vote.

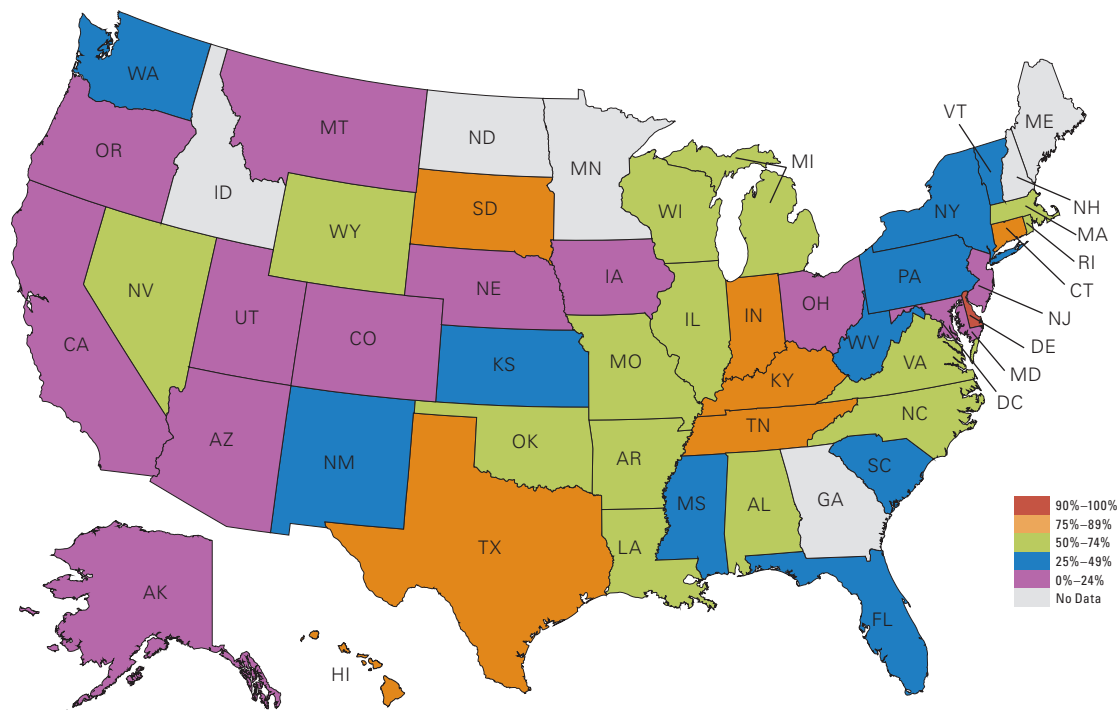
Before the minimum standards set by HAVA, the rules regarding the use of provisional ballots varied widely among the States, and some variation continues. States that had Election Day Registration when HAVA was passed in 2002 are not required to offer provisional ballots. Idaho, New Hampshire, North Dakota, Wisconsin, and Wyoming are exempt from the HAVA provisional ballot requirements, but some of them reported small numbers

of provisional ballots, including New Hampshire (2), Wisconsin (135), and Wyoming (33).

A total of 2,702,470 provisional ballots were submitted for counting in 2012. States reported that 1,790,294 (66.2% of the provisional ballots) were counted in full, and 180,571 (6.7%) were partially counted. States responding to this survey question reported that 651,372 provisional ballots (24.1%) were rejected.

California and New York reported the largest number of provisional ballots, accounting for 56.1% of all provisional ballots cast nationwide in the 2012 election (see Table 34). As a share of voters participating in the election, the District of Columbia (13.1%), California (7.4%), Arizona (6.5%), and Alaska (6.0%) had the largest percentages of voters cast provisional ballots (see Table 28). Readers should note that the different ways in which States use provisional ballots makes comparisons among States difficult. Those States that require a provisional ballot for more circumstances will have a higher incidence of provisional ballot usage when compared to those States with more limited uses. Ohio, for example, uses provisional ballots to process voters' change of address requests in addition to providing an alternative means to vote.

FIGURE 4. REJECTION RATES FOR PROVISIONAL BALLOTS — 2012 ELECTION



In 2012, 1,970,865 people cast a provisional ballot that was either partially or fully counted, or about 1.5% of all Americans who participated in the election. On average, about 1 out of every 41 voters who cast their vote in a polling place cast a provisional ballot. Approximately 72.9% of all the provisional ballots cast were counted in full or in part (15 States reported counting partial provisional ballots).¹⁷ The percentage of provisional ballots being counted grew from the previous presidential election; in 2008, 1,451,086 provisional ballots were counted in full or in part, or 67.3% of provisional ballots cast.

Five States (Alaska, the District of Columbia, Maine, Montana, and Oregon) reported counting 90% or more of their provisional ballots. An additional 11 States reported counting at least 70% of their provisional ballots. Conversely, 26 States reported counting fewer than half of their provisional ballots.

Reasons Provisional Ballots Were Rejected

The reasons for rejecting provisional ballots are shown in Tables 35a and 35b. Most provisional ballots (38.2%) were rejected because the voter was found not to be registered in the State. Another 25.1% were from voters who sought to vote in a precinct or jurisdiction other than where they were

registered, and State laws mandated that such ballots could not be counted. The principal reasons for the rejection of a provisional ballot are summarized in the table below.

ELECTION ADMINISTRATION

Despite the increase in convenient voting options such as “no excuse” absentee voting and vote-by-mail, over 56% of Americans cast their vote in the 2012 general election in polling places on Election Day. Providing voting services to more than 74 million voters on Election Day required a massive effort organized through thousands of precincts, polling places, and poll workers across the country.

TOP REASONS FOR REJECTING PROVISIONAL BALLOTS

	Number	Percent
Voter not registered	248,529	38.2%
Wrong jurisdiction	128,923	19.8%
Wrong precinct	34,703	5.3%
Lacked sufficient ID	13,333	2.0%
Incomplete or illegible ballot or envelope	9,233	1.4%
Voter already voted	8,865	1.4%
No signature	8,402	1.3%

¹⁷ A partially counted ballot means the jurisdiction counted only the races for which the voter was eligible.

Polling Places and Precincts

States employ some system of precincts (bounded geographic areas to which voters are assigned) and polling places (locations where voting actually takes place) to conduct their elections. In 2012, States operated 176,906 precincts and 119,968 physical polling places (see Table 41).¹⁸

Of all polling places, 91,282 were separate from official election offices (schools, community halls, etc.), whereas a reported 1,492 election offices were open for casting ballots. States reported that 4,184 locations were available for early voting, including 1,595 election offices.

Poll Books

Electronic poll books, or electronic voter lists, are in use in some fashion in 25 States (see Table 36):

- 23 States reported that a total of 645 jurisdictions used electronic poll books to sign in voters;
- 21 States reported that a total of 610 jurisdictions used electronic poll books to update voter histories;
- 24 States reported that a total of 947 jurisdictions used electronic poll books to look up polling place assignments for voters; and
- 12 States reported using electronic poll books for some other purpose.

Most polling places still use preprinted lists of registered voters (see Table 37). In the preponderance of reporting jurisdictions (3,279 cases), these books were printed by local jurisdictions, with 274 cases where the printing was completed by the State and the poll books shipped to the jurisdictions.

Poll Workers

The term “poll worker” encompasses many different names across the United States. Poll workers may be referred to as election judges, booth workers, wardens, commissioners, or other similar terms. As defined in this report, “poll worker” refers to the person or persons who verify the identity of a voter; assist the voter with signing the register, affidavits, or other documents required to cast a ballot; assist the voter by providing a ballot or setting up the voting machine; and may serve other functions as dictated by State law. The term does not apply to observers stationed at polling places or to regular election office staff.

The complexity of voting technology and rules has led States to seek poll workers with specialized technological knowledge. In many States, poll technicians are assigned to help keep voting machines and electronic poll books functioning properly.

Fifty States reported deploying 887,854 poll workers for Election Day 2012 (see Table 39). California alone had 89,440 poll workers.

The reliance of many jurisdictions on retirees as poll workers has made their age a topic of interest. The EAC survey asked jurisdictions to report the ages of their poll workers (see Table 39). Thirty States were able to provide at least some data on poll worker ages.

States reported age ranges for 361,135 poll workers. The largest number of poll workers fell into two age groups: 41 to 60 and 61 to 70 years of age (both age groups, respectively, included approximately 30% of poll workers). About 22% of the poll workers with reported age ranges were aged 71 years or older. Young poll workers are relatively rare; 10.8% of poll workers were under 26 years of age.¹⁹

The 2012 survey also asked about the difficulty jurisdictions faced in recruiting adequate numbers of poll workers (see Table 40). About 44% of responding jurisdictions reported having a somewhat difficult or very difficult time recruiting poll workers, compared with 28.6% that reported having a somewhat easy or very easy time. Staffing the nation’s polling places continues to be a challenge for many jurisdictions.

The survey found that there were on average 7.4 poll workers assigned to each polling place in the United States during the 2012 election (based on those States which reported answers to questions regarding the number of polling places and number of poll workers). Jurisdictions reported an average of 6.6 poll workers per polling place in the last general election in 2008.

Voting Technology

Voting technology remains highly dynamic in the United States. With the enactment of HAVA, Congress appropriated more than \$3.1 billion for EAC to distribute to States to make election administration improvements, including the purchase of voting systems.

Voting technology is a difficult topic to measure in the Election Administration and Voting Survey because many

¹⁸ Fewer jurisdictions reported the number of physical polling places than reported the number of precincts.

¹⁹ EAC has worked to encourage the recruitment of young poll workers through its College Poll Worker Grant Program, which has awarded grants to colleges and nonprofit organizations to work with election offices to recruit, train, and support college student poll workers.

jurisdictions use multiple systems. For example, a county may employ a scanner for absentee ballots but a Direct Recording Electronic (DRE) machines for in-person voting. Polling places may have more than one type of voting system technology in use on Election Day. For this reason, the EAVS survey measures the breadth of voting technology being used across the country, and the wealth of local-level data will be of substantial value to researchers.

The 2012 survey collected data on almost 320,000 voting systems. The types of voting technology included the following:

- DRE machines with a voter-verified paper audit trail (VVPAT);
- DRE machines without a VVPAT;
- optical or digital scan systems, in which voters fill out a paper ballot which is then read by a scanner;
- hybrid systems combining a DRE with an optical scanner;
- punch card systems;
- lever machines;
- paper ballots; and
- other systems.

The most common single type of voting system was an optical or digital scan booth; 23 States reported using 214,888 such machines. The most widely deployed technology across the States, however, is the optical or digital scan counter; 40 States reported using 56,496 of these counters in at least some of their jurisdictions.

Eighteen States reported deploying DREs which produce a paper record that can be checked by the voter. Voters in Arkansas, Colorado, Nevada, Ohio, and West Virginia were among those most likely to vote on such machines. Most States use more than one type of voting machine, either because of local options or to accommodate voters with special needs.

Only Idaho reported using punch cards. Fourteen States reported using paper ballots in at least some of their polling places. Eight States were not able to provide the numbers of voting systems used, though some of them did provide the types of systems used without corresponding counts.

Observations

The discussion above represents an overview of the data contained in the 2012 Election Administration and Voting Survey. EAC encourages individuals interested in election data to further examine the State-by-State data, and the county- (or equivalent) level data, available on EAC's website. As shown by the response rates and increase in the number of jurisdictions responding to the 2012 survey, data collection and reporting in the United States have improved. While users of the data must take into account State differences in definitions and data reporting and consider the incomplete responses in many categories, the survey is a valuable resource of data on Federal elections for election administrators, advocates, researchers, and the general public.

APPENDIX A

Response Rates

Summarized below are the response rates for selected questions in the 2012 Election Administration and Voting Survey, with comparisons to 2008 and 2010 response rates where available.²⁰ Coverage varies significantly across the questions. Not all questions were applicable to all States.

Comparing Response Rates from 2012, 2010, and 2008 (excluding Wisconsin)				
Survey question	Responding Jurisdictions in 2012	2012	2010	2008
Domestic absentee ballots transmitted	4,520	98.0%	97.2%	95.1%
Domestic absentee ballots cast/counted	4,456	96.6%	91.2%	94.7%
Domestic absentee ballots rejected	4,333	93.9%	94.7%	91.6%
Number of poll workers	4,143	89.8%	75.4%	71.7%
Number of precincts	4,573	99.1%	99.1%	97.9%
Number of polling places	4,301	93.2%	86.5%	95.9%
Provisional ballots submitted	4,111	89.1%	94.6%	82.8%
Provisional ballots rejected	3,471	75.2%	77.6%	70.9%
Number of Jurisdictions Surveyed:		4,613	4,606	4,445

²⁰ Wisconsin's jurisdictions were excluded from the response rate calculations for all three years reported in the table, as the disproportionately large increase in Wisconsin reporting jurisdictions – from 72 in 2008 and 2010 to 3,541 in 2012 – would skew these results. When including them, the response rates are overly affected by Wisconsin because it comprises nearly half of all jurisdictions. In 2012, Wisconsin switched from reporting data at the county level to the municipality level.

APPENDIX B

Tables and Cross Reference of Survey Questions to the Tables

CROSS REFERENCE OF SURVEY QUESTIONS TO TABLES

Section C: Domestic Civilian Absentee Ballots

Question C1: Number of domestic civilian absentee ballots transmitted to voters and the disposition of the ballots

Table 31. Domestic Absentee Ballots Transmitted: Disposition of Ballots

Table 32. Domestic Absentee Ballots: Permanent List; Submitted for Counting: Disposition

Question C2: Existence of a permanent absentee voter registration list

This question was categorical and not coded for tabular display

Question C3: Number of domestic civilian absentee ballots transmitted to voters due to the existence of a permanent list

Table 32. Domestic Absentee Ballots: Permanent List; Submitted for Counting: Disposition

Question C4: Number of domestic civilian absentee ballots submitted for counting and the disposition of the ballots

Table 32. Domestic Absentee Ballots: Permanent List; Submitted for Counting: Disposition

Table 33. Domestic Absentee Ballots: Reasons for Rejection, Parts A, B, and C

Question C5: Number of domestic civilian absentee ballots rejected and the reason for rejection

Table 33. Domestic Absentee Ballots: Reasons for Rejection, Parts A, B, and C

Section D: Election Administration

Question D1: Number of precincts

Table 41. Number and Type of Precincts/Polling Places

Table 43. Summary of Selected Factors per Polling Place

Question D2: Number of polling places, types of polling places

Table 41. Number and Type of Precincts/Polling Places

Table 44. Summary of Selected Factors per Polling Place

Question D3: Number of poll workers used

Table 39. Number and Ages of Poll Workers

Table 43. Summary of Selected Factors per Polling Place

Question D4: Age category for poll workers

Table 39. Number and Ages of Poll Workers

Question D5: Difficulty of obtaining a sufficient number of poll workers

Table 40. Difficulty of Obtaining Sufficient Poll Workers

Section E: Provisional Ballots

Question E1: Number of voters who submitted provisional ballots

Table 34. Provisional Ballots Submitted: Disposition of Ballots

Table 35. Provisional Ballots: Reasons for Rejection, Parts A, B, and C

Table 43. Summary of Selected Factors per Polling Place

Question E2: Number of voters who submitted provisional ballots and disposition of the ballots

Table 34. Provisional Ballots Submitted: Disposition of Ballots

Table 35. Provisional Ballots: Reasons for Rejection, Parts A, B, and C

Question E3: Number of provisional ballots rejected and the reason for rejection

Table 35. Provisional Ballots: Reasons for Rejection, Parts A, B, and C

Section F: Election Day Activities

Question F1: Number of people who participated in the November 2012 general election

Table 28. Ballots Cast by Means of Voting

Table 29. Turnout Rates for Voter Participation Using Different Bases

Table 30. Source Used to Determine Voter Participation

Table 36. Use of Electronic Poll Books/Lists at the Polling Place

Table 37. Source of Poll Books Used at the Polling Place

Table 38. First-Time Mail Registrants; Use of Printed Registration Lists at the Polling Place

Table 40. Difficulty of Obtaining Sufficient Poll Workers

Table 43. Summary of Selected Factors per Polling Place

Question F2: Source of the number of persons participating

Table 30. Source Used to Determine Voter Participation

Question F3: First-time mail registrants who were required to provide identification to vote

Table 38. First-Time Mail Registrants; Use of Printed Registration Lists at the Polling Place

Question F4: Uses of electronic poll books or electronic lists of voters at the polling place

Table 36. Use of Electronic Poll Books/Lists at the Polling Place

Question F5: Existence of printed lists of registered voters at the polls

Table 38. First-Time Mail Registrants; Use of Printed Registration Lists at the Polling Place

Question F6: Source of poll books used at the polling place Table 38. Source of Poll Books Used at the Polling Place

Question F7: Information on the number and type of voting equipment used

Table 42. Number and Type of Voting Equipment

FOOTNOTES TO TABLES

General Notes:

State: In the interest of consistency in these tables, the term State includes the District of Columbia and the four territories of American Samoa, Guam, Puerto Rico and the Virgin Islands.

Jurisdictions in the Survey: For the 2012 survey, information was requested for each local election administration jurisdiction. Generally this would be the county or county equivalent in each State. The following exceptions may apply.

- a) The information was compiled by town, city, or township in Wisconsin and the six New England States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
- b) Some independent cities were treated as counties for reporting purposes in the States of Illinois, Maryland, Missouri, Nevada, and Virginia.
- c) The response was one record for the whole entity for Alaska, the District of Columbia, and the reporting territories.
- d) In Hawaii, information for one county, Kalawao, was reported with Maui County.

Exceptions are noted by an asterisk below the State name in Table 1a in “The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2011-2012.”

Table 6 in “The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2011-2012” contains more information on the coverage and reporting for each State.

Missing Data: Information for several items remains unavailable for some States for a number of reasons. Missing data are presented in the tables by a blank data cell, a “-999999” value, or a zero value depending on how the State answered the question. A “-999999” value denotes that a State specifically responded that data was not available for the question under consideration. Note that a zero value may also indicate that the jurisdiction does not know or does not collect the information. The count of cases, included in most tables but not for all variables, reflects the presence of a response from the jurisdiction including reported zeros. For many questions, zero is a valid response. In some instances, however, it is unclear if a response of zero is a valid response or an indication of “Data Not Available” or “Data Not Applicable” options. Researchers should consult the jurisdiction-level dataset for more detail. If a calculation is impossible because of missing information, a separate symbol may be indicated, e.g., a series of periods (.....).

Sum of Above: The information listed in the tables below the State detail is, for most columns, simply the arithmetic sum of the information listed in the table. The number of States providing information is indicated as the count of States with information greater than, or in some cases, less than, zero. The percentages indicated on this line are generally the result of a simple division based upon the appropriate numbers from this line. For the Not Categorized columns, the number and percentage in the “Sum of Above” line will generally reflect a calculation of the appropriate fields listed on this line.

Specific Notes for Tables:

Notes that are specific to each table appear following each table or group of sub-tables. These notes summarize the comments that States included when completing the survey and are occasionally direct quotes of States’ comments. The notes also occasionally include explanations of decisions made in reporting States’ data.

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TABLE 28. BALLOTS CAST BY MEANS OF VOTING

State	Election Jurisdiction in Survey	Total of Voters Participating	Cases	In-Person Voting								
				At the Polls			Early Voting			Provisional		
				Total	Cases	Percent	Total	Cases	Percent	Total	Cases	Percent
Alabama	2,083,309	67		0	0.0		0	0.0		0	0.0	0.0
Alaska	302,465	1	203,496	1	67.3	45,600	1	15.1	18,255	1	6.0	6.2
Arizona	2,323,579	15	633,660	15	27.3	0	1	0.0	150,231	15	6.5	4.6
Arkansas	1,080,809	75	565,716	75	52.3	477,120	75	44.1	2,153	73	0.2	0.1
California	13,096,097	57	5,460,518	56	41.7	48,604	24	0.4	968,077	56	7.4	5.0
Colorado	2,594,628	64	421,980	64	16.3	250,797	64	9.7	52,977	64	2.0	1.9
Connecticut	1,560,640	169		0	0.0		0	0.0		0	0.0	0.0
Delaware	417,631	3	396,408	3	94.9	0	3	0.0	437	3	0.1	0.0
District of Columbia	294,254	1	191,166	1	65.0	52,998	1	18.0	38,636	1	13.1	4.6
Florida	8,557,692	67	3,736,946	67	43.7	2,409,097	67	28.2	31,368	66	0.4	0.4
Georgia	3,910,557	159	1,979,776	159	50.6		0	0.0	10,545	159	0.3	1.3
Hawaii	436,774	4	236,586	4	54.2	40,291	4	9.2	643	3	0.1	0.0
Idaho	666,290	44	496,546	44	74.5		0	0.0		0	0.0	0.0
Illinois	5,339,488	110	4,021,805	110	75.3	1,185,748	110	22.2	43,772	110	0.8	0.7
Indiana	2,663,373	92	2,073,074	92	77.8	0	92	0.0	4,801	66	0.2	0.1
Iowa	1,589,951	99	896,757	99	56.4		0	0.0	4,996	99	0.3	0.3
Kansas	1,115,281	105	784,825	105	70.4	188,717	105	16.9	38,865	105	3.5	0.0
Kentucky	1,815,896	120	1,710,486	120	94.2	67,773	120	3.7	50	120	0.0	0.0
Louisiana	2,014,511	64	1,650,912	64	82.0	315,029	64	15.6	1,321	64	0.1	0.1
Maine	724,759	500	536,635	500	74.0		0	0.0	290	500	0.0	0.0
Maryland	2,734,189	24	2,068,656	24	75.7	430,546	24	15.7	79,876	24	2.9	1.9
Massachusetts	3,184,196	351	2,913,489	351	91.5		0	0.0	3,288	351	0.1	0.0
Michigan	4,780,701	83	3,505,208	83	73.3		0	0.0	2,675	83	0.1	0.1
Minnesota	2,950,780	87	2,640,446	87	89.5		0	0.0		0	0.0	0.0
Mississippi	889,914	58	708,020	50	79.6	1,051	19	0.1	10,260	43	1.2	1.2
Missouri	2,840,776	116	2,567,998	116	90.4		0	0.0	6,308	115	0.2	0.1
Montana	491,966	56	198,775	56	40.4		0	0.0	5,562	56	1.1	0.8
Nebraska	815,568	93	595,284	93	73.0		0	0.0	15,130	93	1.9	0.0
Nevada	1,017,772	17	305,122	17	30.0	619,253	17	60.8	3,468	17	0.3	0.3

TABLE 28. BALLOTS CAST BY MEANS OF VOTING (CONTINUED)

State	Election Jurisdiction in Survey	Total of Voters Participating	Cases	In-Person Voting								
				At the Polls			Early Voting			Provisional		
				Total	Cases	Percent	Total	Cases	Percent	Total	Cases	Percent
New Hampshire	718,700	320	654,450	320	91.1	0	320	0.0	0	320	0.0	0.0
New Jersey	3,677,463	21	3,047,584	21	82.9		0	0.0	94,721	21	2.6	1.8
New Mexico	679,080	26	225,870	23	33.3	283,649	23	41.8	3,082	24	0.5	0.6
New York	7,128,852	62	4,342,214	57	60.9		0	0.0	129,835	57	1.8	2.2
North Carolina	4,539,729	100	1,743,642	100	38.4	2,557,256	100	56.3	18,041	100	0.4	0.6
North Dakota	326,239	53	230,890	53	70.8		0	0.0		0	0.0	0.0
Ohio	5,632,423	88	3,547,582	88	63.0	600,647	88	10.7	208,087	88	3.7	3.0
Oklahoma	1,343,380	77	1,163,957	77	86.6	112,718	77	8.4	1,724	77	0.1	0.2
Oregon	1,820,507	36		0	0.0		0	0.0	1,771	36	0.1	0.2
Pennsylvania	5,783,621	67	5,488,684	67	94.9	190	67	0.0	48,711	67	0.8	0.2
Rhode Island	451,593	39	423,691	39	93.8		0	0.0	2,357	39	0.5	0.2
South Carolina	1,981,516	46	1,525,284	46	77.0	264,754	46	13.4	5,473	46	0.3	0.0
South Dakota	368,816	66	209,102	58	56.7	15,139	58	4.1	199	58	0.1	0.0
Tennessee	2,480,182	95	1,006,868	95	40.6	1,403,486	95	56.6	1,758	95	0.1	0.0
Texas	7,993,851	254	5,606	234	0.1	860	234	0.0	50,787	254	0.6	1.2
Utah	1,023,036	29	573,149	29	56.0	244,130	29	23.9	43,036	29	4.2	3.7
Vermont	304,509	245	219,399	238	72.1	10,853	163	3.6	18	176	0.0	0.0
Virginia	3,896,846	134	3,431,110	134	88.0		0	0.0	12,831	134	0.3	0.1
Washington	3,206,490	39	11,828	39	0.4		0	0.0	6,832	39	0.2	1.3
West Virginia	685,099	55	521,311	55	76.1	150,666	55	22.0	3,152	40	0.5	0.6
Wisconsin	3,078,135	3,541	2,413,557	3,541	78.4		0	0.0	44	3,541	0.0	0.0
Wyoming	250,701	23	183,413	23	73.2		0	0.0	13	6	0.0	0.0
American Samoa	13,167	1	11,903	1	90.4	1,062	1	8.1	0	1	0.0	0.0
Guam	34,075	1	32,492	1	95.4	1,012	1	3.0	144	1	0.4	0.3
Puerto Rico	1,878,969	1	1,829,762	1	97.4	15,266	1	0.8	12,715	1	0.7	0.5
Virgin Islands												0.6
Sum of Above	131,590,825	8,120	74,343,638	7,796	56.5	11,794,312	2,149	9.0	2,139,315	7,537	1.6	1.3
States Included			51			29			47			
Question	F1a		F1b			F1f			F1e			

TABLE 28. BALLOTS CAST BY MEANS OF VOTING (CONTINUED)

State	Election Juris. in Survey	Absentee Voting						Mail Voting			Other Means			Not Categorized	
		Dom. Civilian Absentee			UOCAVA			Vote by Mail Jurisdiction			Other Means of Voting			Balance	
		Total	Cases	Percent	Total	Cases	Percent	Total	Cases	Percent	Total	Cases	Percent	Total	Percent
Alabama	67		0	0.0		0	0.0		0	0.0	0	0	0.0	2,083,309	100.0
Alaska	1	25,486	1	8.4	9,628	1	3.2		0	0.0	0	0	0.0	0	0.0
Arizona	15	1,530,416	15	65.9	9,135	15	0.4	0	3	0.0	137	1	0.0	0	0.0
Arkansas	75	30,144	74	2.8	3,616	74	0.3	1,904	10	0.2	156	3	0.0	0	0.0
California	58	5,214,992	51	39.8	74,521	51	0.6	1,329,984	48	10.2	18,409	9	0.1	(19,008)	(0.1)
Colorado	64	1,851,529	64	71.4	17,345	64	0.7		0	0.0	0	0	0.0	0	0.0
Connecticut	169		0	0.0		0	0.0		0	0.0	0	0	0.0	1,560,640	100.0
Delaware	3	19,492	3	4.7	1,294	3	0.3	0	3	0.0	0	0	0.0	0	0.0
District of Columbia	1	9,090	1	3.1	2,364	1	0.8	0	1	0.0	0	1	0.0	0	0.0
Florida	67	2,292,822	67	26.8	87,293	67	1.0	0	1	0.0	102	8	0.0	64	0.0
Georgia	159	1,906,886	159	48.8	13,356	159	0.3		0	0.0	0	0	0.0	(6)	(0.0)
Hawaii	4	157,236	4	36.0	2,018	4	0.5		0	0.0	0	0	0.0	0	0.0
Idaho	44	162,156	44	24.3	2,182	44	0.3	2,406	44	0.4	0	0	0.0	3,000	0.5
Illinois	110		0	0.0		0	0.0		0	0.0	47,254	110	0.9	40,909	0.8
Indiana	92	506,516	92	19.0	5,468	92	0.2		0	0.0	0	0	0.0	73,514	2.8
Iowa	99	684,690	99	43.1	3,508	99	0.2		0	0.0	0	0	0.0	0	0.0
Kansas	105	138,366	104	12.4	3,365	105	0.3		0	0.0	0	0	0.0	(38,857)	(3.5)
Kentucky	120	33,690	120	1.9	3,897	120	0.2		0	0.0	0	0	0.0	0	0.0
Louisiana	64	42,640	64	2.1	4,609	64	0.2		0	0.0	0	0	0.0	0	0.0
Maine	500	184,763	500	25.5	3,071	500	0.4		0	0.0	0	0	0.0	0	0.0
Maryland	24	140,650	24	5.1	14,461	24	0.5		0	0.0	0	0	0.0	0	0.0
Massachusetts	351	259,114	351	8.1	8,305	351	0.3		0	0.0	0	0	0.0	0	0.0
Michigan	83	1,259,902	83	26.4	12,916	83	0.3		0	0.0	0	0	0.0	0	0.0
Minnesota	87	255,141	87	8.6	10,506	87	0.4	44,687	87	1.5	0	0	0.0	0	0.0
Mississippi	82	58,417	47	6.6	4,568	51	0.5	264	11	0.0	10,736	4	1.2	96,598	10.9
Missouri	116	256,598	116	9.0	9,872	116	0.3		0	0.0	0	0	0.0	0	0.0
Montana	56	283,097	56	57.5	4,532	56	0.9		0	0.0	0	0	0.0	0	0.0
Nebraska	93	206,956	93	25.4	1,267	93	0.2	8,347	10	1.0	118	93	0.0	(11,534)	(1.4)
Nevada	17	78,528	17	7.7	5,937	17	0.6	5,443	17	0.5	21	17	0.0	0	0.0

TABLE 28. BALLOTS CAST BY MEANS OF VOTING (CONTINUED)

State	Election Juris. in Survey	Absentee Voting						Mail Voting			Other Means			Not Categorized	
		Dom. Civilian Absentee			UOCAVA			Vote by Mail Jurisdiction			Other Means of Voting			Balance	
		Total	Cases	Percent	Total	Cases	Percent	Total	Cases	Percent	Total	Cases	Percent	Total	Percent
New Hampshire	320	60,846	320	8.5	3,404	320	0.5	0	320	0.0	0	320	0.0	0	0.0
New Jersey	21	284,103	21	7.7	10,827	21	0.3		0	0.0	240,228	21	6.5	0	0.0
New Mexico	33	52,726	17	7.8	3,117	19	0.5	7,825	17	1.2	949	5	0.1	101,862	15.0
New York	62	326,189	57	4.6	39,214	62	0.6		0	0.0	0	0	0.0	2,291,400	32.1
North Carolina	100	205,072	100	4.5	15,718	100	0.3		0	0.0	0	0	0.0	0	0.0
North Dakota	53	94,024	53	28.8	1,325	53	0.4		0	0.0	0	0	0.0	0	0.0
Ohio	88	1,259,904	88	22.4	15,698	88	0.3		0	0.0	0	0	0.0	505	0.0
Oklahoma	77	59,523	77	4.4	5,458	77	0.4		0	0.0	0	0	0.0	0	0.0
Oregon	36	12,908	36	0.7	11,749	36	0.6	1,794,079	36	98.5	0	0	0.0	0	0.0
Pennsylvania	67	241,656	67	4.2	18,018	67	0.3	0	67	0.0	0	0	0.0	(13,638)	(0.2)
Rhode Island	39	24,387	39	5.4	1,158	39	0.3		0	0.0	0	39	0.0	0	0.0
South Carolina	46	100,473	46	5.1	6,728	46	0.3	100,473	46	5.1	0	0	0.0	(21,669)	(1.1)
South Dakota	66	32,814	58	8.9	1,701	58	0.5	1,506	58	0.4	3,708	66	1.0	104,647	28.4
Tennessee	95	55,365	95	2.2	12,605	95	0.5		0	0.0	0	0	0.0	100	0.0
Texas	254	237,365	230	3.0	40,579	233	0.5		0	0.0	0	0	0.0	7,658,654	95.8
Utah	29		0	0.0	3,555	29	0.3		0	0.0	0	0	0.0	159,166	15.6
Vermont	246	62,076	224	20.4	1,914	222	0.6	4,347	142	1.4	2,762	25	0.9	3,140	1.0
Virginia	134	423,481	134	10.9	29,424	134	0.8		0	0.0	0	0	0.0	0	0.0
Washington	39		0	0.0	47,521	39	1.5	3,140,309	39	97.9	0	0	0.0	0	0.0
West Virginia	55	5,289	54	0.8	1,681	55	0.2		0	0.0	0	0	0.0	3,000	0.4
Wisconsin	3,541	658,240	3,541	21.4	6,294	3,541	0.2		0	0.0	0	0	0.0	0	0.0
Wyoming	23	65,742	23	26.2	1,533	23	0.6		0	0.0	0	0	0.0	0	0.0
American Samoa	1	86	1	0.7	116	1	0.9	0	1	0.0	0	1	0.0	0	0.0
Guam	1	96	1	0.3	93	1	0.3	0	1	0.0	238	1	0.7	0	0.0
Puerto Rico	1	2,080	1	0.1	1,584	1	0.1	17,562	1	0.9	0	0	0.0	0	0.0
Virgin Islands	1														
Sum of Above	8,154	21,853,762	7,619	16.6	600,048	7,701	0.5	6,459,136	963	4.9	324,818	724	0.2	14,075,796	10.7
States Included		49			51			14			13			22	
Question		F1d			F1c			F1g			F1h+i+j			calc	

TABLE 28. BALLOTS CAST BY MEANS OF VOTING

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Question F1:

Arkansas: One jurisdiction noted “F1b. Provisional.” Another jurisdiction noted that two provisional ballots were counted and vote history was credited

Arizona: One jurisdiction stated that for F1f (Voted at an early vote center), this total is included in the totals noted in F1d and C1b since each is still considered an “Early Ballot” cast. The breakdown of the number of voters who cast an early ballot in-person at an early voting site is 12,527 but again, is still considered as voters who “voted using a domestic civilian early (absentee) ballot”. Rejected provisional ballots are NOT included in F1a and F1e totals since they are not used to credit the person’s vote history. Rejected Provisional Ballots are considered invalid and/or the individual is not registered so no record exists and therefore no history can be updated. Of the 122,524 provisional ballots cast, 99,684 provisional ballots were deemed valid and counted as reflected in F1e.

California: One jurisdiction commented, “F1g(3,116) + F1d(3,799) = C1b(6,915) and F1e-counted Provisional ballots and the remaining 7 Provisional ballots were not registered voters(E1d). A second jurisdiction noted that F1d differs from C1b because C1b includes rejected domestic absentees; F1d does not include rejected as rejected ballots do not count in vote history. Another jurisdiction noted that F1c, F1d, and F1g equal C1b. A fourth jurisdiction commented that the total is not actually greater than F1a. One jurisdiction stated in reference to F1f that it does not have early voting centers, and also that F1d includes ballots cast and duplicated from DRE equipment. Another jurisdiction stated its F1g totals are included in F1d and it removed 19 deceased voters from C1b. A different jurisdiction also noted that F1f is included in F1d as these voters are given vote by mail ballots. One jurisdiction stated, “F1f - 800 ballots were issued from our office ‘over-the-counter’ then returned to our office. These 800 are already accounted for in F1d.” Another jurisdiction stated that early voting is included in vote by mail or absentee.

Florida: One jurisdiction commented, “(1) Since there was no break-out section for domestic military, we added that number in with the domestic civilian absentee ballot. (2) One of the provisional ballots was not registered to vote, therefore no voter history could be credited. We excluded that number from F1e.” A second jurisdiction stated that F1f is Early Voting Turnout (D2e is referencing Early Voting locations). A third jurisdiction noted that out of the 16 rejected of provisional ballots, all but 2 received voter history (see E2 and F1h). Another jurisdiction commented, “Total voters that voted by absentee, early, provisional and election day also including referred ballots.” A fifth jurisdiction noted that provisional ballots were included in F1a. Another jurisdiction stated that provisional ballot voters that are rejected are not given credit for voting, but E1 asks for total who voted using a provisional ballot. This jurisdiction is unable to account for the 38 vote difference between the two totals after reviewing all reports submitted by vendor.

Guam: In reference to F1h, homebound voting is servicing those who are elderly/physically challenged and are not able to go to the polls.

Indiana: Indiana does not have ‘early voting.’ Indiana allows voters to cast absentee ballots prior to election day, but all absentee ballots are counted on election day. That is why F1f = 0 for all counties.

Mississippi: One jurisdiction commented that the number in F1d includes in-office absentee votes and mail-in. Another jurisdiction stated that these figures are per report election results 11/6/2012. A third jurisdiction stated that its courthouse burned on 1/17/2013.

New Hampshire: Per EAC Instructions Absentee Ballot Totals include rejected ballots whereas F1a and F1b do not.

New Mexico: One jurisdiction commented “Ballot Issue Report/How voters voted statistics.”

Ohio: One jurisdiction stated Ohio has absentee voting beginning 35 days before an election for non-UOCAVA voters, and also noted that it does not have early voting.

Puerto Rico: Under the new Puerto Rico Election Code, people with mobility disabilities have a right to vote by mail, as a domicile vote/early vote.

South Carolina: Totals come from separate sources and cannot always be reconciled. For example an absentee ballot that was challenged could be represented under “absentee and provisional”.

Vermont: One jurisdiction commented, “F1f. In total for domestic civilian absentee ballot.” Another jurisdiction stated that voter at early voting center includes mail returns of votes. A third jurisdiction stated these breakdowns were not done. A fourth jurisdiction commented, “An elderly gentleman voted absentee and at the polling place. The elderly poll worker did not catch the unintentional double voting. The Town Clerk caught the mistake too late.” Another jurisdiction stated that it does not separate ballots received in the

mail and voted at office. A sixth jurisdiction stated that F1c plus F1d breaks down to 92 in early voting center and 133 by mail. Another jurisdiction commented, "See the Absentee Ballot Portal data for Woodstock."

Washington: Physical poll place voters may have voted during early voting.

West Virginia: Unlike the totals for F1a, F1b, and F1f, which are determined by ballots counted, totals for F1c, F1d, and F1e are determined by voter history as entered into the Statewide Voter Registration

Wyoming: F1a can be greater than the number of registered voters prior to the day of the election. Since Wyoming has Election Day Registration, votes are being cast for registrations that do not appear in the A1 total because they are processed after the election.

TABLE 29. TURNOUT RATES FOR VOTER PARTICIPATION USING DIFFERENT BASES

State	Election Juris. in Survey	Voters Participating		Estimated Voting Age			Estimated Citizen Voting Age			Reported Registration		
		Total	Cases	Total	%TO	Rank	Total	%TO	Rank	Total	%TO	Rank
Alabama	67	2,083,309	67	3,697,617	56.3	26	3,595,400	57.9	33	3,162,135	65.9	32
Alaska	1	302,465	1	544,349	55.6	30	519,629	58.2	31	579,304	52.2	50
Arizona	15	2,323,579	15	4,932,361	47.1	43	4,376,217	53.1	43	3,725,362	62.4	39
Arkansas	75	1,080,809	75	2,238,250	48.3	42	2,159,446	50.1	45	1,610,364	67.1	29
California	58	13,096,097	57	28,801,211	45.5	47	23,546,880	55.6	39	18,996,338	68.9	22
Colorado	64	2,594,628	64	3,956,224	65.6	6	3,654,799	71.0	3	3,651,091	71.1	15
Connecticut	169	1,560,640	169	2,796,789	55.8	29	2,565,067	60.8	24	2,202,278	70.9	16
Delaware	3	417,631	3	712,042	58.7	19	672,175	62.1	19	632,805	66.0	31
District of Columbia	1	294,254	1	522,843	56.3	27	473,487	62.1	18	557,774	52.8	49
Florida	67	8,557,692	67	15,315,088	55.9	28	13,534,127	63.2	16	11,934,446	71.7	13
Georgia	159	3,910,557	159	7,429,820	52.6	37	6,867,525	56.9	34	6,050,050	64.6	34
Hawaii	4	436,774	4	1,089,302	40.1	50	993,045	44.0	50	705,668	61.9	41
Idaho	44	666,290	44	1,169,075	57.0	24	1,114,631	59.8	26	895,834	74.4	8
Illinois	110	5,339,488	110	9,811,190	54.4	31	8,916,661	59.9	25	8,116,660	65.8	33
Indiana	92	2,663,373	92	4,945,857	53.9	35	4,780,336	55.7	38	4,562,268	58.4	46
Iowa	99	1,589,951	99	2,351,233	67.6	5	2,280,022	69.7	5	2,236,068	71.1	14
Kansas	105	1,115,281	105	2,161,601	51.6	39	2,053,815	54.3	41	1,771,252	63.0	38
Kentucky	120	1,815,896	120	3,362,177	54.0	34	3,283,865	55.3	40	3,037,153	59.8	44
Louisiana	64	2,014,511	64	3,484,090	57.8	22	3,396,443	59.3	29	2,965,751	67.9	25
Maine	500	724,759	500	1,063,274	68.2	4	1,046,057	69.3	6	1,026,086	70.6	17
Maryland	24	2,734,189	24	4,540,763	60.2	16	4,153,057	65.8	9	3,694,658	74.0	9
Massachusetts	351	3,184,196	351	5,244,729	60.7	13	4,784,241	66.6	7	4,340,000	73.4	10
Michigan	83	4,780,701	83	7,616,490	62.8	9	7,347,850	65.1	11	7,454,553	64.1	35
Minnesota	87	2,950,780	87	4,102,991	71.9	1	3,920,519	75.3	1	3,387,783	87.1	2
Mississippi	82	889,914	58	2,239,593	39.7	51	2,200,437	40.4	51	1,399,209	63.6	36
Missouri	116	2,840,776	116	4,618,513	61.5	11	4,505,205	63.1	17	4,191,778	67.8	28
Montana	56	491,966	56	783,161	62.8	8	774,966	63.5	15	681,608	72.2	11
Nebraska	93	815,568	93	1,392,120	58.6	21	1,329,041	61.4	21	1,163,871	70.1	20
Nevada	17	1,017,772	17	2,095,348	48.6	41	1,804,094	56.4	36	1,258,409	80.9	6

TABLE 29. TURNOUT RATES FOR VOTER PARTICIPATION USING DIFFERENT BASES (CONTINUED)

State	Election Juris. in Survey	Voters Participating		Estimated Voting Age			Estimated Citizen Voting Age			Reported Registration		
		Total	Cases	Total	%TO	Rank	Total	%TO	Rank	Total	%TO	Rank
New Hampshire	320	718,700	320	1,045,878	68.7	3	1,014,537	70.8	4	878,136	81.8	5
New Jersey	21	3,677,463	21	6,838,206	53.8	36	6,012,270	61.2	22	5,415,639	67.9	26
New Mexico	33	679,080	26	1,571,096	43.2	48	1,448,740	46.9	49	1,252,438	54.2	48
New York	62	7,128,852	62	15,307,107	46.6	45	13,408,596	53.2	42	11,720,541	60.8	43
North Carolina	100	4,539,729	100	7,465,545	60.8	12	7,013,407	64.7	13	6,655,291	68.2	24
North Dakota	53	326,239	53	545,020	59.9	18	536,097	60.9	23	545,020*	59.9	51
Ohio	88	5,632,423	88	8,880,551	63.4	7	8,678,945	64.9	12	7,987,697	70.5	18
Oklahoma	77	1,343,380	77	2,877,457	46.7	44	2,757,440	48.7	46	2,114,489	63.5	37
Oregon	36	1,820,507	36	3,038,729	59.9	17	2,822,652	64.5	14	2,199,360	82.8	3
Pennsylvania	67	5,783,621	67	10,024,150	57.7	23	9,700,796	59.6	27	8,352,342	69.2	21
Rhode Island	39	451,593	39	833,818	54.2	33	768,684	58.7	30	725,309	62.3	40
South Carolina	46	1,981,516	46	3,643,633	54.4	32	3,506,606	56.5	35	2,875,121	68.9	23
South Dakota	66	368,816	66	629,185	58.6	20	619,251	59.6	28	523,410	70.5	19
Tennessee	95	2,480,182	95	4,962,227	50.0	40	4,790,345	51.8	44	4,024,960	61.6	42
Texas	254	7,993,851	254	19,073,564	41.9	49	16,518,813	48.4	47	13,690,729	58.4	45
Utah	29	1,023,036	29	1,967,315	52.0	38	1,829,834	55.9	37	1,508,372	67.8	27
Vermont	246	304,509	245	502,060	60.7	14	491,789	61.9	20	460,817	66.1	30
Virginia	134	3,896,846	134	6,329,130	61.6	10	5,883,341	66.2	8	5,428,091	71.8	12
Washington	39	3,206,490	39	5,312,045	60.4	15	4,879,174	65.7	10	3,904,959	82.1	4
West Virginia	55	685,099	55	1,471,372	46.6	46	1,460,372	46.9	48	1,246,559	55.0	47
Wisconsin	3,541	3,078,135	3,541	4,408,841	69.8	2	4,271,926	72.1	2	3,987,248	77.2	7
Wyoming	23	250,701	23	440,922	56.9	25	430,996	58.2	32	240,438	104.3	1
American Samoa	1	13,167	1							17,764	74.1	...
Guam	1	34,075	1							50,701	67.2	...
Puerto Rico	1	1,878,969	1	2,817,721	66.7	...	2,756,939	68.2	...	2,402,941	78.2	...
Virgin Islands	1											
Sum of Above	8,154	131,590,825	8,120	243,003,673	n/a		222,250,587	n/a		193,653,908	n/a	
States Included		54		52			52			53		
Question		F1		Pop.Est.			ACS			A1		

TABLE 29. TURNOUT RATES FOR VOTER PARTICIPATION USING DIFFERENT BASES

Question F1. Calculations for rates of voter participation (turnout) based upon voting age population, citizens of voting age, and registration.

General note: This table represents a comparison of the rates of participation based upon the number of voters participating (F1a) by calculating the rate based upon selected bases. The estimates of voting age and citizen voting age were not available for the four territories; the four territories are therefore not ranked for any of the measures of voter participation to facilitate comparisons across the measures.

Reported registration is, with a few exceptions, information also taken from the 2012 Election Administration and Voting Survey (see Tables 1a, 1b, 1c, and 1d of the NVRA Report Appendix). States will vary in whether inactive voters are included in their registration figures.

The Estimated Voting Age (VAP) and the Citizens of Voting Age (CVAP) figures are released by the Bureau of the Census. The VAP numbers are from the 2010 Census (with the estimated change in population between 2010 and 2012 taken into account). The CVAP numbers are derived from the 2011 3-year Bureau of the Census American Community Survey. All the information used here and released by the Bureau of the Census share some data issues: a) they are estimates initially based upon the 2010 Census and an ongoing review of administrative records or, in the case of the ACS, an ongoing survey; b) the estimates are for the domestic/resident population; thus, UOCAVA voters are not included in the relevant universe of the voting population; and c) these population bases do not address the statutory eligibility of any person to register or to vote.

Thirty-three jurisdictions across four States (California, Mississippi, New Mexico, and Vermont) did not provide voter turnout. Voter turnout was provided for the large majority of jurisdictions in each State, thus all States are included in the rankings. The reader should be cognizant of the impact this missing information has on the rankings, the calculation of turnout percentages, and the overall national values.

TABLE 30. SOURCE USED TO DETERMINE VOTER PARTICIPATION

State	Election Juris. in Survey	Total of Voters Participating	Cases	Voters Checked Off or Poll Book Signatures			Ballots Counted			Vote History			Votes for Highest Office			Other or None Indicated (See Comments)			Not Categorized Balance (See Notes)	
				Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	67	2,083,309	67		0	...	2,023,918	65	97.1		0	...	59,391	2	2.9		0	...	0	0.0
Alaska	1	302,465	1		0	...		0	...		0	...		0	...	302,465	1	100.0	0	0.0
Arizona	15	2,323,579	15		0	...	1,895,333	13	81.6		0	...		0	...	428,246	2	18.4	0	0.0
Arkansas	75	1,080,809	75	233,965	22	21.6	774,439	44	71.7	53,707	6	5.0		0	...	18,698	3	1.7	0	0.0
California	58	13,096,097	57	1,143,863	5	8.7	4,705,319	26	35.9	6,860,818	20	52.4	39,535	1	0.3	346,562	5	2.6	0	0.0
Colorado	64	2,594,628	64		0	...		0	...		0	...		0	...	2,594,628	64	100.0	0	0.0
Connecticut	169	1,560,640	169	1,560,640	169	100.0		0	...		0	...		0	...		0	...	0	0.0
Delaware	3	417,631	3		0	...	417,631	3	100.0		0	...		0	...		0	...	0	0.0
District of Columbia	1	294,254	1		0	...	294,254	1	100.0		0	...		0	...		0	...	0	0.0
Florida	67	8,557,692	67	2,990,510	27	34.9	3,466,761	21	40.5	864,847	11	10.1	537,235	4	6.3	698,339	4	8.2	0	0.0
Georgia	159	3,910,557	159		0	...		0	...		0	...		0	...	3,910,557	159	100.0	0	0.0
Hawaii	4	436,774	4		0	...	372,871	3	85.4	63,903	1	14.6		0	...		0	...	0	0.0
Idaho	44	666,290	44		0	...	666,290	44	100.0		0	...		0	...		0	...	0	0.0
Illinois	1	5,339,488	110		0	...	5,293,802	109	99.1	45,686	1	0.9		0	...		0	...	0	0.0
Indiana	92	2,663,373	92	2,663,373	92	100.0		0	...		0	...		0	...		0	...	0	0.0
Iowa	99	1,589,951	99		0	...	1,589,951	99	100.0		0	...		0	...		0	...	0	0.0
Kansas	105	1,115,281	105	1,115,281	105	100.0		0	...		0	...		0	...		0	...	0	0.0
Kentucky	120	1,815,896	120		0	...	1,815,896	120	100.0		0	...		0	...		0	...	0	0.0
Louisiana	64	2,014,511	64		0	...		0	...	2,014,511	64	100.0		0	...		0	...	0	0.0
Maine	499	724,759	500		0	...	724,759	500	100.0		0	...		0	...		0	...	0	0.0
Maryland	24	2,734,189	24		0	...		0	...	2,734,189	24	100.0		0	...		0	...	0	0.0
Massachusetts	351	3,184,196	351		0	...		0	...		0	...		0	...	3,184,196	351	100.0	0	0.0
Michigan	83	4,780,701	83	4,780,701	83	100.0		0	...		0	...		0	...		0	...	0	0.0
Minnesota	87	2,950,780	87	2,950,780	87	100.0		0	...		0	...		0	...		0	...	0	0.0
Mississippi	82	889,914	58	220,394	16	24.8	370,660	18	41.7	212,065	18	23.8	10,631	3	1.2	76,164	3	8.6	0	0.0
Missouri	116	2,840,776	116	227,227	29	8.0	2,298,050	75	80.9	39,873	4	1.4	3,970	1	0.1	271,656	7	9.6	0	0.0
Montana	56	491,966	56		0	...	491,966	56	100.0		0	...		0	...		0	...	0	0.0
Nebraska	93	815,568	93		0	...		0	...		0	...		0	...	815,568	93	100.0	0	0.0

TABLE 30. SOURCE USED TO DETERMINE VOTER PARTICIPATION (CONTINUED)

State	Election Juris. in Survey	Total of Voters Participating	Cases	Voters Checked Off or Poll Book Signatures			Ballots Counted			Vote History			Votes for Highest Office			Other or None Indicated (See Comments)			Not Categorized Balance (See Notes)	
				Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Nevada	17	1,017,772	17	2,156	1	0.2	983,151	9	96.6	4,198	2	0.4		0	...	28,267	5	2.8	0	0.0
New Hampshire	320	718,700	320		0	...		0	...		0	...		0	...	718,700	320	100.0	0	0.0
New Jersey	21	3,677,463	21		0	...		0	...	3,677,463	21	100.0		0	...		0	...	0	0.0
New Mexico	33	679,080	26	334,381	6	49.2	117,291	5	17.3	83,347	4	12.3		0	...	142,097	10	20.9	1,964	0.3
New York	62	7,128,852	62		0	...		0	...		0	...	7,128,852	62	100.0		0	...	0	0.0
North Carolina	100	4,539,729	100		0	...		0	...	4,539,729	100	100.0		0	...		0	...	0	0.0
North Dakota	53	326,239	53		0	...	326,239	53	100.0		0	...		0	...		0	...	0	0.0
Ohio	88	5,632,423	88	588,462	14	10.4	3,252,435	52	57.7	1,076,928	13	19.1	443,295	8	7.9	271,303	1	4.8	0	0.0
Oklahoma	77	1,343,380	77		0	...	1,343,380	77	100.0		0	...		0	...		0	...	0	0.0
Oregon	36	1,820,507	36		0	...		0	...		0	...		0	...	1,820,507	36	100.0	0	0.0
Pennsylvania	67	5,783,621	67		0	...		0	...	5,783,621	67	100.0		0	...		0	...	0	0.0
Rhode Island	39	451,593	39		0	...		0	...		0	...		0	...	451,593	39	100.0	0	0.0
South Carolina	46	1,981,516	46		0	...		0	...		0	...		0	...	1,981,516	46	100.0	0	0.0
South Dakota	66	368,816	66	44,974	21	12.2	294,357	36	79.8	27,463	8	7.4		0	...	2,022	1	0.5	0	0.0
Tennessee	95	2,480,182	95	396,192	23	16.0	344,497	7	13.9	1,739,493	65	70.1		0	...		0	...	0	0.0
Texas	254	7,993,851	254		0	...		0	...		0	...	7,993,851	254	100.0		0	...	0	0.0
Utah	29	1,023,036	29		0	...		0	...		0	...		0	...	1,023,036	29	100.0	0	0.0
Vermont	246	304,509	245	211,133	193	69.3	79,107	42	26.0	10,642	4	3.5		0	...	3,627	6	1.2	0	0.0
Virginia	134	3,896,846	134		0	...		0	...	3,896,846	134	100.0		0	...		0	...	0	0.0
Washington	39	3,206,490	39		0	...		0	...		0	...		0	...	3,206,490	39	100.0	0	0.0
West Virginia	55	685,099	55		0	...	685,099	55	100.0		0	...		0	...		0	...	0	0.0
Wisconsin	3,541	3,078,135	3,541	3,078,135	3,541	100.0		0	...		0	...		0	...		0	...	0	0.0
Wyoming	23	250,701	23		0	...	250,701	23	100.0		0	...		0	...		0	...	0	0.0
American Samoa	1	13,167	1		0	...	13,167	1	100.0		0	...		0	...		0	...	0	0.0
Guam	1	34,075	1		0	...		0	...		0	...	34,075	1	100.0		0	...	0	0.0
Puerto Rico	1	1,878,969	1		0	...		0	...		0	...	1,878,969	1	100.0		0	...	0	0.0
Virgin Islands	1																			
Sum of Above	8,154	131,590,825	8,120	22,542,167	4,434	17.1	34,891,324	1,557	26.5	33,729,329	567	25.6	18,129,804	337	13.8	22,296,237	1,224	16.9	1,964	0.0
States Included				17			27			19			10			22			1	
Question		F1a		F2.1			F2.2			F2.3			F2.4			F2.5+0			calc	

TABLE 30. SOURCE USED TO DETERMINE VOTER PARTICIPATION

Questions F1, F2. Number of persons participating and the source of the number of voters.

General Note: Any misspelled responses to F2 were corrected to align with the categorical responses presented in the questionnaire in order to tabulate the number of voters that participated in the election for each source.

Question F2:

Arkansas: One jurisdiction commented, “Election night reporting software – total ballots cast.” Another jurisdiction noted this information was drawn from the ERM Summary Report plus ballots returned but not counted.

Arizona: One jurisdiction stated that provisional ballot totals (valid and invalid) are also derived from its verification reports generated from its voter registration system upon assigning a disposition to a given provisional.

Florida: One jurisdiction noted, “Totals from tabulation.” Another jurisdiction commented that F1c, d, and e include rejected ballots. A third jurisdiction stated it’s “official” number of ballots cast from results certificates is 95,252; voters whose ballots continue to arrive after the election are always given credit for voting to ensure their voter records remain active.

New Mexico: One jurisdiction commented, “How voters voted statistics report/Ballot issue report.”

Oklahoma: Number of ballots counted was derived from total votes cast for highest office, plus over votes and under votes in that race.

Vermont: One jurisdiction noted that its voting tabulator also digitally keeps track of numbers to compare with the checklist from poll workers. A second jurisdiction stated that this designation includes ballots received after election day. Another jurisdiction commented, “Entrance and Exit Checklist verification.” A fourth jurisdiction stated that F2 also refers to the number of voters checked off (same number). A different jurisdiction noted that “voters checked off voter checklist include early voters as well.” Another jurisdiction noted that F2 also refers to the number of ballots counted.

TABLE 31. DOMESTIC ABSENTEE BALLOTS TRANSMITTED: DISPOSITION OF BALLOTS

State	Election Juris. in Survey	Total Ballots Transmitted		Domestic Absentee Ballots Transmitted to Voters and Disposition															Not Categorized Balance (See Notes)	
				Returned and Submitted for Counting			Returned as Undeliverable			Spoiled or Replaced Ballots			Status Unknown (Not Returned)			Other Disposition (See Comments)				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	67	63,840	39	55,671	39	87.2		0	...		0	...		0	...		0	...	8,169	12.8
Alaska	1	30,144	1	25,486	1	84.5	616	1	2.0		0	...	4,042	1	13.4		0	...	0	0.0
Arizona	15	1,920,746	15	1,542,855	15	80.3	59,945	12	3.1	63,071	15	3.3	254,874	15	13.3	1	1	0.0	0	0.0
Arkansas	75	34,257	74	31,148	74	90.9	154	74	0.4	46	73	0.1	2,678	74	7.8	229	13	0.7	2	0.0
California	58	9,394,212	58	6,634,717	58	70.6	181,886	45	1.9	58,322	27	0.6	2,311,657	52	24.6	145,168	22	1.5	62,462	0.7
Colorado	64	2,134,847	64	1,868,130	64	87.5	57,258	64	2.7	23,466	64	1.1	185,859	64	8.7		0	...	134	0.0
Connecticut	169	131,416	169	120,041	169	91.3		0	...		0	...		0	...		0	...	11,375	8.7
Delaware	3	21,103	3	19,492	3	92.4	32	3	0.2	570	3	2.7	847	3	4.0	162	3	0.8	0	0.0
District of Columbia	1	15,953	1	11,454	1	71.8	326	1	2.0	223	1	1.4	3,950	1	24.8	0	1	0.0	0	0.0
Florida	67	2,807,295	67	2,297,627	67	81.8	40,551	65	1.4	37,618	17	1.3	430,786	67	15.3	713	6	0.0	0	0.0
Georgia	159	1,942,497	159	1,909,845	159	98.3	544	159	0.0	416	159	0.0		0	...		0	...	31,692	1.6
Hawaii	4	174,340	4	157,236	4	90.2	355	2	0.2	806	2	0.5	15,943	4	9.1		0	...	0	0.0
Idaho	44	168,599	44	163,115	44	96.7	447	44	0.3	671	44	0.4	4,356	44	2.6		0	...	10	0.0
Illinois	110	328,406	110	302,359	110	92.1		0	...		0	...		0	...		0	...	26,047	7.9
Indiana	92	562,430	92	558,739	92	99.3	115	92	0.0	3,576	92	0.6		0	...		0	...	0	0.0
Iowa	99	736,304	99	684,690	99	93.0	2,432	99	0.3	4,605	99	0.6	42,166	99	5.7	2,411	99	0.3	0	0.0
Kansas	105	199,306	105	139,146	104	69.8	1,601	105	0.8	1,170	105	0.6	13,101	105	6.6		0	...	44,288	22.2
Kentucky	120	33,690	120	33,690	120	100.0		0	...		0	...		0	...		0	...	0	0.0
Louisiana	64	55,818	64	43,686	64	78.3	0	64	0.0		0	...	10,974	64	19.7	1,158	64	2.1	0	0.0
Maine	500	193,105	500	186,930	500	96.8	147	500	0.1	409	500	0.2	5,619	500	2.9		0	...	0	0.0
Maryland	24	160,663	24	140,650	24	87.5	758	24	0.5		0	...	19,255	24	12.0		0	...	0	0.0
Massachusetts	351	282,365	351	259,114	351	91.8	220	351	0.1	3	351	0.0	23,028	351	8.2		0	...	0	0.0
Michigan	83	1,297,672	83	1,259,902	83	97.1	1,698	83	0.1	21,031	83	1.6	15,041	83	1.2		0	...	0	0.0
Minnesota	87	277,294	87	265,315	87	95.7	198	87	0.1	1,058	87	0.4	10,723	87	3.9		0	...	0	0.0
Mississippi	82	68,692	58	64,657	55	94.1	211	23	0.3	48	19	0.1	1,668	35	2.4	51	5	0.1	2,057	3.0
Missouri	116	269,713	116	257,329	116	95.4	389	110	0.1	65	69	0.0	2,066	38	0.8	4	1	0.0	9,860	3.7
Montana	56	314,536	56	285,388	56	90.7	3,302	56	1.0	6,367	56	2.0	19,479	56	6.2		0	...	0	0.0
Nebraska	93	231,377	93	206,956	93	89.4		0	...		0	...	17,148	93	7.4	8,347	10	3.6	(1,074)	(0.5)

TABLE 31. SOURCE USED TO DETERMINE VOTER PARTICIPATION (CONTINUED)

State	Election Juris. in Survey	Total Ballots Transmitted		Domestic Absentee Ballots Transmitted to Voters and Disposition															Not Categorized Balance (See Notes)	
				Returned and Submitted for Counting			Returned as Undeliverable			Spoiled or Replaced Ballots			Status Unknown (Not Returned)			Other Disposition (See Comments)				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Nevada	17	91,634	17	77,908	17	85.0	1,177	17	1.3	731	17	0.8	11,818	17	12.9	0	17	0.0	0	0.0
New Hampshire	320	69,354	320	66,075	320	95.3	102	320	0.1	0	320	0.0	3,177	320	4.6	0	320	0.0	0	0.0
New Jersey	21	336,640	21	284,103	21	84.4		0	...	0	...	52,537	21	15.6		0	...	0	0.0	
New Mexico	33	83,642	28	71,386	26	85.3	59	13	0.1	32	13	0.0	601	11	0.7	0	2	0.0	11,564	13.8
New York	62	340,169	57	326,189	57	95.9		0	...	0	...		0	...	16,534	57	4.9	(2,554)	(0.8)	
North Carolina	100	229,672	100	205,078	100	89.3	542	100	0.2	9,354	100	4.1	14,571	100	6.3	127	100	0.1	0	0.0
North Dakota	53	99,458	53	94,024	53	94.5	32	53	0.0	204	53	0.2	5,198	51	5.2	0	53	0.0	0	0.0
Ohio	88	1,346,248	88	1,259,904	88	93.6	2,305	88	0.2	10,010	88	0.7	73,827	88	5.5		0	...	202	0.0
Oklahoma	77	72,820	77	61,429	77	84.4	343	77	0.5	0	77	0.0	11,048	77	15.2		0	...	0	0.0
Oregon	36	17,807	36	12,908	36	72.5	542	36	3.0	1,365	36	7.7	2,992	36	16.8		0	...	0	0.0
Pennsylvania	67	282,822	67	248,561	67	87.9	478	67	0.2	56	67	0.0	33,726	67	11.9	0	67	0.0	1	0.0
Rhode Island	39	27,105	39	24,425	39	90.1		0	...	0	...	2,680	39	9.9	0	39	0.0	0	0.0	
South Carolina	46	408,388	46	395,422	46	96.8		0	...	0	...	11,024	46	2.7		0	...	1,942	0.5	
South Dakota	66	74,231	66	72,635	66	97.8	18	66	0.0	16	66	0.0	834	66	1.1	4	66	0.0	724	1.0
Tennessee	95	59,667	95	55,270	95	92.6	273	95	0.5	226	95	0.4	3,890	95	6.5	8	1	0.0	0	0.0
Texas	254	253,450	233	237,365	230	93.7	1,239	227	0.5	1,412	220	0.6	13,434	223	5.3		0	...	0	0.0
Utah	29	242,393	29	187,674	29	77.4	4,099	29	1.7		0	...	50,620	29	20.9		0	...	0	0.0
Vermont	246	71,295	238	68,152	231	95.6	33	189	0.0	152	183	0.2	2,795	202	3.9	43	32	0.1	120	0.2
Virginia	134	441,110	134	423,481	134	96.0		0	...	0	...	17,552	134	4.0		0	...	77	0.0	
Washington	39	3,832,560	39	3,140,309	39	81.9	57,653	37	1.5	19,313	21	0.5		0	...		0	...	615,285	16.1
West Virginia	55	15,168	55	13,792	54	90.9		0	...	0	...		0	...	1,339	54	8.8	37	0.2	
Wisconsin	3,541	736,123	3,541	686,860	3,541	93.3	3,093	3,541	0.4		0	...	50,984	3,541	6.9		0	...	(4,814)	(0.7)
Wyoming	23	67,554	23	65,742	23	97.3	5	23	0.0	230	23	0.3	1,577	23	2.3		0	...	0	0.0
American Samoa	1	116	1	86	1	74.1	0	1	0.0	0	1	0.0	30	1	25.9	0	1	0.0	0	0.0
Guam	1	133	1	96	1	72.2	5	1	3.8	0	1	0.0	27	1	20.3	5	1	3.8	0	0.0
Puerto Rico	1	20,206	1	20,012	1	99.0	127	1	0.6	0	1	0.0	67	1	0.3		0	...	0	0.0
Virgin Islands	1																			
Sum of Above	8,154	33,070,385	8,061	27,624,254	8,044	83.5	425,310	7,045	1.3	266,642	3,248	0.8	3,760,269	7,049	11.4	176,304	1,035	0.5	817,606	2.5
States Included		54		54			41			33			45			17			23	
Question		C1a		C1b			C1c			C1d			C1e			C1f+g+h			calc	

TABLE 31. DOMESTIC ABSENTEE BALLOTS TRANSMITTED: DISPOSITION OF BALLOTS

Questions C1. Number of domestic civilian absentee ballots transmitted to voters and the disposition of the ballots.

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated. This could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Question C1:

Arkansas: One jurisdiction noted that two designated bearers did not get picked up. Another jurisdiction commented, “Voter didn’t download ballot.” A third jurisdiction commented, “Was returned late.” A fourth jurisdiction stated that for C1d addresses of two absentee requests were noted in the wrong precinct; as a result, the precinct spoiled their ballots, changed their addresses, and reissued correct ballots.

California: One jurisdiction noted that C1g is included in C1b. A second jurisdiction commented that the total of C1b-h exceeds C1a because the reported number of replacement ballots includes ballots that are being counted in other areas, and therefore they are being counted twice. A third jurisdiction stated that it does not track undeliverable ballots in its EMS system. Another jurisdiction included replacement ballots in all categories showing ballots issued, returned, counted, etc.

Delaware: One jurisdiction had to reissue ballots for one Senate District twice due to a withdrawal and substitution of a candidate.

Florida: One jurisdiction noted that the data for this question was drawn from the VR EAC Report. A second jurisdiction commented that the Absentee Report shows 2,181, but two FWAB absentee ballots were added in the C1a total. Another jurisdiction commented, “C1b does not include 11 ballots that were returned by ineligible voters and 27 ballots returned with no certificate envelope or other voter identifiers. Ballots received after the deadline are ‘invalid’ and, therefore, no official action is required to ‘reject’ them. As of 01/02/13, we received 706 ‘late’ ballots from civilian domestic voters.”

Missouri: One jurisdiction had 19 replaced ballots, which are reflected in the count. Another jurisdiction commented that the three spoiled ballots (C1d) are included in the 329 transmitted ballots (C1a) count. A third jurisdiction stated that not all ballots mailed were returned. A fourth jurisdiction noted that for C1c, ballots were still coming in; for C1d, some replaced, and MCVR report included military through emails.

Mississippi: One jurisdiction noted that its courthouse burned on 1/17/2013.

New Mexico: One jurisdiction commented, “Absentee Statistics Report/Ballot Issue Report/Absentee Register.” A second jurisdiction states that its absentee board included UOCAVA voters.

Oregon: Oregon conducts elections by mail. Numbers reported reflect domestic absentee only because under statute, the permanent absentee process is distinctly different from vote by mail elections.

Vermont: One jurisdiction stated that C1 includes all absentee ballots which equaled 144 + 1 FWAB, while C1b includes 137 ballots + 1 FWAB; for E1b, this jurisdiction did not keep a copy of the tally for spoiled out of locked bag. Another jurisdiction commented, “5 ballots were returned the day after election. Postal marks indicate multi date transit intra-state. UNACCEPTABLE. See attached scanned copies of the envelopes.” A third jurisdiction noted that for C1c one ballot returned as undeliverable was for a prisoner who transferred to another facility. Another jurisdiction stated that a returned ballot was requested and sent under a maiden name and was returned as addressee “unknown” because current address was registered under married name.

West Virginia: No way to track ballots returned as undeliverable, spoiled, or status unknown.

TABLE 32. DOMESTIC ABSENTEE BALLOTS: SENT TO PERMANENT LIST; SUBMITTED FOR COUNTING: DISPOSITION

State	Election Juris. in Survey	Total Ballots Transmitted	Permanent List Transmissions	Pct.	Ballots Submitted	Disposition of Domestic Absentee Ballots Submitted for Counting									Not Categorized Balance (See Notes)	
		Total	Total		Counted			Rejected			Other (See Comments)					
					Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.	
Alabama	67	63,840		...	55,671		0	...		0	...		0	...	55,671	100.0
Alaska	1	30,144		...	25,486	24,681	1	96.8	805	1	3.2		0	...	0	0.0
Arizona	15	1,920,746	1,803,314	93.9	1,542,855	1,530,465	15	99.2	12,390	15	0.8		0	...	0	0.0
Arkansas	75	34,257	1,169	3.4	31,148	27,833	72	89.4	949	72	3.0		0	...	2,366	7.6
California	58	9,394,212	7,875,263	83.8	6,634,717	6,554,199	58	98.8	59,070	57	0.9	0	4	0.0	21,448	0.3
Colorado	64	2,134,847	1,803,342	84.5	1,868,130	1,768,061	64	94.6	16,407	64	0.9		0	...	83,662	4.5
Connecticut	169	131,416		...	120,041	117,685	169	98.0	2,356	169	2.0		0	...	0	0.0
Delaware	3	21,103	4,120	19.5	19,492	19,251	3	98.8	240	3	1.2		0	...	1	0.0
District of Columbia	1	15,953	2,699	16.9	11,454	11,058	1	96.5	396	1	3.5	0	1	0.0	0	0.0
Florida	67	2,807,295	1,209,030	43.1	2,297,627	2,276,767	67	99.1	20,588	67	0.9	0	4	0.0	272	0.0
Georgia	159	1,942,497	83,942	4.3	1,909,845	1,909,136	159	100.0	709	159	0.0		0	...	0	0.0
Hawaii	4	174,340	148,602	85.2	157,236	156,130	4	99.3	1,106	4	0.7		0	...	0	0.0
Idaho	44	168,599		...	163,115	162,156	44	99.4	954	44	0.6		0	...	5	0.0
Illinois	110	328,406		...	302,359	298,121	110	98.6	4,238	110	1.4		0	...	0	0.0
Indiana	92	562,430		...	558,739	506,516	92	90.7	11,983	92	2.1		0	...	40,240	7.2
Iowa	99	736,304		...	684,690	676,522	99	98.8	8,168	99	1.2		0	...	0	0.0
Kansas	105	199,306	31,712	15.9	139,146	182,169	105	130.9	5,062	105	3.6		0	...	(48,085)	(34.6)
Kentucky	120	33,690		...	33,690	31,876	120	94.6	1,814	120	5.4		0	...	0	0.0
Louisiana	64	55,818	33,774	60.5	43,686	41,312	64	94.6	2,374	64	5.4		0	...	0	0.0
Maine	500	193,105		...	186,930	184,763	500	98.8	2,156	500	1.2		0	...	11	0.0
Maryland	24	160,663		...	140,650	139,136	24	98.9	1,514	24	1.1		0	...	0	0.0
Massachusetts	351	282,365		...	259,114	256,616	351	99.0	2,498	351	1.0		0	...	0	0.0
Michigan	83	1,297,672		...	1,259,902	1,228,162	83	97.5	8,049	83	0.6		0	...	23,691	1.9
Minnesota	87	277,294		...	265,315	257,542	87	97.1	7,773	87	2.9		0	...	0	0.0
Mississippi	82	68,692	1,385	2.0	64,657	61,160	56	94.6	2,208	47	3.4	66	1	0.1	1,223	1.9
Missouri	116	269,713	26,589	9.9	257,329	251,954	116	97.9	5,076	116	2.0	1	1	0.0	298	0.1
Montana	56	314,536	257,222	81.8	285,388	284,535	56	99.7	853	56	0.3		0	...	0	0.0
Nebraska	93	231,377		...	206,956	203,014	93	98.1	3,942	93	1.9		0	...	0	0.0
Nevada	17	91,634	0	0.0	77,908	76,730	17	98.5	1,160	17	1.5	18	17	0.0	0	0.0

TABLE 32. DOMESTIC ABSENTEE BALLOTS: SENT TO PERMANENT LIST; SUBMITTED FOR COUNTING: DISPOSITION (CONTINUED)

State	Election Juris. in Survey	Total Ballots Transmitted	Permanent List Transmissions	Pct.	Ballots Submitted	Disposition of Domestic Absentee Ballots Submitted for Counting									Not Categorized Balance (See Notes)	
		Total	Total		Total	Counted			Rejected			Other (See Comments)				
						Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
New Hampshire	320	69,354	0	0.0	66,075	64,340	320	97.4	1,735	320	2.6	0	320	0.0	0	0.0
New Jersey	21	336,640	153,851	45.7	284,103	276,693	21	97.4	6,534	21	2.3		0	...	876	0.3
New Mexico	33	83,642	1,655	2.0	71,386	68,023	22	95.3	971	17	1.4	0	2	0.0	2,392	3.4
New York	62	340,169		...	326,189	309,655	57	94.9		0	...		0	...	16,534	5.1
North Carolina	100	229,672		...	205,078	202,841	100	98.9	2,237	100	1.1		0	...	0	0.0
North Dakota	53	99,458		...	94,024	93,665	53	99.6	359	53	0.4	0	53	0.0	0	0.0
Ohio	88	1,346,248		...	1,259,904	1,247,055	88	99.0	12,849	88	1.0		0	...	0	0.0
Oklahoma	77	72,820	18,616	25.6	61,429	59,523	77	96.9	1,905	77	3.1		0	...	1	0.0
Oregon	36	17,807	17,807	100.0	12,908	12,611	36	97.7	297	36	2.3		0	...	0	0.0
Pennsylvania	67	282,822	7,127	2.5	248,561	246,716	67	99.3	1,845	67	0.7		0	...	0	0.0
Rhode Island	39	27,105		...	24,425	24,099	39	98.7	326	39	1.3	0	39	0.0	0	0.0
South Carolina	46	408,388		...	395,422	123,920	46	31.3	650	46	0.2		0	...	270,852	68.5
South Dakota	66	74,231		...	72,635	50,326	66	69.3	148	66	0.2	2	66	0.0	22,159	30.5
Tennessee	95	59,667	8,640	14.5	55,270	54,284	95	98.2	614	95	1.1		0	...	372	0.7
Texas	254	253,450		...	237,365	225,041	227	94.8	3,647	225	1.5		0	...	8,677	3.7
Utah	29	242,393		...	187,674	185,673	29	98.9	2,001	29	1.1		0	...	0	0.0
Vermont	246	71,295	200	0.3	68,152	63,154	230	92.7	467	181	0.7	1	22	0.0	4,530	6.6
Virginia	134	441,110		...	423,481	421,203	134	99.5	2,278	134	0.5		0	...	0	0.0
Washington	39	3,832,560	3,832,560	100.0	3,140,309	3,110,331	39	99.0	29,978	39	1.0		0	...	0	0.0
West Virginia	55	15,168	125	0.8	13,792	13,766	54	99.8	26	54	0.2		0	...	0	0.0
Wisconsin	3,541	736,123	57,010	7.7	686,860	658,240	3,541	95.8	4,114	3,541	0.6		0	...	24,506	3.6
Wyoming	23	67,554		...	65,742	65,557	23	99.7	177	23	0.3		0	...	8	0.0
American Samoa	1	116	108	93.1	86	86	1	100.0	0	1	0.0	0	1	0.0	0	0.0
Guam	1	133		...	96	82	1	85.4	14	1	14.6		0	...	0	0.0
Puerto Rico	1	20,206		...	20,012	19,642	1	98.2	370	1	1.8		0	...	0	0.0
Virgin Islands	1															
Sum of Above	8,154	33,070,385	17,379,862	52.6	27,624,254	26,834,076	7,997	97.1	258,380	7,874	0.9	88	531	0.0	531,710	1.9
States Included		54	25		54	53			51			5			24	
Question		C1a	C3	calc	C1b	C4a			C4b			C4c+C4d			calc	

TABLE 32. DOMESTIC ABSENTEE BALLOTS: PERMANENT LIST; SUBMITTED FOR COUNTING: DISPOSITION

Questions C1, C3, C4. Number of domestic civilian absentee ballots transmitted to voters due to the existence of a permanent list; and ballots submitted for counting and the disposition of the ballots.

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated. This could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Question C3:

Arizona: One jurisdiction stated that the C3 total is the number of voters on the Permanent Early Voting List as of the close of requesting to have an early ballot mailed (11 days prior to election).

California: One jurisdiction commented, “perm[anent]. vote by mail voter.”

Florida: One jurisdiction noted that C3 represents absentee requests on file at the time of its initial mailing of ballots.

Missouri: One jurisdiction commented that all PD list voters are entered with some entries as non-PD list, disabled voters. A second jurisdiction notes that this figure is an estimate of the 8,212 permanently disabled applications sent.

New Mexico: One jurisdiction noted that three all-mail election precincts are not considered permanent absentee/168 absentee applications were mailed to these voters.

Nevada: Although NV does not have a permanent list, NV NRS 293.313 allows a voter who is (a) at least 65 years of age or (b) has a physical disability or condition which substantially impairs his or her ability to go to the polling place, to request an absentee ballot for all elections held during the year he or she requests an absent ballot.

Vermont: One jurisdiction commented, “Applications received.”

Wisconsin: Counts of ballots to voters on permanent absentee voter list can only be provided for jurisdictions who track all absentee ballots in the Statewide Voter Registration System. This accounts for most of the large jurisdictions in Wisconsin.

Question C4:

Arizona: One jurisdiction noted that C4a does not include the 5,027 UOCAVA ballots that were counted (tabulated), which would bring the grand total of early ballots counted (tabulated) in Maricopa County to 960,391.

California: One jurisdiction stated the vote-by-mail count includes all mail precincts.

Florida: One jurisdiction commented, “The 503 rejected ballots in C4b includes those ballots received after the deadline. These ballots are not submitted for counting, but you request this information in C5.” Two jurisdictions indicated that this data is drawn from the VR EAC Report. Another jurisdiction noted six instances of no signature and 1 instance of a ballot signed wrong. A different jurisdiction stated, “Signature did not match.”

Maine: One jurisdiction had to reject and then reissue ballots due to the death of a candidate.

Missouri: One jurisdiction indicated ballots were received after the deadline.

Mississippi: One jurisdiction noted that its courthouse burned on 1/17/2013.

New Mexico: One jurisdiction commented, “Absentee Statistics Report/Ballot Issue Report/Absentee Register.”

New York: The New York County data includes all New York City counties (New York, Bronx, Kings, Queens, and Richmond).

Oregon: Numbers are for domestic absentee electors.

Vermont: One jurisdiction commented, “Rejected because no voter affidavit returned with ballot.” Another jurisdiction noted the 40 spoiled ballots are not included as they were counted as spoiled. One jurisdiction does not record “counted” ballots versus “spoiled” ballots by voter. A fourth jurisdiction indicated for C4b one left certificate envelope blank, and one registered to vote in another town. Another jurisdiction had 28 ballots returned that were defective and not counted, but it was not tracked at the time if they were military or overseas. These ballots are now sealed in the storage bags. One jurisdiction commented C4 seems to be asking to include Vermont’s category of spoiled ballots; those that were returned by mail and did not have the appropriate envelope or signature were placed in a spoiled ballot envelope and never “submitted” for counting. Therefore, for this county, C5 does not count for its election results. Another jurisdiction noted that, for C4b, two absentee voters did not sign the “certificate envelope.”

West Virginia: One county did not record absentee ballot information in the Statewide Voter Registration System after ballots were sent.

TABLE 33A. DOMESTIC ABSENTEE BALLOTS: REASONS FOR REJECTION, PART A

State	Election Juris. in Survey	Ballots Rejected		Domestic Absentee Ballots Rejected and Reason, Part A															Not Categorized Balance (See notes)	
				Not Received on Time or Missed Deadline			No Voter Signature			No Witness Signature			Non-matching Signature			No Election Official's Signature				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	67		0		0	...		0	...		0	...		0	...		0	...	0	...
Alaska	1	805	1	2	1	0.2	206	1	25.6	244	1	30.3	0	1	0.0	0	1	0.0	353	43.9
Arizona	15	12,390	15	4,107	9	33.1	5,256	13	42.4	0	3	0.0	2,051	11	16.6	0	3	0.0	976	7.9
Arkansas	75	949	72	315	69	33.2	104	68	11.0	34	68	3.6	74	69	7.8	0	68	0.0	422	44.5
California	58	59,070	57	24,609	53	41.7	10,000	54	16.9	3	30	0.0	15,206	52	25.7	0	29	0.0	9,252	15.7
Colorado	64	16,407	64	1,462	64	8.9	2,735	64	16.7		0	...	6,206	64	37.8		0	...	6,004	36.6
Connecticut	169	2,356	169		0	...		0	...		0	...		0	...		0	...	2,356	100.0
Delaware	3	240	3	225	3	93.8	7	3	2.9	0	3	0.0	1	3	0.4	0	3	0.0	7	2.9
District of Columbia	1	396	1	91	1	23.0	305	1	77.0	0	1	0.0	0	1	0.0	0	1	0.0	0	0.0
Florida	67	20,588	67	8,597	51	41.8	5,256	66	25.5	57	31	0.3	5,398	67	26.2	0	28	0.0	1,280	6.2
Georgia	159	709	159		0	...	5	159	0.7	71	159	10.0	356	159	50.2		0	...	277	39.1
Hawaii	4	1,106	4	618	1	55.9	138	3	12.5		0	...	220	2	19.9		0	...	130	11.8
Idaho	44	954	44	586	44	61.4	109	44	11.4	0	44	0.0	53	44	5.6	0	44	0.0	206	21.6
Illinois	110	4,238	110		0	...		0	...		0	...		0	...		0	...	4,238	100.0
Indiana	92	11,983	92	1,049	91	8.8	97	29	0.8	0	27	0.0	51	29	0.4	59	26	0.5	10,727	89.5
Iowa	99	8,168	99	1,353	99	16.6	1,652	99	20.2		0	...		0	...		0	...	5,163	63.2
Kansas	105	5,062	105	1,648	105	32.6	918	105	18.1		0	...	429	105	8.5		0	...	2,067	40.8
Kentucky	120	1,814	120	238	120	13.1	823	120	45.4	8	120	0.4	47	120	2.6		0	...	698	38.5
Louisiana	64	2,374	64	975	64	41.1	193	64	8.1	980	64	41.3		0	...	37	64	1.6	189	8.0
Maine	500	2,156	500	284	500	13.2	876	500	40.6	245	500	11.4	25	500	1.2		0	...	726	33.7
Maryland	24	1,514	24	903	24	59.6	299	24	19.7		0	...		0	...		0	...	312	20.6
Massachusetts	351	2,498	351	2,180	351	87.3	63	351	2.5		0	...		0	...		0	...	255	10.2
Michigan	83	8,049	83	5,205	83	64.7	900	83	11.2		0	...	208	83	2.6		0	...	1,736	21.6
Minnesota	87	7,773	87	1,837	87	23.6	374	87	4.8	1,803	87	23.2	126	87	1.6		0	...	3,633	46.7
Mississippi	82	2,208	47	52	16	2.4	123	19	5.6	159	19	7.2	5	10	0.2	5	9	0.2	1,864	84.4
Missouri	116	5,076	116	1,846	114	36.4	637	116	12.5		0	...		0	...		0	...	2,593	51.1
Montana	56	853	56	380	56	44.5	257	56	30.1	0	56	0.0	160	56	18.8	0	56	0.0	56	6.6
Nebraska	93	3,942	93	689	93	17.5	622	93	15.8		0	...		0	...	4	93	0.1	2,627	66.6
Nevada	17	1,160	17	611	17	52.7	158	17	13.6	0	17	0.0	195	17	16.8	0	17	0.0	196	16.9

TABLE 33A. DOMESTIC ABSENTEE BALLOTS: REASONS FOR REJECTION, PART A (CONTINUED)

State	Election Juris. in Survey	Ballots Rejected		Domestic Absentee Ballots Rejected and Reason, Part A															Not Categorized Balance (See notes)	
				Not Received on Time or Missed Deadline			No Voter Signature			No Witness Signature			Non-matching Signature			No Election Official's Signature				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct
New Hampshire	320	1,735	320	785	320	45.2	163	320	9.4	0	320	0.0	321	320	18.5	0	320	0.0	466	26.9
New Jersey	21	6,534	21	1,255	21	19.2	1,907	21	29.2		0	...	855	21	13.1		0	...	2,517	38.5
New Mexico	33	971	17	477	11	49.1	95	11	9.8	0	6	0.0	0	6	0.0	0	6	0.0	399	41.1
New York	62		0		0	...		0	...		0	...		0	...		0	...	0	...
North Carolina	100	2,237	100	772	100	34.5	214	100	9.6	546	100	24.4	45	100	2.0	0	100	0.0	660	29.5
North Dakota	53	359	53	135	53	37.6	52	53	14.5	0	53	0.0	129	53	35.9		0	...	43	12.0
Ohio	88	12,849	88	6,097	88	47.5	888	88	6.9		0	...	334	88	2.6		0	...	5,530	43.0
Oklahoma	77	1,905	77	615	77	32.3	125	77	6.6	394	77	20.7	0	77	0.0	0	77	0.0	771	40.5
Oregon	36	297	36	152	36	51.2	33	36	11.1		0	...	81	36	27.3		0	...	31	10.4
Pennsylvania	67	1,845	67	1,373	67	74.4	52	67	2.8		0	...		0	...		0	...	420	22.8
Rhode Island	39	326	39		0	...	128	39	39.3	130	39	39.9	60	39	18.4	0	39	0.0	8	2.5
South Carolina	46	650	46	650	46	100.0		0	...		0	...		0	...		0	...	0	0.0
South Dakota	66	148	66	74	66	50.0	38	66	25.7	0	66	0.0	21	66	14.2	0	66	0.0	15	10.1
Tennessee	95	614	95	407	95	66.3	93	95	15.1	4	95	0.7	8	95	1.3		0	...	102	16.6
Texas	254	3,647	225	3,081	226	84.5	1,671	224	45.8	58	222	1.6	639	223	17.5	0	223	0.0	(1,802)	(49.4)
Utah	29	2,001	29		0	...		0	...		0	...		0	...		0	...	2,001	100.0
Vermont	246	467	181	165	137	35.3	80	132	17.1	0	113	0.0	1	114	0.2	0	114	0.0	221	47.3
Virginia	134	2,278	134	437	134	19.2		0	...		0	...		0	...		0	...	1,841	80.8
Washington	39	29,978	39	5,859	39	19.5	6,972	39	23.3	145	39	0.5	12,067	39	40.3	0	39	0.0	4,935	16.5
West Virginia	55	26	54	13	54	50.0	1	54	3.8	0	54	0.0	0	54	0.0	0	54	0.0	12	46.2
Wisconsin	3,541	4,114	3,541	496	3,541	12.1		0	...		0	...		0	...		0	...	3,618	87.9
Wyoming	23	177	23	84	11	47.5	42	7	23.7		0	...		0	...		0	...	51	28.8
American Samoa	1	0	1	0	1	...	0	1	...	0	1	...	0	1	...	0	1	...	0	...
Guam	1	14	1	8	1	57.1	4	1	28.6	0	1	0.0	0	1	0.0	0	1	0.0	2	14.3
Puerto Rico	1	370	1	125	1	33.8	77	1	20.8	36	1	9.7	20	1	5.4	0	1	0.0	112	30.3
Virgin Islands	1																			
Sum of Above	8,154	258,380	7,874	82,922	7,241	32.1	44,748	3,671	17.3	4,917	2,417	1.9	45,392	2,814	17.6	105	1,483	0.0	80,296	31.1
States Included		51		46			45			17			31			4			48	
Question		C4b		C5a			C5b			C5c			C5d			C5e			calc	

TABLE 33B. DOMESTIC ABSENTEE BALLOTS: REASONS FOR REJECTION, PART B

State	Election Juris. in Survey	Ballots Rejected		Domestic Absentee Ballots Rejected and Reason, Part B															Not Categorized Balance (See notes)	
				Ballot Returned in Unofficial Envelope			Ballot Missing from Envelope			Unsealed Envelope			No Resident Address on Envelope			Multiple Ballots Returned in Envelope				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	67		0		0	...		0	...		0	...		0	...		0	...	0	...
Alaska	1	805	1	0	1	0.0	17	1	2.1	0	1	0.0	0	1	0.0	0	1	0.0	788	97.9
Arizona	15	12,390	15	72	4	0.6	173	11	1.4	0	3	0.0	122	4	1.0	0	4	0.0	12,023	97.0
Arkansas	75	949	72	1	68	0.1	8	69	0.8	0	43	0.0	3	46	0.3	3	52	0.3	934	98.4
California	58	59,070	57	32	30	0.1	579	38	1.0	3	28	0.0	12	32	0.0	79	32	0.1	58,365	98.8
Colorado	64	16,407	64		0	...	79	64	0.5		0	...		0	...	11	64	0.1	16,317	99.5
Connecticut	169	2,356	169		0	...		0	...		0	...		0	...		0	...	2,356	100.0
Delaware	3	240	3	0	3	0.0	2	3	0.8	0	3	0.0	0	3	0.0	0	3	0.0	238	99.2
District of Columbia	1	396	1	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0	396	100.0
Florida	67	20,588	67	13	32	0.1	9	34	0.0	4	29	0.0	0	28	0.0	16	32	0.1	20,546	99.8
Georgia	159	709	159		0	...		0	...		0	...	229	159	32.3		0	...	480	67.7
Hawaii	4	1,106	4	13	1	1.2	16	2	1.4		0	...		0	...	4	2	0.4	1,073	97.0
Idaho	44	954	44	9	44	0.9	2	44	0.2	0	44	0.0	0	44	0.0	0	44	0.0	943	98.8
Illinois	110	4,238	110		0	...		0	...		0	...		0	...		0	...	4,238	100.0
Indiana	92	11,983	92	10	26	0.1	6	28	0.1	1	25	0.0	0	25	0.0	0	27	0.0	11,966	99.9
Iowa	99	8,168	99		0	...	292	99	3.6	798	99	9.8		0	...	12	99	0.1	7,066	86.5
Kansas	105	5,062	105		0	...		0	...		0	...		0	...		0	...	5,062	100.0
Kentucky	120	1,814	120		0	...	50	120	2.8	209	120	11.5		0	...	0	120	0.0	1,555	85.7
Louisiana	64	2,374	64		0	...		0	...		0	...		0	...		0	...	2,374	100.0
Maine	500	2,156	500		0	...		0	...		0	...		0	...		0	...	2,156	100.0
Maryland	24	1,514	24		0	...		0	...		0	...		0	...		0	...	1,514	100.0
Massachusetts	351	2,498	351		0	...		0	...		0	...	8	351	0.3		0	...	2,490	99.7
Michigan	83	8,049	83		0	...		0	...		0	...		0	...		0	...	8,049	100.0
Minnesota	87	7,773	87		0	...		0	...		0	...		0	...		0	...	7,773	100.0
Mississippi	82	2,208	47	8	10	0.4	3	9	0.1	1	10	0.0	0	9	0.0	11	9	0.5	2,185	99.0
Missouri	116	5,076	116		0	...	1	1	0.0		0	...	67	113	1.3	0	1	0.0	5,008	98.7
Montana	56	853	56	0	56	0.0	0	56	0.0	0	56	0.0	0	56	0.0	0	56	0.0	853	100.0
Nebraska	93	3,942	93		0	...		0	...		0	...		0	...		0	...	3,942	100.0
Nevada	17	1,160	17	2	17	0.2	10	17	0.9	0	17	0.0	0	17	0.0	3	17	0.3	1,145	98.7

TABLE 33B. DOMESTIC ABSENTEE BALLOTS: REASONS FOR REJECTION, PART B (CONTINUED)

State	Election Juris. in Survey	Ballots Rejected		Domestic Absentee Ballots Rejected and Reason, Part B															Not Categorized Balance (See notes)	
				Ballot Returned in Unofficial Envelope			Ballot Missing from Envelope			Unsealed Envelope			No Resident Address on Envelope			Multiple Ballots Returned in Envelope				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct
New Hampshire	320	1,735	320	24	320	1.4	27	320	1.6	0	320	0.0	0	320	0.0	0	320	0.0	1,684	97.1
New Jersey	21	6,534	21		0	...	66	21	1.0	8	21	0.1		0	...		0	...	6,460	98.9
New Mexico	33	971	17	5	6	0.5	0	7	0.0	0	6	0.0	0	6	0.0	0	7	0.0	966	99.5
New York	62		0		0	...		0	...		0	...		0	...		0	...	0	...
North Carolina	100	2,237	100	0	100	0.0	0	100	0.0	0	100	0.0	0	100	0.0	0	100	0.0	2,237	100.0
North Dakota	53	359	53		0	...	0	53	0.0		0	...	0	53	0.0	0	53	0.0	359	100.0
Ohio	88	12,849	88	1,477	88	11.5	39	88	0.3	0	88	0.0	84	88	0.7	10	88	0.1	11,239	87.5
Oklahoma	77	1,905	77	133	77	7.0	9	77	0.5	0	77	0.0	0	77	0.0	0	77	0.0	1,763	92.5
Oregon	36	297	36		0	...		0	...		0	...		0	...		0	...	297	100.0
Pennsylvania	67	1,845	67		0	...		0	...		0	...		0	...		0	...	1,845	100.0
Rhode Island	39	326	39	0	39	0.0	0	39	0.0	0	39	0.0	0	39	0.0	0	39	0.0	326	100.0
South Carolina	46	650	46		0	...		0	...		0	...		0	...		0	...	650	100.0
South Dakota	66	148	66	0	66	0.0	0	66	0.0	0	66	0.0	0	66	0.0	0	66	0.0	148	100.0
Tennessee	95	614	95	33	95	5.4	34	95	5.5	0	92	0.0	0	95	0.0	0	95	0.0	547	89.1
Texas	254	3,647	225	3	224	0.1	15	224	0.4	0	224	0.0	73	223	2.0	51	225	1.4	3,505	96.1
Utah	29	2,001	29		0	...		0	...		0	...		0	...		0	...	2,001	100.0
Vermont	246	467	181	91	126	19.5	37	122	7.9	10	116	2.1	2	116	0.4	0	115	0.0	327	70.0
Virginia	134	2,278	134		0	...		0	...		0	...		0	...		0	...	2,278	100.0
Washington	39	29,978	39	23	39	0.1	374	39	1.2	0	39	0.0	0	39	0.0	4	39	0.0	29,577	98.7
West Virginia	55	26	54	0	54	0.0	0	54	0.0	0	54	0.0	0	54	0.0	0	54	0.0	26	100.0
Wisconsin	3,541	4,114	3,541		0	...		0	...		0	...		0	...		0	...	4,114	100.0
Wyoming	23	177	23		0	...		0	...	1	1	0.6		0	...	2	2	1.1	174	98.3
American Samoa	1	0	1	0	1	...	0	1	...	0	1	...	0	1	...	0	1	...	0	...
Guam	1	14	1	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0	14	100.0
Puerto Rico	1	370	1	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0	85	1	23.0	285	77.0
Virgin Islands	1																			
Sum of Above	8,154	258,380	7,874	1,949	1,530	0.8	1,848	1,905	0.7	1,035	1,725	0.4	600	2,168	0.2	291	1,847	0.1	252,657	97.8
States Included		51		17			23			9			9			13			51	
Question		C4b		C5f			C5g			C5h			C5i			C5j			calc	

TABLE 33C. DOMESTIC ABSENTEE BALLOTS: REASONS FOR REJECTION, PART C

State	Election Juris. in Survey	Ballots Rejected		Domestic Absentee Ballots Rejected and Reason, Part C															Not Categorized Balance (See Notes)	
				Voter Deceased			Already Voted in Person			First-time Voter without Proper Identification			No Ballot Application on Record			Other (See Comments)				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	67		0		0	...		0	...		0	...		0	...		0	...	0	...
Alaska	1	805	1	0	1	0.0		0	...	0	1	0.0	5	1	0.6	331	1	41.1	469	58.3
Arizona	15	12,390	15	224	6	1.8	17	5	0.1	0	3	0.0	28	3	0.2	340	6	2.7	11,781	95.1
Arkansas	75	949	72	22	68	2.3	14	69	1.5	9	68	0.9	4	69	0.4	238	22	25.1	662	69.8
California	58	59,070	57	847	38	1.4	18	29	0.0	1,845	32	3.1	12	28	0.0	4,902	36	8.3	51,446	87.1
Colorado	64	16,407	64	66	64	0.4	103	64	0.6	5,288	64	32.2		0	...	457	64	2.8	10,493	64.0
Connecticut	169	2,356	169		0	...		0	...		0	...		0	...		0	...	2,356	100.0
Delaware	3	240	3	2	3	0.8	0	3	0.0	0	3	0.0	0	3	0.0	3	3	1.3	235	97.9
District of Columbia	1	396	1	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0	396	100.0
Florida	67	20,588	67	11	31	0.1	24	31	0.1	130	42	0.6	39	34	0.2	994	38	4.8	19,390	94.2
Georgia	159	709	159		0	...		0	...		0	...		0	...	48	159	6.8	661	93.2
Hawaii	4	1,106	4		0	...		0	...		0	...		0	...	78	2	7.1	1,028	92.9
Idaho	44	954	44	3	44	0.3	158	44	16.6	0	44	0.0	0	44	0.0	34	44	3.6	759	79.6
Illinois	110	4,238	110		0	...		0	...		0	...		0	...		0	...	4,238	100.0
Indiana	92	11,983	92	19	27	0.2	12	27	0.1	0	24	0.0	3	26	0.0	95	26	0.8	11,854	98.9
Iowa	99	8,168	99	274	99	3.4	2,129	99	26.1		0	...	84	99	1.0	1,574	99	19.3	4,107	50.3
Kansas	105	5,062	105	46	105	0.9	33	105	0.7		0	...		0	...	1,988	105	39.3	2,995	59.2
Kentucky	120	1,814	120	34	120	1.9	4	120	0.2		0	...		0	...	401	60	22.1	1,375	75.8
Louisiana	64	2,374	64		0	...		0	...		0	...		0	...	189	64	8.0	2,185	92.0
Maine	500	2,156	500		0	...	115	500	5.3		0	...		0	...	611	500	28.3	1,430	66.3
Maryland	24	1,514	24	17	24	1.1		0	...	88	24	5.8	3	24	0.2	204	24	13.5	1,202	79.4
Massachusetts	351	2,498	351	50	351	2.0		0	...		0	...		0	...		0	...	2,448	98.0
Michigan	83	8,049	83	682	83	8.5	717	83	8.9		0	...		0	...	337	83	4.2	6,313	78.4
Minnesota	87	7,773	87	45	87	0.6	24	87	0.3		0	...		0	...	3,564	87	45.9	4,140	53.3
Mississippi	82	2,208	47	7	11	0.3	14	12	0.6	0	9	0.0	37	13	1.7	237	10	10.7	1,913	86.6
Missouri	116	5,076	116	111	115	2.2		0	...		0	...		0	...	2,385	85	47.0	2,580	50.8
Montana	56	853	56	0	56	0.0	0	56	0.0	0	56	0.0	0	56	0.0	56	56	6.6	797	93.4
Nebraska	93	3,942	93	37	93	0.9		0	...		0	...		0	...	2,588	93	65.7	1,317	33.4
Nevada	17	1,160	17	19	17	1.6	0	17	0.0	24	17	2.1	0	17	0.0	138	17	11.9	979	84.4

TABLE 33C. DOMESTIC ABSENTEE BALLOTS: REASONS FOR REJECTION, PART C (CONTINUED)

State	Election Juris. in Survey	Ballots Rejected		Domestic Absentee Ballots Rejected and Reason, Part C															Not Categorized Balance (See Notes)	
				Voter Deceased			Already Voted in Person			First-time Voter without Proper Identification			No Ballot Application on Record			Other (See Comments)				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
New Hampshire	320	1,735	320	25	320	1.4	115	320	6.6	1	320	0.1	26	320	1.5	248	320	14.3	1,320	76.1
New Jersey	21	6,534	21		0	...		0	...		0	...		0	...	2,516	21	38.5	4,018	61.5
New Mexico	33	971	17	0	7	0.0	2	8	0.2	8	7	0.8	0	4	0.0	0	2	0.0	961	99.0
New York	62		0		0	...	638	57	...		0	...		0	...		0	...	(638)	...
North Carolina	100	2,237	100	0	100	0.0	5	100	0.2	200	100	8.9	3	100	0.1	415	100	18.6	1,614	72.2
North Dakota	53	359	53		0	...	19	53	5.3		0	...		0	...	24	53	6.7	316	88.0
Ohio	88	12,849	88	118	88	0.9	0	88	0.0	50	88	0.4		0	...	3,697	87	28.8	8,984	69.9
Oklahoma	77	1,905	77	0	77	0.0	0	77	0.0	0	77	0.0	0	77	0.0	629	77	33.0	1,276	67.0
Oregon	36	297	36		0	...		0	...		0	...	10	36	3.4	21	36	7.1	266	89.6
Pennsylvania	67	1,845	67		0	...		0	...		0	...		0	...	420	67	22.8	1,425	77.2
Rhode Island	39	326	39	0	39	0.0	0	39	0.0	8	39	2.5	0	39	0.0	0	39	0.0	318	97.5
South Carolina	46	650	46		0	...		0	...		0	...		0	...		0	...	650	100.0
South Dakota	66	148	66	12	66	8.1	0	66	0.0	0	66	0.0	0	66	0.0	0	66	0.0	136	91.9
Tennessee	95	614	95	4	1	0.7	2	1	0.3		0	...	0	95	0.0	16	5	2.6	592	96.4
Texas	254	3,647	225	13	224	0.4	354	224	9.7	14	224	0.4	91	223	2.5		0	...	3,175	87.1
Utah	29	2,001	29		0	...		0	...		0	...		0	...		0	...	2,001	100.0
Vermont	246	467	181	0	115	0.0	0	115	0.0	0	115	0.0	0	115	0.0	73	23	15.6	394	84.4
Virginia	134	2,278	134		0	...		0	...		0	...		0	...	1,841	134	80.8	437	19.2
Washington	39	29,978	39	19	39	0.1	170	39	0.6	50	39	0.2	0	39	0.0	4,304	21	14.4	25,435	84.8
West Virginia	55	26	54	0	54	0.0	0	54	0.0	2	54	7.7	1	54	3.8	9	5	34.6	14	53.8
Wisconsin	3,541	4,114	3,541		0	...		0	...		0	...		0	...	3,618	3,541	87.9	496	12.1
Wyoming	23	177	23		0	...	3	2	1.7	2	1	1.1		0	...	40	8	22.6	132	74.6
American Samoa	1	0	1	0	1	...	0	1	...	0	1	...	0	1	...	0	1	...	0	...
Guam	1	14	1	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0	2	1	14.3	12	85.7
Puerto Rico	1	370	1	0	1	0.0	27	1	7.3	0	1	0.0	0	1	0.0		0	...	343	92.7
Virgin Islands	1																			
Sum of Above	8,154	258,380	7,874	2,707	2,577	1.0	4,717	2,598	1.8	7,719	1,521	3.0	346	1,589	0.1	39,665	6,292	15.4	203,226	78.7
States Included		51		25			24			15			14			40			52	
Question		C4b		C5k			C5l			C5m			C5n			C5o:v			calc	

TABLE 33. DOMESTIC ABSENTEE BALLOTS: REASONS FOR REJECTION, PARTS A, B AND C

Questions C4, C5. Number of domestic civilian absentee ballots rejected and the reason for rejection. [This table is broken into parts due to the large number of reasons tabulated.]

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Question C5:

Arizona: One jurisdiction stated: “For C5c, C5e, C5h, C5i, C5l, C5m & C5n, these reject reasons do not apply in Maricopa County, Arizona for an Early Ballot (EB) or cannot occur in Maricopa County due to our early ballot issuing system (e.g. C5l is n/a because EV system will not allow a voter who already voted in-person to be issued another ballot). These categories are therefore marked as “N/A” above. For C5k, the total number provided here reflects the quantity of EB’s initially sent but later canceled due to all cancelation reasons (e.g. death, moved out-of-county, felon, etc.) and not just the noted “Voter deceased”. For the remaining line noted only as “Data not available”, this information is not accumulated since it is data that cannot be associated with an actual valid voter (e.g. voter not registered to vote) or is not considered a valid Early Ballot upon receipt so it is therefore not categorized as a rejected early ballot and therefore is not noted as a true reject within the canvass of the election (e.g. ballot returned in unofficial envelope, multiple ballots so one is invalidated but voter still would have one ballot cast, etc.).”

California: One jurisdiction indicated that C5o includes missing address and address mis-compares (i.e., voter moved and did not re-register).

Colorado: Counts in C5l represent all ballots that were rejected because the voter had already voted, regardless of vote method.

Florida: One jurisdiction reported no rejections. Another jurisdiction commented that, in regards to C5a, ballots received after the deadline are “invalid” and, therefore, no official action is required to “reject” them. As of 01/02/13, this jurisdiction had received 706 “late” ballots from civilian domestic voters.

Indiana: Clay County does manually track the number of returned absentee ballots that are rejected, and stores them in specifically marked envelopes by precinct. However, it does not manually track the reason for why each rejected absentee ballot was rejected. Clinton County does not compile the requested information. Elkhart County did have some absentee ballots rejected due to voter being deceased, some rejected due to lack of signature or signature not matching SVRS records but did not manually track specific numbers. There were few such instances. In addition, three jurisdictions also generally indicated that they do not track this information, and two jurisdictions noted they do not track this information outside of the SVRS. Another jurisdiction stated that the ballots indicated as rejected were sent to the polls, however, there is no way to ensure the poll workers indeed rejected the ballots, only that they fit the criteria indicated and should have been. One jurisdiction commented, “We are a small county and do not have many issues with rejected ballots. The main reason we do not count absentee ballots is because the voter decides not to vote and never returns the ballot.” Another jurisdiction reported that it had 19 absentee ballots not returned by voters. One jurisdiction stated that it had a Traveling Board team forget to initial the ballot cards.

Michigan: Initial decisions on rejected absentee ballots are made in the clerk’s office before the ballots are submitted to the appropriate precinct board for counting.

Minnesota: For all jurisdictions, C5d: Only if the number provided by the voter did not match, then voter signature did not match. C5m: First-time voters who must show ID must follow absentee election-day registration process. C5: Rejected ballots were replaced/resent if received in time. The number of voters for whom all ballot submissions were rejected for reason other than late is 10.

Missouri: One jurisdiction stated, “Ballots received after deadline.” A second jurisdiction commented, “Few ballots still coming in too late.” A third county noted that some of the ballots were received after the deadline, so that is why its numbers are off.

Mississippi: One jurisdiction noted that its courthouse burned on 1/17/2013.

New Jersey: Three jurisdictions commented, “Same Ballot has been rejected for multiple reasons.”

Ohio: One jurisdiction stated that C5c, C5e, and C5n are not valid reasons for rejection in Ohio. Another jurisdiction commented that the Ohio Board of elections cannot issue an absentee ballot without first receiving a ballot application.

South Carolina: Counted = returned before deadline. Rejected = returned after deadline. No data on ABS ballots not accepted for other reasons such as “voter not qualified” or “oath not signed”.

Vermont: Three jurisdictions commented that data on defective ballots is sealed in a ballot bag with the defective ballot envelope and tally sheet, and thus the defective ballot reasons are unknown. Of this group, one jurisdiction reported that it had an additional six ballots returned late. Another jurisdiction reported that this number is for the 2012 general election only. One jurisdiction stated, “C5 seems to include categories of Vermont’s spoiled ballots which were never put in the “to count” category though we had one without any signature, and two that were not in an appropriate envelope (not in one at all).”

TABLE 34. PROVISIONAL BALLOTS SUBMITTED: DISPOSITION OF BALLOTS

State	Election Juris. in Survey	Total Ballots Submitted		Provisional Ballots Submitted by Voters and Disposition														Not Categorized Balance (See Notes)	
		Total	Cases	Counted Full Ballot			Counted Part Ballot			Rejected Ballot			Other Disposition (See Comments)			Total	Pct.		
Total	Cases			Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases			Pct.	
Alabama	67	6,728	52	2,319	50	34.5		0	...	4,409	47	65.5		0	...	0	0.0		
Alaska	1	18,255	1	4,530	1	24.8	13,480	1	73.8	245	1	1.3		0	...	0	0.0		
Arizona	15	183,259	15	150,237	15	82.0	0	3	0.0	33,022	15	18.0		0	...	0	0.0		
Arkansas	75	2,592	73	890	73	34.3	5	73	0.2	1,697	73	65.5		0	...	0	0.0		
California	58	1,065,156	56	706,381	50	66.3	119,322	41	11.2	177,753	55	16.7	54,274	10	5.1	7,426	0.7		
Colorado	64	62,847	64	45,435	64	72.3	7,542	64	12.0	9,870	64	15.7		0	...	0	0.0		
Connecticut	169	963	169		0	...		0	...	843	169	87.5		0	...	120	12.5		
Delaware	3	453	3	35	3	7.7	0	3	0.0	418	3	92.3		0	...	0	0.0		
District of Columbia	1	38,636	1	32,233	1	83.4	3,158	1	8.2	3,245	1	8.4	0	1	0.0	0	0.0		
Florida	67	42,745	67	24,633	67	57.6		0	...	18,106	67	42.4	1	6	0.0	5	0.0		
Georgia	159		0		0	...		0	...		0	...		0	...	0	...		
Hawaii	4	711	4	102	3	14.3	0	2	0.0	609	4	85.7		0	...	0	0.0		
Idaho	44		0		0	...		0	...		0	...		0	...	0	...		
Illinois	110	43,772	110	13,486	110	30.8		0	...	30,286	110	69.2		0	...	0	0.0		
Indiana	92	4,801	66	804	75	16.7	0	92	0.0	3,997	76	83.3		0	...	0	0.0		
Iowa	99	4,996	99	4,131	99	82.7		0	...	865	99	17.3		0	...	0	0.0		
Kansas	105	38,865	105	25,192	105	64.8		0	...	13,487	105	34.7		0	...	186	0.5		
Kentucky	120	287	120	50	120	17.4	0	120	0.0	237	120	82.6		0	...	0	0.0		
Louisiana	64	6,862	64	2,609	64	38.0		0	...	4,253	64	62.0		0	...	0	0.0		
Maine	500	315	499	315	499	100.0		0	...		0	...		0	...	0	0.0		
Maryland	24	79,876	24	54,328	24	68.0	14,419	24	18.1	11,129	24	13.9		0	...	0	0.0		
Massachusetts	351	12,920	351	3,288	351	25.4		0	...	9,621	351	74.5		0	...	11	0.1		
Michigan	83	2,675	83	1,190	83	44.5		0	...	1,485	83	55.5		0	...	0	0.0		
Minnesota	87		0		0	...		0	...		0	...		0	...	0	...		
Mississippi	82	22,478	48	13,483	41	60.0	1,291	14	5.7	5,722	39	25.5	113	1	0.5	1,869	8.3		
Missouri	116	6,393	116	1,882	113	29.4		0	...	4,511	112	70.6		0	...	0	0.0		
Montana	56	5,562	56	5,294	56	95.2		0	...	268	56	4.8		0	...	0	0.0		
Nebraska	93	15,130	93	11,871	92	78.5		0	...	3,258	93	21.5		0	...	1	0.0		
Nevada	17	8,329	17	3,468	17	41.6		0	...	4,861	17	58.4	0	17	0.0	0	0.0		

TABLE 34. PROVISIONAL BALLOTS SUBMITTED: DISPOSITION OF BALLOTS (CONTINUED)

State	Election Juris. in Survey	Total Ballots Submitted		Provisional Ballots Submitted by Voters and Disposition														Not Categorized Balance (See Notes)	
				Counted Full Ballot			Counted Part Ballot			Rejected Ballot			Other Disposition (See Comments)						
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.		
New Hampshire	320	0	320	0	320	...	0	320	...	0	320	...	0	320	...	0	...		
New Jersey	21	97,481	21	77,134	21	79.1		0	...	13,081	21	13.4	7,266	21	7.5	0	0.0		
New Mexico	33	6,630	26	1,100	18	16.6	206	14	3.1	2,110	22	31.8	1,150	4	17.3	2,064	31.1		
New York	62	451,868	61	322,537	61	71.4		0	...	129,227	61	28.6		0	...	104	0.0		
North Carolina	100	51,192	100	18,041	100	35.2	5,321	100	10.4	27,830	100	54.4		0	...	0	0.0		
North Dakota	53		0		0	...		0	...		0	...		0	...	0	...		
Ohio	88	208,087	88	171,626	88	82.5	2,139	88	1.0	34,322	88	16.5		0	...	0	0.0		
Oklahoma	77	5,313	77	1,724	77	32.4	0	77	0.0	3,589	77	67.6		0	...	0	0.0		
Oregon	36	1,771	36	57	36	3.2	1,639	36	92.5	75	36	4.2		0	...	0	0.0		
Pennsylvania	67	49,000	67	17,221	67	35.1	11,521	67	23.5	20,258	67	41.3		0	...	0	0.0		
Rhode Island	39	2,357	39	751	39	31.9	331	39	14.0	1,275	39	54.1	0	39	0.0	0	0.0		
South Carolina	46	5,473	23	3,365	23	61.5		0	...	2,108	23	38.5		0	...	0	0.0		
South Dakota	66	441	66	96	66	21.8	2	66	0.5	343	66	77.8	0	66	0.0	0	0.0		
Tennessee	95	7,089	95	1,623	95	22.9	0	95	0.0	5,466	95	77.1		0	...	0	0.0		
Texas	254	50,787	254	9,046	254	17.8		0	...	41,752	254	82.2		0	...	(11)	(0.0)		
Utah	29	53,483	29	43,283	29	80.9		0	...	10,198	29	19.1		0	...	2	0.0		
Vermont	246	19	227	13	103	68.4	0	101	0.0	5	103	26.3	1	30	5.3	0	0.0		
Virginia	134	12,862	134		0	...		0	...	8,096	134	62.9	4,766	134	37.1	0	0.0		
Washington	39	6,832	39	2,716	37	39.8	195	36	2.9	3,050	39	44.6		0	...	871	12.7		
West Virginia	55	3,152	40	2,031	40	64.4		0	...	1,121	40	35.6		0	...	0	0.0		
Wisconsin	3,541	135	3,541	44	3,541	32.6		0	...	77	3,541	57.0	32	3,541	23.7	(18)	(13.3)		
Wyoming	23	33	10	13	6	39.4		0	...	20	6	60.6		0	...	0	0.0		
American Samoa	1	0	1	0	1	...	0	1	...	0	1	...	0	1	...	0	...		
Guam	1	144	1	40	1	27.8	0	1	0.0	104	1	72.2		0	...	0	0.0		
Puerto Rico	1	12,715	1	9,647	1	75.9	0	1	0.0	3,068	1	24.1		0	...	0	0.0		
Virgin Islands	1																		
Sum of Above	8,154	2,702,470	7,652	1,790,294	7,200	66.2	180,571	1,480	6.7	651,372	7,012	24.1	67,603	4,191	2.5	12,630	0.5		
States Included		48		46			15			47			8			13			
Question		E1a		E1b			E1c			E1d			E1e+f			calc			

TABLE 34. PROVISIONAL BALLOTS SUBMITTED: DISPOSITION OF BALLOTS

Questions E1, E2. Number of voters who submitted provisional ballots, disposition of the ballots, and the reason for rejected ballots.

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Also, the term provisional is used here generically though the meaning, availability, and use will vary by State.

Question E1:

Arkansas: One jurisdiction noted that one voter was removed by error for felony but provided information which the election commissioners accepted; one voter was registered under her maiden name. Another jurisdiction noted that the majority of rejected ballots were from those voters who said they registered at DMV or DHS, and the county had received no information of their registration. Upon verification with DMV, only 2 of the voters had actually registered. A third jurisdiction commented, "Per county election commissioner."

California: One jurisdiction stated that it does not differentiate between fully counted and partially counted ballots when the data is input into the computer. A second jurisdiction commented, "No provisional ballots – all mail ballot election."

Idaho: Idaho is not required to use provisional ballots due to Election Day Registration.

Florida: One jurisdiction reported that out of the 16 rejected provisional ballots, everyone but two received voter history (see E2 and F1h).

Indiana: One jurisdiction stated, "Do not like provisional ballots." Three jurisdictions explicitly noted that no provisional ballots were cast during the 2012 general election. One jurisdiction reported "the already voted was an individual who voted by traveling board first, and then someone took her to vote on Election Day (a family member). She had in fact already voted though and most likely forgot because of her age." Another jurisdiction stated that most forms were incomplete even if the person was able to vote, and that forms are too complicated and poll workers don't do them. One jurisdiction commented, "Less categories, we don't know if they are registered out of state, even if they give Illinois ID." Another jurisdiction commented, "Since we are the home to a large university, we had many students who were not registered but tried to vote. Instead of turning them away, we instruct our workers to provide them with a provisional ballot which is then reviewed by the election board."

Maine: Municipal Clerks did not report figures in 11 jurisdictions. Kingsburg Plantation figures were included with Guilford. Hersey reported that it shares election workers with Moro Plantation. Edmunds Township figures were included with Dennysville.

Mississippi: One jurisdiction noted that its courthouse burned on 1/17/2013.

North Carolina: Two jurisdictions reported that the number of provisional ballots submitted do exceed the number of civilian absentee ballots transmitted.

North Dakota: North Dakota does not have provisional balloting.

New Hampshire: One jurisdiction commented, "Moderator challenged and rejected absentee ballots."

New Mexico: Four jurisdictions reported they issued no provisional ballots. One jurisdiction indicated that all provisional ballots were rejected. Another jurisdiction commented, "Handwritten provisional Excel spreadsheet."

Ohio: One jurisdiction noted that Ohio permits a registered voter who moves anywhere in the state who fails to timely update his or her address to vote a ballot provisionally in the voter's new precinct.

Pennsylvania: Philadelphia County experienced a change in leadership in the twelve months leading up to the election. In addition, key staff members also retired during that timeframe. As a result, a sufficient knowledge transfer was not conducted thus leading to mistakes in processing SURE jobs, poll book production, and general administration issues. These factors lead to omissions from regular and supplemental poll books which contributed to the high number (26,983) of provisional ballots that were cast. After a thorough analysis, the county concluded that only 7,077 provisional ballots should have been issued.

Virginia: VA does not collect stats on counted full vs. counted partial. General situation is full ballot 100% of the time.

Vermont: Three jurisdictions indicated they did not have any provisional ballots. Another jurisdiction commented that it does not usually need to offer provisional ballots as they have several State of Vermont affidavits; voters may use these to be reactivated or added on election day.

West Virginia: Fifteen jurisdictions commented, "County did not enter provisional ballot information into the Statewide Voter Registration System."

Question E2:

Arkansas: One jurisdiction stated, “No record of the voter having registered; the most common complaint from the voter is that he/she registered to vote through “motor voter,” registered at D.F.A but those records were never received by the county clerk.” Another jurisdiction indicated that the voters counted in E2j said they registered at DMV or DHS; no records found of their registration. A third jurisdiction commented that most were from DMV.

Arizona: One jurisdiction reported that for E2f the “ballot missing from envelope” total does not reflect 23 rejected ballots since these ballots were presumptively already counted at the polling location (i.e., fed through the optical scan reader as a regular ballot), so they cannot be considered a rejected provisional. Another jurisdiction stated, “The ‘Ballot missing from envelope’ total was (218) but this total is not included in the grand total of rejected ballots and not reported on our canvass since these ballots were presumptively already counted at the polling location (i.e., fed through the optical scan reader as a regular ballot), so they cannot be considered a provisional that would have been counted at central tabulation. For E2g (No signature), this total is not tracked separately and is instead included in the totals noted in E2e (Envelope and/or ballot was incomplete and/or illegible) and is categorized as ‘incomplete.’ For E2j (Not Eligible to Vote in this Election), this total includes voters who are registered (so therefore not proper to be part of E2a ‘Not Registered’) but registered AFTER the 29 day registration cutoff period prescribed for in Arizona State statute. As such, these voters were registered, but not eligible to participate or vote in this election.” A third jurisdiction noted that E2j refers to voters who registered after the statutory cutoff date; they are registered but not eligible to vote in the election.

California: One jurisdiction indicated that E2j refers to voters not registered in county. A second jurisdiction noted that the E2a total includes voters registered in within the State but not within Humboldt County. A third jurisdiction indicated that they cannot tell if a voter is registered in another county in the State or any other State; therefore, E2a represents voters not registered in the county itself. Another jurisdiction reported that E3g and E3h are combined. A fifth jurisdiction noted that for E2a it does not check registration outside of the city, and for E2b these voters indicated an address within California but not in the county itself. One jurisdiction indicated it has an all-mail election and does not have provisional ballots.

Idaho: Idaho is not required to use provisional ballots due to Election Day Registration.

Florida: One jurisdiction indicated that out of the 16 rejected provisional ballots, all but two received voter history (see E2 and F1h). A second jurisdiction reported that E2a represents a combination of “registered too late” and ineligible (not registered). Another jurisdiction commented, “Data: VR Report shows Statutory Rejection – Reasons do not match EAC choices. Here is the breakdown by statutory reason: Unable to establish eligibility: 1865, Signature of voter did not match: 38, Already voted Data: VR Report shows Statutory Rejection – Reasons do not match EAC choices. Here is the breakdown by statutory reason: Unable to establish eligibility: 1865, Signature of voter did not match: 38, Already voted early/absentee: 72, Wrong precinct: 368, Incorrect party for ballot: 0, Voter did not provide picture/signature ID: 4, Other: 1.” One jurisdiction stated, “They were all convicted felons.”

Indiana: One jurisdiction indicated, “Poll Worker Error: failed to initial ballot cards.” A second jurisdiction stated that ballots had a cancelled/rejected status because of voter registration acknowledgement cards being returned. A third jurisdiction reported, “No Challenge Form. Military Submitted FWAB, but according to the Indiana Election Division they must submit an application first. Absentee envelope not signed. Initials missing from ballot.” Another jurisdiction commented that it did not have any uncounted provisional ballots. A fifth jurisdiction stated that “Did not have Indiana ID and would not surrender Texas driver’s license; they registered at a WorkOne agency.” Another jurisdiction indicated that ballots were not activated by a poll worker. One jurisdiction stated that three were rejected because the voters moved outside of the State of Indiana and were also proven to be registered in the State they now live in; one was rejected because the voter was deceased; 30 were FWAB that were not eligible to be counted because the voter had not submitted an absentee ballot application. Another jurisdiction indicated that a voter had voted at polls and did not think this vote counted, so she did provisional and check totals, and she had actually voted. One jurisdiction indicated that reasons included late registration, not enough information, no reason given, and more than one same name. One jurisdiction stated that other includes those reasons in fields (E2a, E2b, E2f, E2g, E2h, E2i, E2k, and E2m) that it was unable to capture as they pertain to the survey. Another jurisdiction commented that the provisional ballot information is filed away in the basement with its election materials; time constraints hindered workers’ ability to scour through the sealed envelopes to find the requested information. Three jurisdictions indicated “expired driver licenses,” “they came right after the polls closed,” and “registration cancelled or rejected, no initials on ballot,” respectively.

Mississippi: One jurisdiction reported, “We had 579 provisional ballots – election already sealed.”

North Carolina: All counties: For E2a, a provisional would not count if the voter is not registered in his or her county of residence.

North Dakota: North Dakota does not have provisional balloting.

Pennsylvania: Twenty-eight counties commented, “Pennsylvania counties have the ability to select more than one rejection reason which was done in this case. As a result, the E2a though E2p can and will be greater than E1d.”

Texas: The “in the state” language makes the question Not Applicable for Texas counties. Provisional voting is at the county level would only check to see if the individual voter is eligible to vote within that county.

Vermont: Three jurisdictions explicitly indicated no provisional ballots.

Washington: Ballots for voters who voted in the wrong jurisdiction were sent to the appropriate county for counting.

TABLE 35A. PROVISIONAL BALLOTS SUBMITTED: DISPOSITION OF BALLOTS

State	Election Juris. in Survey	Ballots Rejected		Provisional Ballots Submitted by Voters and Disposition															Not Categorized Balance (See Notes)	
				Voter not Registered in State			Voter Registered but in Wrong Jurisdiction			Voter Registered but in Wrong Precinct			Failure to Provide Sufficient Identification			Incomplete/Illegible Envelope/Ballot				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	67	4,409	47		0	...		0	...		0	...		0	...		0	...	4,409	100.0
Alaska	1	245	1	67	1	27.3	0	1	0.0	0	1	0.0	6	1	2.4	115	1	46.9	57	23.3
Arizona	15	33,022	15	12,481	15	37.8	159	9	0.5	10,979	13	33.2	1,330	13	4.0	2,496	12	7.6	5,577	16.9
Arkansas	75	1,697	73	1,039	69	61.2	106	71	6.2	89	71	5.2	1	73	0.1	10	71	0.6	452	26.6
California	58	177,753	55	113,671	43	63.9	3,509	28	2.0	85	20	0.0	4,660	27	2.6	2,121	36	1.2	53,707	30.2
Colorado	64	9,870	64	5,001	64	50.7	2,562	64	26.0		0	...	280	64	2.8		0	...	2,027	20.5
Connecticut	169	843	169		0	...		0	...		0	...		0	...		0	...	843	100.0
Delaware	3	418	3	361	3	86.4	17	3	4.1	37	3	8.9	0	3	0.0	3	3	0.7	0	0.0
District of Columbia	1	3,245	1	0	1	0.0	0	1	0.0	1,999	1	61.6	943	1	29.1	142	1	4.4	161	5.0
Florida	67	18,106	67	10,305	63	56.9	304	40	1.7	2,905	54	16.0	137	41	0.8	236	37	1.3	4,219	23.3
Georgia	159		0		0	...		0	...		0	...		0	...		0	...	0	...
Hawaii	4	609	4	380	4	62.4	4	1	0.7	194	3	31.9	16	2	2.6	3	1	0.5	12	2.0
Idaho	44		0		0	...		0	...		0	...		0	...		0	...	0	...
Illinois	110	30,286	110	12,833	62	42.4	480	27	1.6	5,326	28	17.6	167	30	0.6		0	...	11,480	37.9
Indiana	92	3,997	76	232	46	5.8	1,247	56	31.2	546	51	13.7	452	58	11.3	108	50	2.7	1,412	35.3
Iowa	99	865	99	0	99	0.0	0	99	0.0	0	99	0.0	414	99	47.9	0	99	0.0	451	52.1
Kansas	105	13,487	105	3,768	105	27.9	6,057	105	44.9	302	105	2.2	525	105	3.9	205	105	1.5	2,630	19.5
Kentucky	120	237	120	80	120	33.8	143	120	60.3	5	120	2.1	3	120	1.3	0	120	0.0	6	2.5
Louisiana	64	4,253	64	1,912	64	45.0	560	64	13.2	41	64	1.0		0	...		0	...	1,740	40.9
Maine	500		0		0	...		0	...		0	...		0	...		0	...	0	...
Maryland	24	11,129	24	9,277	24	83.4		0	...		0	...	517	24	4.6	88	24	0.8	1,247	11.2
Massachusetts	351	9,621	351		0	...		0	...		0	...	48	351	0.5		0	...	9,573	99.5
Michigan	83	1,485	83	90	83	6.1	339	83	22.8	183	83	12.3	709	83	47.7		0	...	164	11.0
Minnesota	87		0		0	...		0	...		0	...		0	...		0	...	0	...
Mississippi	82	5,722	39	2,136	22	37.3	512	17	8.9	928	25	16.2	0	8	0.0	51	10	0.9	2,095	36.6
Missouri	116	4,511	112	76	1	1.7	234	1	5.2		0	...	2	1	0.0	56	114	1.2	4,143	91.8
Montana	56	268	56	8	4	3.0	9	3	3.4	18	8	6.7	8	5	3.0	1	1	0.4	224	83.6
Nebraska	93	3,258	93		0	...		0	...	852	93	26.2		0	...	211	93	6.5	2,195	67.4
Nevada	17	4,861	17	4,176	17	85.9	13	17	0.3	0	17	0.0	13	16	0.3	7	17	0.1	652	13.4

TABLE 35A. PROVISIONAL BALLOTS SUBMITTED: DISPOSITION OF BALLOTS (CONTINUED)

State	Election Juris. in Survey	Ballots Rejected		Provisional Ballots Submitted by Voters and Disposition															Not Categorized Balance (See Notes)	
				Voter not Registered in State			Voter Registered but in Wrong Jurisdiction			Voter Registered but in Wrong Precinct			Failure to Provide Sufficient Identification			Incomplete/Illegible Envelope/Ballot				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
New Hampshire	320	0	320	2	320	...	0	320	...	0	320	...	0	320	...	0	320	...	(2)	...
New Jersey	21	13,081	21		0	...	0	21	0.0		0	...	85	21	0.6		0	...	12,996	99.4
New Mexico	33	2,110	22	436	19	20.7	408	14	19.3	12	9	0.6	0	10	0.0	12	10	0.6	1,242	58.9
New York	62	129,227	61		0	...	94,240	57	72.9		0	...		0	...		0	...	34,987	27.1
North Carolina	100	27,830	100	20,056	100	72.1	69	100	0.2	0	100	0.0	691	100	2.5	260	100	0.9	6,754	24.3
North Dakota	53		0		0	...		0	...		0	...		0	...		0	...	0	...
Ohio	88	34,322	88	20,119	88	58.6	9,482	88	27.6	37	88	0.1	363	88	1.1	947	88	2.8	3,374	9.8
Oklahoma	77	3,589	77	1,888	77	52.6	13	77	0.4	1,523	77	42.4	164	77	4.6	0	77	0.0	1	0.0
Oregon	36	75	36	16	36	21.3		0	...		0	...		0	...		0	...	59	78.7
Pennsylvania	67	20,258	67	15,045	67	74.3	3,681	67	18.2	789	67	3.9		0	...	642	67	3.2	101	0.5
Rhode Island	39	1,275	39	1,189	39	93.3	67	39	5.3	0	39	0.0	12	39	0.9	1	39	0.1	6	0.5
South Carolina	46	2,108	23	38	3	1.8	59	5	2.8	1,299	10	61.6	27	6	1.3	259	3	12.3	426	20.2
South Dakota	66	343	66	100	66	29.2	32	66	9.3	15	66	4.4	2	65	0.6	0	66	0.0	194	56.6
Tennessee	95	5,466	95	3,439	95	62.9	215	95	3.9	286	95	5.2	416	95	7.6	384	95	7.0	726	13.3
Texas	254	41,752	254		0	...	2,823	218	6.8	3,645	215	8.7	71	215	0.2	579	216	1.4	34,634	83.0
Utah	29	10,198	29	6,494	29	63.7		0	...	2,018	29	19.8	1,195	29	11.7	156	29	1.5	335	3.3
Vermont	246	5	103	2	107	40.0	5	104	100.0	0	101	0.0	0	101	0.0	0	101	0.0	(2)	(40.0)
Virginia	134	8,096	134	107	35	1.3	68	32	0.8	32	28	0.4	13	24	0.2	5	25	0.1	7,871	97.2
Washington	39	3,050	39	1,224	39	40.1	1,506	39	49.4	23	39	0.8	11	39	0.4	0	39	0.0	286	9.4
West Virginia	55	1,121	40	194	40	17.3		0	...	511	40	45.6	28	40	2.5		0	...	388	34.6
Wisconsin	3,541	77	3,541		0	...		0	...		0	...		0	...		0	...	77	100.0
Wyoming	23	20	6		0	...		0	...		0	...	14	4	70.0		0	...	6	30.0
American Samoa	1	0	1	0	1	...	0	1	...	0	1	...	0	1	...	0	1	...	0	...
Guam	1	104	1	71	1	68.3	0	1	0.0	24	1	23.1	9	1	8.7	0	1	0.0	0	0.0
Puerto Rico	1	3,068	1	216	1	7.0	0	1	0.0	0	1	0.0	1	1	0.0	135	1	4.4	2,716	88.5
Virgin Islands	1																			
Sum of Above	8,154	651,372	7,012	248,529	2,073	38.2	128,923	2,155	19.8	34,703	2,185	5.3	13,333	2,401	2.0	9,233	2,073	1.4	216,651	33.3
States Included		47		37			31			29			35			27			44	
Question		E1d		E2a			E2b			E2c			E2d			E2e			calc	

TABLE 35B. PROVISIONAL BALLOTS: REASONS FOR REJECTION, PART B

State	Election Juris. in Survey	Ballots Rejected		Provisional Ballots Rejected and Resaon, Part B															Not Categorized Balance (See Notes)	
				Ballot Missing from Envelope			No Signature			No-matching Signature			Voter already Voted			Other (See Comments)				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	67	4,409	47		0	...		0	...		0	...		0	...		0	...	4,409	100.0
Alaska	1	245	1	30	1	12.2	0	1	0.0	0	1	0.0	10	1	4.1	17	1	6.9	188	76.7
Arizona	15	33,022	15	72	9	0.2	150	11	0.5	42	9	0.1	1,117	14	3.4	4,196	8	12.7	27,445	83.1
Arkansas	75	1,697	73	4	71	0.2	1	71	0.1	0	71	0.0	20	71	1.2	213	18	12.6	1,459	86.0
California	58	177,753	55	3,020	31	1.7	3,444	47	1.9	4,770	45	2.7	2,793	45	1.6	25,866	25	14.6	137,860	77.6
Colorado	64	9,870	64	52	64	0.5	114	64	1.2		0	...	704	64	7.1	1,157	64	11.7	7,843	79.5
Connecticut	169	843	169		0	...		0	...		0	...		0	...		0	...	843	100.0
Delaware	3	418	3	0	3	0.0	0	3	0.0	0	3	0.0	0	3	0.0		0	...	418	100.0
District of Columbia	1	3,245	1	23	1	0.7	80	1	2.5	0	1	0.0	58	1	1.8	0	1	0.0	3,084	95.0
Florida	67	18,106	67	21	36	0.1	225	42	1.2	182	47	1.0	390	52	2.2	3,388	36	18.7	13,900	76.8
Georgia	159		0		0	...		0	...		0	...		0	...		0	...	0	...
Hawaii	4	609	4	4	1	0.7	1	1	0.2		0	...	6	2	1.0	1	1	0.2	597	98.0
Idaho	44		0		0	...		0	...		0	...		0	...		0	...	0	...
Illinois	110	30,286	110		0	...	15	12	0.0	8	10	0.0		0	...	17,493	33	57.8	12,770	42.2
Indiana	92	3,997	76	0	41	0.0	7	43	0.2	10	41	0.3	6	42	0.2	933	53	23.3	3,041	76.1
Iowa	99	865	99	0	99	0.0	0	99	0.0		0	...	101	99	11.7	350	99	40.5	414	47.9
Kansas	105	13,487	105		0	...	860	105	6.4	406	105	3.0	225	105	1.7	360	105	2.7	11,636	86.3
Kentucky	120	237	120	0	120	0.0	1	120	0.4	0	120	0.0	0	120	0.0	5	5	2.1	231	97.5
Louisiana	64	4,253	64	40	64	0.9	28	64	0.7	9	64	0.2	12	64	0.3	1,651	64	38.8	2,513	59.1
Maine	500		0		0	...		0	...		0	...		0	...		0	...	0	...
Maryland	24	11,129	24	101	24	0.9	660	24	5.9		0	...	386	24	3.5	100	24	0.9	9,882	88.8
Massachusetts	351	9,621	351		0	...		0	...		0	...		0	...	9,573	351	99.5	48	0.5
Michigan	83	1,485	83		0	...	39	83	2.6		0	...		0	...		0	...	1,446	97.4
Minnesota	87		0		0	...		0	...		0	...		0	...		0	...	0	...
Mississippi	82	5,722	39	1	9	0.0	11	9	0.2	0	7	0.0	2	7	0.0	339	14	5.9	5,369	93.8
Missouri	116	4,511	112		0	...		0	...		0	...	167	109	3.7	3,962	78	87.8	382	8.5
Montana	56	268	56	4	3	1.5	120	10	44.8	47	5	17.5	27	6	10.1	26	6	9.7	44	16.4
Nebraska	93	3,258	93		0	...		0	...		0	...	32	93	1.0	2,139	93	65.7	1,087	33.4
Nevada	17	4,861	17	0	17	0.0	5	17	0.1	40	17	0.8	1	17	0.0	606	17	12.5	4,209	86.6

TABLE 35B. PROVISIONAL BALLOTS: REASONS FOR REJECTION, PART B (CONTINUED)

State	Election Juris. in Survey	Ballots Rejected		Provisional Ballots Rejected and Reason, Part B															Not Categorized Balance (See Notes)	
				Ballot Missing from Envelope			No Signature			Non-matching Signature			Voter Already Voted			Other (See Comments)				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
New Hampshire	320	0	320	0	320	...	0	320	...	0	320	...	0	320	...	0	320	...	0	...
New Jersey	21	13,081	21		0	...	30	21	0.2	169	21	1.3	398	21	3.0	2,353	21	18.0	10,131	77.4
New Mexico	33	2,110	22	0	10	0.0	2	9	0.1	0	9	0.0	4	9	0.2	462	6	21.9	1,642	77.8
New York	62	129,227	61		0	...		0	...		0	...		0	...	13,859	61	10.7	115,368	89.3
North Carolina	100	27,830	100	64	100	0.2	0	100	0.0	4	100	0.0	161	100	0.6	6,525	100	23.4	21,076	75.7
North Dakota	53		0		0	...		0	...		0	...		0	...		0	...	0	...
Ohio	88	34,322	88	197	88	0.6	2,026	88	5.9	242	88	0.7	793	88	2.3	116	88	0.3	30,948	90.2
Oklahoma	77	3,589	77	0	77	0.0	0	77	0.0	0	77	0.0	1	77	0.0		0	...	3,588	100.0
Oregon	36	75	36		0	...		0	...		0	...		0	...		0	...	75	100.0
Pennsylvania	67	20,258	67		0	...		0	...	22	67	0.1	441	67	2.2	3	67	0.0	19,792	97.7
Rhode Island	39	1,275	39	0	39	0.0	0	39	0.0	0	39	0.0	6	39	0.5	0	39	0.0	1,269	99.5
South Carolina	46	2,108	23		0	...	55	5	2.6		0	...	6	2	0.3	365	10	17.3	1,682	79.8
South Dakota	66	343	66	0	66	0.0	3	66	0.9	0	66	0.0	0	66	0.0	1	66	0.3	339	98.8
Tennessee	95	5,466	95	98	95	1.8	197	95	3.6	0	95	0.0	369	95	6.8	60	9	1.1	4,742	86.8
Texas	254	41,752	254	37	215	0.1	79	216	0.2	20	214	0.0	222	214	0.5		0	...	41,394	99.1
Utah	29	10,198	29		0	...		0	...		0	...	264	29	2.6		0	...	9,934	97.4
Vermont	246	5	103	0	101	0.0	0	101	0.0	0	101	0.0	0	101	0.0	0	19	0.0	5	100.0
Virginia	134	8,096	134	0	24	0.0	12	24	0.1	1	24	0.0	15	29	0.2	7,843	122	96.9	225	2.8
Washington	39	3,050	39	2	39	0.1	15	39	0.5	34	39	1.1	75	39	2.5	160	4	5.2	2,764	90.6
West Virginia	55	1,121	40		0	...		0	...	1	40	0.1	5	40	0.4	298	40	26.6	817	72.9
Wisconsin	3,541	77	3,541		0	...		0	...		0	...		0	...	0	3,541	0.0	77	100.0
Wyoming	23	20	6		0	...		0	...		0	...	1	1	5.0	5	3	25.0	14	70.0
American Samoa	1	0	1	0	1	...	0	1	...	0	1	...	0	1	...	0	1	...	0	...
Guam	1	104	1	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0		0	...	104	100.0
Puerto Rico	1	3,068	1	0	1	0.0	222	1	7.2	0	1	0.0	47	1	1.5	2,447	1	79.8	352	11.5
Virgin Islands	1																			
Sum of Above	8,154	651,372	7,012	3,770	1,771	0.6	8,402	2,030	1.3	6,007	1,849	0.9	8,865	2,279	1.4	106,872	5,614	16.4	517,456	79.4
States Included		47		17			27			17			34			34			47	
Question		E1d		E2f			E2g			E2h			E2i			E2j:p			calc	

TABLE 35B. PROVISIONAL BALLOTS: REASONS FOR REJECTION, PART B

State	Election Juris. in Survey	Ballots Rejected		Provisional Ballots Rejected and Reason, Part B															Not Categorized Balance (See Notes)	
				Ballot Missing from Envelope			No Signature			Non-matching Signature			Voter Already Voted			Other (See Comments)				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	67	4,409	47		0	...		0	...		0	...		0	...		0	...	4,409	100.0
Alaska	1	245	1	30	1	12.2	0	1	0.0	0	1	0.0	10	1	4.1	17	1	6.9	188	76.7
Arizona	15	33,022	15	72	9	0.2	150	11	0.5	42	9	0.1	1,117	14	3.4	4,196	8	12.7	27,445	83.1
Arkansas	75	1,697	73	4	71	0.2	1	71	0.1	0	71	0.0	20	71	1.2	213	18	12.6	1,459	86.0
California	58	177,753	55	3,020	31	1.7	3,444	47	1.9	4,770	45	2.7	2,793	45	1.6	25,866	25	14.6	137,860	77.6
Colorado	64	9,870	64	52	64	0.5	114	64	1.2		0	...	704	64	7.1	1,157	64	11.7	7,843	79.5
Connecticut	169	843	169		0	...		0	...		0	...		0	...		0	...	843	100.0
Delaware	3	418	3	0	3	0.0	0	3	0.0	0	3	0.0	0	3	0.0		0	...	418	100.0
District of Columbia	1	3,245	1	23	1	0.7	80	1	2.5	0	1	0.0	58	1	1.8	0	1	0.0	3,084	95.0
Florida	67	18,106	67	21	36	0.1	225	42	1.2	182	47	1.0	390	52	2.2	3,388	36	18.7	13,900	76.8
Georgia	159		0		0	...		0	...		0	...		0	...		0	...	0	...
Hawaii	4	609	4	4	1	0.7	1	1	0.2		0	...	6	2	1.0	1	1	0.2	597	98.0
Idaho	44		0		0	...		0	...		0	...		0	...		0	...	0	...
Illinois	110	30,286	110		0	...	15	12	0.0	8	10	0.0		0	...	17,493	33	57.8	12,770	42.2
Indiana	92	3,997	76	0	41	0.0	7	43	0.2	10	41	0.3	6	42	0.2	933	53	23.3	3,041	76.1
Iowa	99	865	99	0	99	0.0	0	99	0.0		0	...	101	99	11.7	350	99	40.5	414	47.9
Kansas	105	13,487	105		0	...	860	105	6.4	406	105	3.0	225	105	1.7	360	105	2.7	11,636	86.3
Kentucky	120	237	120	0	120	0.0	1	120	0.4	0	120	0.0	0	120	0.0	5	5	2.1	231	97.5
Louisiana	64	4,253	64	40	64	0.9	28	64	0.7	9	64	0.2	12	64	0.3	1,651	64	38.8	2,513	59.1
Maine	500		0		0	...		0	...		0	...		0	...		0	...	0	...
Maryland	24	11,129	24	101	24	0.9	660	24	5.9		0	...	386	24	3.5	100	24	0.9	9,882	88.8
Massachusetts	351	9,621	351		0	...		0	...		0	...		0	...	9,573	351	99.5	48	0.5
Michigan	83	1,485	83		0	...	39	83	2.6		0	...		0	...		0	...	1,446	97.4
Minnesota	87		0		0	...		0	...		0	...		0	...		0	...	0	...
Mississippi	82	5,722	39	1	9	0.0	11	9	0.2	0	7	0.0	2	7	0.0	339	14	5.9	5,369	93.8
Missouri	116	4,511	112		0	...		0	...		0	...	167	109	3.7	3,962	78	87.8	382	8.5
Montana	56	268	56	4	3	1.5	120	10	44.8	47	5	17.5	27	6	10.1	26	6	9.7	44	16.4
Nebraska	93	3,258	93		0	...		0	...		0	...	32	93	1.0	2,139	93	65.7	1,087	33.4
Nevada	17	4,861	17	0	17	0.0	5	17	0.1	40	17	0.8	1	17	0.0	606	17	12.5	4,209	86.6

TABLE 35B. PROVISIONAL BALLOTS: REASONS FOR REJECTION, PART B (CONTINUED)

State	Election Juris. in Survey	Ballots Rejected		Provisional Ballots Rejected and Reason, Part B															Not Categorized Balance (See Notes)	
				Ballot Missing from Envelope			No Signature			Non-matching Signature			Voter Already Voted			Other (See Comments)				
		Total	Cases	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
New Hampshire	320	0	320	0	320	...	0	320	...	0	320	...	0	320	...	0	320	...	0	...
New Jersey	21	13,081	21		0	...	30	21	0.2	169	21	1.3	398	21	3.0	2,353	21	18.0	10,131	77.4
New Mexico	33	2,110	22	0	10	0.0	2	9	0.1	0	9	0.0	4	9	0.2	462	6	21.9	1,642	77.8
New York	62	129,227	61		0	...		0	...		0	...		0	...	13,859	61	10.7	115,368	89.3
North Carolina	100	27,830	100	64	100	0.2	0	100	0.0	4	100	0.0	161	100	0.6	6,525	100	23.4	21,076	75.7
North Dakota	53		0		0	...		0	...		0	...		0	...		0	...	0	...
Ohio	88	34,322	88	197	88	0.6	2,026	88	5.9	242	88	0.7	793	88	2.3	116	88	0.3	30,948	90.2
Oklahoma	77	3,589	77	0	77	0.0	0	77	0.0	0	77	0.0	1	77	0.0		0	...	3,588	100.0
Oregon	36	75	36		0	...		0	...		0	...		0	...		0	...	75	100.0
Pennsylvania	67	20,258	67		0	...		0	...	22	67	0.1	441	67	2.2	3	67	0.0	19,792	97.7
Rhode Island	39	1,275	39	0	39	0.0	0	39	0.0	0	39	0.0	6	39	0.5	0	39	0.0	1,269	99.5
South Carolina	46	2,108	23		0	...	55	5	2.6		0	...	6	2	0.3	365	10	17.3	1,682	79.8
South Dakota	66	343	66	0	66	0.0	3	66	0.9	0	66	0.0	0	66	0.0	1	66	0.3	339	98.8
Tennessee	95	5,466	95	98	95	1.8	197	95	3.6	0	95	0.0	369	95	6.8	60	9	1.1	4,742	86.8
Texas	254	41,752	254	37	215	0.1	79	216	0.2	20	214	0.0	222	214	0.5		0	...	41,394	99.1
Utah	29	10,198	29		0	...		0	...		0	...	264	29	2.6		0	...	9,934	97.4
Vermont	246	5	103	0	101	0.0	0	101	0.0	0	101	0.0	0	101	0.0	0	19	0.0	5	100.0
Virginia	134	8,096	134	0	24	0.0	12	24	0.1	1	24	0.0	15	29	0.2	7,843	122	96.9	225	2.8
Washington	39	3,050	39	2	39	0.1	15	39	0.5	34	39	1.1	75	39	2.5	160	4	5.2	2,764	90.6
West Virginia	55	1,121	40		0	...		0	...	1	40	0.1	5	40	0.4	298	40	26.6	817	72.9
Wisconsin	3,541	77	3,541		0	...		0	...		0	...		0	...	0	3,541	0.0	77	100.0
Wyoming	23	20	6		0	...		0	...		0	...	1	1	5.0	5	3	25.0	14	70.0
American Samoa	1	0	1	0	1	...	0	1	...	0	1	...	0	1	...	0	1	...	0	...
Guam	1	104	1	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0		0	...	104	100.0
Puerto Rico	1	3,068	1	0	1	0.0	222	1	7.2	0	1	0.0	47	1	1.5	2,447	1	79.8	352	11.5
Virgin Islands	1																			
Sum of Above	8,154	651,372	7,012	3,770	1,771	0.6	8,402	2,030	1.3	6,007	1,849	0.9	8,865	2,279	1.4	106,872	5,614	16.4	517,456	79.4
States Included		47		17			27			17			34			34			47	
Question		E1d		E2f			E2g			E2h			E2i			E2j:p			calc	

TABLE 35. PROVISIONAL BALLOTS: REASONS FOR REJECTION, PARTS A AND B

Question E2, Number of provisional ballots rejected and the reason for rejection. [This table is broken into parts due to the large number of reasons tabulated.]

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

TABLE 36. USE OF ELECTRONIC POLL BOOKS/LISTS AT THE POLLING PLACE

State	Election Juris. in Survey	Total of Voters Participating	Cases	Sign Voters In				Update Vote History				Lookup Polling Places				Other Use (See Comments)			
				Yes		No		Yes		No		Yes		No		Yes		No	
				Total	Cases	Total	Cases	Total	Cases	Total	Cases	Total	Cases	Total	Cases	Total	Cases	Total	Cases
Alabama	67	2,083,309	67		0	2,083,309	67		0	2,083,309	67		0	2,083,309	67		0		0
Alaska	1	302,465	1		0	302,465	1		0	302,465	1		0	302,465	1		0		0
Arizona	15	2,323,579	15	143,789	2	2,179,790	13	143,789	2	2,179,790	13	21,823	1	2,301,756	14		0	932,743	14
Arkansas	75	1,080,809	75	115,236	8	965,573	67	73,661	3	1,007,148	72	120,432	6	960,377	69		0	1,080,809	75
California	58	13,096,097	57	142,493	2	12,828,688	51	296,416	3	12,617,093	49	718,743	6	12,315,020	48		0	8,605,732	35
Colorado	64	2,594,628	64	1,150,149	17	1,444,479	47	1,194,353	20	1,398,822	42	154,808	8	2,439,820	56	961,997	10	1,632,631	54
Connecticut	169	1,560,640	169		0	1,560,640	169		0	1,560,640	169		0	1,560,640	169		0	1,560,640	169
Delaware	3	417,631	3		0	417,631	3		0	417,631	3		0	417,631	3		0	417,631	3
District of Columbia	1	294,254	1		0	294,254	1		0	294,254	1	294,254	1		0		0		0
Florida	67	8,557,692	67	4,714,439	40	3,843,253	27	4,574,929	40	3,982,763	27	5,972,288	39	2,585,404	28	1,222,293	6	6,833,922	59
Georgia	159	3,910,557	159		0		0		0		0		0		0		0		0
Hawaii	4	436,774	4		0	436,774	4		0	436,774	4		0	436,774	4		0	372,871	3
Idaho	44	666,290	44		0	666,290	44		0	666,290	44		0	666,290	44		0		0
Illinois	110	5,339,488	110		0		0		0		0		0		0		0		0
Indiana	92	2,663,373	92	239,375	7	2,423,998	85	239,375	7	2,423,998	85		0		0		0		0
Iowa	99	1,589,951	99	957,491	53	632,460	46	957,491	53	632,460	46	957,491	53	632,460	46		0		0
Kansas	105	1,115,281	105	534,987	44	63,892	10	464,048	32	129,224	22	487,321	30	107,805	23	20,173	5	520,335	39
Kentucky	120	1,815,896	120		0	1,815,896	120		0	1,815,896	120		0	1,815,896	120		0	1,815,896	120
Louisiana	64	2,014,511	64		0	2,014,511	64		0	2,014,511	64		0	2,014,511	64		0	2,014,511	64
Maine	500	724,759	500		0	724,759	500		0	724,759	500		0	724,759	500		0	724,759	500
Maryland	24	2,734,189	24	2,734,189	24		0	2,734,189	24		0	2,734,189	24		0	2,734,189	24		0
Massachusetts	351	3,184,196	351		0		0		0		0		0		0		0		0
Michigan	83	4,780,701	83	4,744,484	78	36,217	5	4,744,484	78	36,217	5	4,744,484	78	36,217	5		0	4,780,701	83
Minnesota	87	2,950,780	87		0	2,950,780	87		0	2,950,780	87		0	2,950,780	87		0	2,950,780	87
Mississippi	82	889,914	58	24,364	4	809,875	53	793	1	826,546	55	66,835	2	754,209	53	17,727	2	237,226	16
Missouri	116	2,840,776	116	878,518	28	1,923,020	84	682,992	17	2,135,897	96	1,771,587	30	1,033,365	82	510,357	5	1,159,740	42
Montana	56	491,966	56		0	491,966	56		0	491,966	56		0	491,966	56		0		0
Nebraska	93	815,568	93		0	815,568	93		0	815,568	93		0	815,568	93		0	815,568	93
Nevada	17	1,017,772	17		0	1,017,772	17		0	1,017,772	17		0	1,017,772	17		0	1,017,772	17

TABLE 36. USE OF ELECTRONIC POLL BOOKS/LISTS AT THE POLLING PLACE (CONTINUED)

State	Election Juris. in Survey	Total of Voters Participating	Cases	Sign Voters In				Update Vote History				Lookup Polling Places				Other Use (See Comments)			
				Yes		No		Yes		No		Yes		No		Yes		No	
				Total	Cases	Total	Cases	Total	Cases	Total	Cases	Total	Cases	Total	Cases	Total	Cases	Total	Cases
New Hampshire	320	718,700	320		0	718,700	320		0	718,700	320	718,700	320		0		0	718,700	320
New Jersey	21	3,677,463	21		0	3,677,463	21		0	3,677,463	21		0	3,677,463	21		0	3,677,463	21
New Mexico	33	679,080	26	376,874	9	163,093	11	98,923	6	441,044	13	89,582	5	450,385	14	271,927	1	40,964	6
New York	62	7,128,852	62		0	7,128,852	62		0	7,128,852	62		0	7,128,852	62		0		0
North Carolina	100	4,539,729	100	4,539,729	100		0	4,539,729	100		0	4,539,729	100		0	4,539,729	100		0
North Dakota	53	326,239	53	210,254	8	115,985	45		0	326,239	53	198,489	7	127,750	46		0	326,239	53
Ohio	88	5,632,423	88	1,140,143	7	4,492,280	81	1,375,608	10	4,256,815	78	1,444,388	10	4,188,035	78		0	5,632,423	88
Oklahoma	77	1,343,380	77		0	1,343,380	77		0	1,343,380	77		0	1,343,380	77		0	1,343,380	77
Oregon	36	1,820,507	36		0	1,820,507	36		0	1,820,507	36		0	1,820,507	36		0	1,820,507	36
Pennsylvania	67	5,783,621	67		0	5,783,621	67		0	5,783,621	67		0	5,783,621	67		0		0
Rhode Island	39	451,593	39		0	451,593	39		0	451,593	39		0	451,593	39		0	451,593	39
South Carolina	46	1,981,516	46	1,742,248	29	239,268	17	1,742,248	29	239,268	17	1,742,248	29	239,268	17		0		0
South Dakota	66	368,816	66	24,513	5	344,303	61	23,535	4	345,281	62	14,546	4	354,270	62	21,542	2	347,274	64
Tennessee	95	2,480,182	95	451,468	3	2,028,714	92	438,634	2	2,041,548	93	894,254	6	1,585,928	89	256,796	2	2,223,386	93
Texas	254	7,993,851	254	4,252,658	156	2,664,599	79	4,252,658	156	2,664,599	79	4,252,658	156	2,664,599	79		0		0
Utah	29	1,023,036	29		0		0		0		0		0		0		0		0
Vermont	246	304,509	245	17,892	19	277,873	215	36,989	22	255,720	208	91,626	30	199,605	198	31,551	12	158,821	144
Virginia	134	3,896,846	134		0		0		0		0		0		0		0		0
Washington	39	3,206,490	39		0	3,206,490	39		0	3,206,490	39		0	3,206,490	39		0	3,206,490	39
West Virginia	55	685,099	55	7,161	1	677,938	54		0	685,099	55	7,161	1	677,938	54		0	685,099	55
Wisconsin	3,541	3,078,135	3,541		0	3,078,135	3,541		0	3,078,135	3,541		0	3,078,135	3,541		0	3,078,135	3,541
Wyoming	23	250,701	23		0	250,701	23		0	250,701	23		0	250,701	23		0	250,701	23
American Samoa	1	13,167	1	13,167	1		0	13,167	1		0	13,167	1		0	13,167	1		0
Guam	1	34,075	1		0	34,075	1		0	34,075	1		0	34,075	1		0	34,075	1
Puerto Rico	1	1,878,969	1		0	1,878,969	1		0	1,878,969	1		0	1,878,969	1		0	1,878,969	1
Virgin Islands	1																		
Sum of Above	8,154	131,590,825	8,120	29,155,621	645	83,120,399	6,596	28,628,011	610	83,590,672	6,623	32,050,803	947	77,606,358	6,193	10,601,448	170	63,348,486	6,074
States Included				23		46		21		46		24		43		12		35	
Question		F1a		f4a_y		f4a_n		f4b_y		f4b_n		f4c_y		f4c_n		f4d_y		f4d_n	

TABLE 36. USE OF ELECTRONIC POLL BOOKS/LISTS AT THE POLLING PLACE

Questions F1, F4. Use of electronic poll books at the polling place and the number of voters participating in these polling places.

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Question F4:

Arkansas: sing electronic poll book was new for Perry County; two polling places in this jurisdiction used electronic poll books to sign voters in.

Arizona: One jurisdiction commented in reference to F4c that laptops were used with voter registration to look up voters. Pinal County did not use electronic poll books in the 2012 general election cycle.

California: One jurisdiction commented that only three of its polling places used electronic poll books; the remaining 95 polling places used paper rosters. Another jurisdiction reported that an electronic list was used for early voting only. A third jurisdiction indicated, “All mail ballot election.” A fourth jurisdiction reported using electronic poll books in 60 of 144 precincts; in each case, a signature was captured on a paper poll book. Sonoma County provided precinct officers a Palm Pilot (Election Assistant) to help voters locate their correct polling location for voters; there is no data collected on these devices.

Colorado: One county stated, “Principal use of electronic poll books is to print signature card labels, which in turn gives voter credit for voting at polling place. The voting credit data was then exported from electronic poll books and uploaded into the statewide voter registration system, effectively updating voter history. Electronic poll books were programmed for the entire county, so they could also be used to direct voters to correct precinct or clerk’s office, if appropriate (e.g., poll book reflected mail-in ballot was sent to voter, etc.).”

Illinois: Two jurisdictions commented that electronic poll lists are used in “some” or “a few” polling places.

Florida: Three jurisdictions stated they used electronic lists or poll books during early voting to sign in voters and update voter history but not on election day. One of these jurisdictions also stated that Palm Pilots are used on election day. A different jurisdiction stated that it used a voter focus counter program for Early Voting only. One jurisdiction stated that it used EVIDs at five precincts; for the three remaining counties it used a paper precinct register, but used an EVID during early voting. Another jurisdiction specified that EVID machines were used for voter look up, check-in, voter signature and to tabulate history. One jurisdiction simply indicated, “VR – EviDs.” Another jurisdiction stated that laptops with complete county rolls are provided to each polling place to expedite voter lookup on election day and reduce the necessity for calls to the office. One jurisdiction stated that electronic poll books were only used in four out of 16 precincts. Another jurisdiction simply indicated, “Look up voter’s eligibility.”

Indiana: The State is aware that some counties set up PCs at polling locations to allow staff or voters to look up polling locations on the SVRS Public Portal (www.indianavoters.com). They used the public portal to reduce security concerns, rather than setting up a PC linked to SVRS. However, the State did not collect this information as part of the 2012 General Election survey. Additionally, in the State of Indiana, Electronic Poll Books refer to a jurisdiction utilizing Vote Centers. In these counties, “at the polling place” refers to “at the Vote Center locations.”

Michigan: Electronic Poll books and lists of voters are utilized in 80% of precincts.

Missouri: One jurisdiction indicated that electronic poll books are used at two polling locations, and another jurisdiction reported using electronic poll books at eight out of 15 polling locations. Two jurisdictions reported using Palm Pilots to verify voter status.

Mississippi: One jurisdiction commented that the poll books and sign-in sheets are not electronic. Another jurisdiction stated, “Call Circuit Clerk office and they were told where to go.”

New Mexico: One jurisdiction stated that it only uses a ballot on demand and the IPower for early voting and absentee, not for election day polling places.

New York: Not yet accommodated in current statutes.

Ohio: One jurisdiction reported using an electronic poll book in one of its 474 polling places. A second jurisdiction indicated, “Not in every precinct.”

Puerto Rico: Puerto Rico used paper voter rolls that voters sign in at the polling station after showing their Voter Identification card, and then they are provided with their paper ballots. According to Joint Resolution No. 44 of June 3, 2011, the State Election Commission has a mandate to adopt and implement a statewide optical scanning vote counting system complemented with an electronic poll book system.

Vermont: One jurisdiction commented that voter history was updated electronically but not at the polling places and not on the day of the election. Another jurisdiction stated that all voters are checked in manually from its checklist. A third jurisdiction reported that the internet was not available at the polling location, while another jurisdiction stated, “Nothing electronic at the polling place.” One jurisdiction stated that an electronic list was used to research and evaluate if a voter had been removed from the checklist. Another jurisdiction simply commented, “We use an entrance and exit checklist.”

Washington: We do not have poll sites. Our voting centers are countywide. Any voters on the accessible voting units would be looked up in the voter registration system to see if they have already returned a ballot before voting.

TABLE 37. SOURCE OF POLL BOOKS USED AT THE POLLING PLACE

State	Election Juris. in Survey	Total of Voters Participating	Cases	State Printed Poll Books and Shipped to Jurisdiction			Jurisdiction Arranged for Printing of Poll Books			Combination of State and Local Jurisdiction			Information Unavailable			Other or None Indicated (See Comments)			Not Categorized Balance (See Notes)	
				Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	67	2,083,309	67		0	...	2,083,309	67	100.0		0	...		0	...		0	...	0	0.0
Alaska	1	302,465	1	302,465	1	100.0		0	...		0	...		0	...		0	...	0	0.0
Arizona	15	2,323,579	15		0	...	2,179,790	13	93.8		0	...		0	...	143,789	2	6.2	0	0.0
Arkansas	75	1,080,809	75		0	...	1,040,656	73	96.3		0	...	24,522	1	2.3	15,631	1	1.4	0	0.0
California	58	13,096,097	57		0	...	12,879,672	51	98.3		0	...	12,624	3	0.1	203,801	3	1.6	0	0.0
Colorado	64	2,594,628	64		0	...	2,594,628	64	100.0		0	...		0	...		0	...	0	0.0
Connecticut	169	1,560,640	169		0	...	1,560,640	169	100.0		0	...		0	...		0	...	0	0.0
Delaware	3	417,631	3		0	...		0	...	417,631	3	100.0		0	...		0	...	0	0.0
District of Columbia	1	294,254	1		0	...	294,254	1	100.0		0	...		0	...		0	...	0	0.0
Florida	67	8,557,692	67		0	...	7,038,699	54	82.2		0	...	1,058,750	3	12.4	460,243	10	5.4	0	0.0
Georgia	159	3,910,557	159		0	...		0	...		0	...		0	...	3,910,557	159	100.0	0	0.0
Hawaii	4	436,774	4	436,774	4	100.0		0	...		0	...		0	...		0	...	0	0.0
Idaho	44	666,290	44		0	...	666,290	44	100.0		0	...		0	...		0	...	0	0.0
Illinois	110	5,339,488	110		0	...		0	...		0	...		0	...	5,339,488	110	100.0	0	0.0
Indiana	92	2,663,373	92		0	...	2,663,373	92	100.0		0	...		0	...		0	...	0	0.0
Iowa	99	1,589,951	99		0	...	1,589,951	99	100.0		0	...		0	...		0	...	0	0.0
Kansas	105	1,115,281	105		0	...		0	...		0	...		0	...	1,115,281	105	100.0	0	0.0
Kentucky	120	1,815,896	120	1,815,896	120	100.0		0	...		0	...		0	...		0	...	0	0.0
Louisiana	64	2,014,511	64	2,014,511	64	100.0		0	...		0	...		0	...		0	...	0	0.0
Maine	500	724,759	500	1,430	17	0.2	723,329	483	99.8		0	...		0	...		0	...	0	0.0
Maryland	24	2,734,189	24		0	...	2,734,189	24	100.0		0	...		0	...		0	...	0	0.0
Massachusetts	351	3,184,196	351		0	...		0	...		0	...		0	...	3,184,196	351	100.0	0	0.0
Michigan	83	4,780,701	83		0	...		0	...	4,780,701	83	100.0		0	...		0	...	0	0.0
Minnesota	87	2,950,780	87	1,293,451	13	43.8	1,657,329	74	56.2		0	...		0	...		0	...	0	0.0
Mississippi	82	889,914	58		0	...	878,172	56	98.7	6,900	1	0.8		0	...	4,842	1	0.5	0	0.0
Missouri	116	2,840,776	116	18,541	1	0.7	2,322,009	105	81.7		0	...	66,843	3	2.4	433,383	7	15.3	0	0.0
Montana	56	491,966	56		0	...	491,966	56	100.0		0	...		0	...		0	...	0	0.0
Nebraska	93	815,568	93		0	...	815,568	93	100.0		0	...		0	...		0	...	0	0.0
Nevada	17	1,017,772	17		0	...	1,017,772	17	100.0		0	...		0	...		0	...	0	0.0

TABLE 37. SOURCE OF POLL BOOKS USED AT THE POLLING PLACE (CONTINUED)

State	Election Juris. in Survey	Total of Voters Participating	Cases	State Printed Poll Books and Shipped to Jurisdiction			Jurisdiction Arranged for Printing of Poll Books			Combination of State and Local Jurisdiction			Information Unavailable			Other or None Indicated (See Comments)			Not Categorized Balance (See Notes)	
				Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
New Hampshire	320	718,700	320		0	...	718,700	320	100.0		0	...		0	...		0	...	0	0.0
New Jersey	21	3,677,463	21		0	...	3,677,463	21	100.0		0	...		0	...		0	...	0	0.0
New Mexico	33	679,080	26	607	1	0.1	205,287	14	30.2		0	...	10,685	1	1.6	462,501	10	68.1	0	0.0
New York	62	7,128,852	62		0	...	7,128,852	62	100.0		0	...		0	...		0	...	0	0.0
North Carolina	100	4,539,729	100		0	...	4,204,769	92	92.6		0	...		0	...	334,960	8	7.4	0	0.0
North Dakota	53	326,239	53		0	...	235,170	50	72.1		0	...	11,765	1	3.6	79,304	2	24.3	0	0.0
Ohio	88	5,632,423	88		0	...	5,632,423	88	100.0		0	...		0	...		0	...	0	0.0
Oklahoma	77	1,343,380	77		0	...	1,343,380	77	100.0		0	...		0	...		0	...	0	0.0
Oregon	36	1,820,507	36		0	...		0	...		0	...		0	...	1,820,507	36	100.0	0	0.0
Pennsylvania	67	5,783,621	67		0	...	5,783,621	67	100.0		0	...		0	...		0	...	0	0.0
Rhode Island	39	451,593	39		0	...	451,593	39	100.0		0	...		0	...		0	...	0	0.0
South Carolina	46	1,981,516	46	1,981,516	46	100.0		0	...		0	...		0	...		0	...	0	0.0
South Dakota	66	368,816	66		0	...	368,816	66	100.0		0	...		0	...		0	...	0	0.0
Tennessee	95	2,480,182	95		0	...	2,480,182	95	100.0		0	...		0	...		0	...	0	0.0
Texas	254	7,993,851	254		0	...	7,993,851	254	100.0		0	...		0	...		0	...	0	0.0
Utah	29	1,023,036	29		0	...		0	...		0	...		0	...	1,023,036	29	100.0	0	0.0
Vermont	246	304,509	245	5,295	6	1.7	250,473	187	82.3	10,678	12	3.5	33,496	33	11.0	4,567	7	1.5	0	0.0
Virginia	134	3,896,846	134		0	...	3,896,846	134	100.0		0	...		0	...		0	...	0	0.0
Washington	39	3,206,490	39		0	...		0	...		0	...	3,206,490	39	100.0		0	...	0	0.0
West Virginia	55	685,099	55		0	...	655,816	53	95.7		0	...		0	...	29,283	2	4.3	0	0.0
Wisconsin	3,541	3,078,135	3,541		0	...		0	...		0	...		0	...	3,078,135	3,541	100.0	0	0.0
Wyoming	23	250,701	23		0	...	250,701	23	100.0		0	...		0	...		0	...	0	0.0
American Samoa	1	13,167	1		0	...	13,167	1	100.0		0	...		0	...		0	...	0	0.0
Guam	1	34,075	1		0	...	34,075	1	100.0		0	...		0	...		0	...	0	0.0
Puerto Rico	1	1,878,969	1	1,878,969	1	100.0		0	...		0	...		0	...		0	...	0	0.0
Virgin Islands	1																			
Sum of Above	8,154	131,590,825	8,120	9,749,455	274	7.4	90,556,781	3,279	68.8	5,215,910	99	4.0	4,425,175	84	3.4	21,643,504	4,384	16.4	0	0.0
States Included				11			38			4			8			18			0	
Question		F1a		F6.1			F6.2			F6.3			F6.4			F6.rem			calc	

TABLE 37. SOURCE OF POLL BOOKS USED AT THE POLLING PLACE

Questions F1, F6. Source of poll books used at the polling place and the number of voters participating in these polling places

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Question F6:

Alaska: The State of Alaska conducts federal and state elections and the poll books were provided directly to the poll workers by the state.

Arkansas: One jurisdiction indicated it does not use printed books. Two jurisdictions reported that the County Clerk's Office prints poll books.

California: One jurisdiction commented, "No polls." Another jurisdiction stated that poll books are printed by a local vendor. A third jurisdiction stated that poll books are printed in-house. One jurisdiction indicated, "All mail ballot election."

District of Columbia: District prints poll books and operates the polling places.

Florida: One jurisdiction reported that it printed its poll registers in-house. A second jurisdiction reported that its three largest precincts used EViDs (electronic poll books) while the remaining precincts used printed poll books on election day; early voting used EViDs. Another jurisdiction indicated that printed poll books were not used at the polls.

Maryland: Printed poll books were used as a backup to electronic poll books.

Maine: Seventeen jurisdictions commented, "Municipality lacks internet connection."

Michigan: Counties purchase poll books designed by State from commercial vendors and supply to local jurisdictions.

Missouri: One jurisdiction indicated, "Backup for epollbook only." Another jurisdiction stated that poll books were printed from MCVR in County Clerk's Office. One jurisdiction also stated that these are printed by the County Clerk's office, while a different jurisdiction stated that it prints out of MCVER. Five jurisdictions stated that they print their poll books in-house.

Mississippi: One jurisdiction reported that poll books were printed for all precincts in the Circuit Clerk's office.

New Mexico: One jurisdiction commented that signature rosters are printed at the county level.

Virginia: State provided ready PDF files to jurisdictions.

Vermont: One jurisdiction stated that printed lists of registered voters are used. A second jurisdiction noted that the checklist prints directly from the voter registration database. A third jurisdiction reported using paper ballots that go through its Accuvote system (machine), which prints the totals at the close of the voting day; they are supposed to correspond to the number of voters checked off the voter checklist. One jurisdiction commented, "Checklist," and another reported no poll books. Another jurisdiction reported that a list is run from State website and printed in local office. Six jurisdictions stated that town checklists are printed from Statewide HAVA checklist. Two jurisdictions reported not using poll books, though one stated this is only true if these do not refer to voter checklists. Similarly, one jurisdiction commented, "Not a 'poll book.' It was a checklist." One jurisdiction stated that the town printed poll books. Another jurisdiction reported that the only printing the State provides is the ballots. Election officials reported printing and distributing checklists themselves.

Washington: Printed poll books not used.

TABLE 38. FIRST-TIME MAIL REGISTRANTS; USE OF PRINTED REGISTRATION LISTS AT THE POLLING PLACE

State	Election Jurisdiction in Survey	Total of Voters Participating	Cases	Number of First-time Mail Registrants (Voted or Not)		Use of Printed Lists at the Polls					
						Yes		No		Info. Unavailable	
				Total	Cases	Total	Cases	Total	Cases	Total	Cases
Alabama	67	2,083,309	67		0	2,083,309	67		0		0
Alaska	1	302,465	1		0	302,465	1		0		0
Arizona	15	2,323,579	15		0	2,179,790	13	143,789	2		0
Arkansas	75	1,080,809	75	1,660	14	1,040,656	73	40,153	2		0
California	58	13,096,097	57	13,737	36	12,889,818	52	656	1	1,822	1
Colorado	64	2,594,628	64		0	1,551,434	47	1,043,194	17		0
Connecticut	169	1,560,640	169		0	1,560,640	169		0		0
Delaware	3	417,631	3		0	417,631	3		0		0
District of Columbia	1	294,254	1	756	1	294,254	1		0		0
Florida	67	8,557,692	67	3,857	54	6,573,560	50	1,984,132	17		0
Georgia	159	3,910,557	159		0		0		0		0
Hawaii	4	436,774	4	24	1	436,774	4		0		0
Idaho	44	666,290	44		0	666,290	44		0		0
Illinois	110	5,339,488	110		0		0		0		0
Indiana	92	2,663,373	92	11,754	92	2,423,998	85	239,375	7		0
Iowa	99	1,589,951	99		0	1,589,951	99		0		0
Kansas	105	1,115,281	105		0	484,618	35	108,295	19	519,520	50
Kentucky	120	1,815,896	120		0	1,815,896	120		0		0
Louisiana	64	2,014,511	64	70,106	64	2,014,511	64		0		0
Maine	500	724,759	500	4,101	500	724,759	500		0		0
Maryland	24	2,734,189	24		0	2,734,189	24		0		0
Massachusetts	351	3,184,196	351		0		0		0		0
Michigan	83	4,780,701	83		0	3,911,667	64	869,034	19		0
Minnesota	87	2,950,780	87	991	87	2,950,780	87		0		0
Mississippi	82	889,914	58	77	5	880,956	56	8,958	2		0
Missouri	116	2,840,776	116	2,678	1	2,362,174	108	478,602	8		0
Montana	56	491,966	56		0	491,966	56		0		0
Nebraska	93	815,568	93		0	815,568	93		0		0
Nevada	17	1,017,772	17	252	9	1,017,772	17		0		0

TABLE 38. FIRST-TIME MAIL REGISTRANTS; USE OF PRINTED REGISTRATION LISTS AT THE POLLING PLACE (CONTINUED)

State	Election Jurisdiction in Survey	Total of Voters Participating	Cases	Number of First-time Mail Registrants (Voted or Not)		Use of Printed Lists at the Polls					
						Yes		No		Info. Unavailable	
				Total	Cases	Total	Cases	Total	Cases	Total	Cases
New Hampshire	320	718,700	320	384	320	718,700	320		0		0
New Jersey	21	3,677,463	21		0	3,677,463	21		0		0
New Mexico	33	679,080	26	341	6	225,986	16	334,108	4		0
New York	62	7,128,852	62		0	7,128,852	62		0		0
North Carolina	100	4,539,729	100	12,490	100	4,204,769	92	334,960	8		0
North Dakota	53	326,239	53		0	235,170	50	91,069	3		0
Ohio	88	5,632,423	88	2,168	11	5,614,754	86	6,967	1		0
Oklahoma	77	1,343,380	77		0	1,343,380	77		0		0
Oregon	36	1,820,507	36		0		0	1,820,507	36		0
Pennsylvania	67	5,783,621	67		0	5,783,621	67		0		0
Rhode Island	39	451,593	39		0	451,593	39		0		0
South Carolina	46	1,981,516	46		0	1,981,516	46		0		0
South Dakota	66	368,816	66	3	1	368,816	66		0		0
Tennessee	95	2,480,182	95		0	2,480,182	95		0		0
Texas	254	7,993,851	254	84,707	253		0		0	7,993,851	254
Utah	29	1,023,036	29		0		0		0		0
Vermont	246	304,509	245	442	88	298,808	239	5,178	5		0
Virginia	134	3,896,846	134	1,780	115		0		0		0
Washington	39	3,206,490	39	379	39		0	3,206,490	39		0
West Virginia	55	685,099	55		0	655,816	53	29,283	2		0
Wisconsin	3,541	3,078,135	3,541	11,902	3,541	3,078,135	3,541		0		0
Wyoming	23	250,701	23		0	250,701	23		0		0
American Samoa	1	13,167	1		0	13,167	1		0		0
Guam	1	34,075	1		0	34,075	1		0		0
Puerto Rico	1	1,878,969	1		0	1,878,969	1		0		0
Virgin Islands	1										
Sum of Above	8,154	131,590,825	8,120	224,589	5,338	94,639,899	6,828	10,744,750	192	8,515,193	305
States Included						46		18		3	
Question		F1a		F3		F5.1		F5.2		F5.3	

TABLE 38. FIRST-TIME MAIL REGISTRANTS; USE OF PRINTED REGISTRATION LISTS AT THE POLLING PLACE

Questions F1, F3, F5. First-time mail registrants. Uses of printed registration lists at the polling place with the number of voters participating in these polling places.

Question F3:

Arkansas: One jurisdiction reported, “Must show ID is in each poll book, then have to check each voter history to see if they were a first time voter.”

Arizona: Proof of Identity (ID verification) is required at the polls for ALL Arizona voters and not just first time voters. As such, this “first-time” voter identification requirement is not applicable to State of Arizona.

California: One jurisdiction commented, “Total Qty was: 284 Not broken out between VBM and Polls.”

Idaho: Idaho Code requires all voters to show ID or sign a Personal Identification Affidavit prior to voting. If a voter registered on Election Day, they were required to show a photo ID and proof of residence prior to registering and voting.

Delaware: Do not collect this data.

Florida: One jurisdiction indicated, “VR-reports.” Another jurisdiction indicated none that it was aware of. A third jurisdiction reported that all voters’ IDs are checked, and a fourth jurisdiction stated, “ID provided by voter.”

Louisiana: Total includes all first-time voter mail registrants regardless of voter registration date.

Maryland: Not applicable.

Mississippi: One jurisdiction commented, “Courthouse burned 1/17/2013.”

Montana: Montana requires all voters to provide ID.

North Dakota: North Dakota does not have voter registration.

New Mexico: One jurisdiction stated that the above includes people who came into the office in person; in-person voters (registrants) do not require ID.” Another jurisdiction commented, “ID required Statistics Report.”

Nevada: Five jurisdictions indicated that they do not track this information.

Oklahoma: Effective 7-1-2011, Oklahoma requires “proof of identity” from all in-person voters (early voting or at polling place on election day).

Oregon: Did not track origin.

Puerto Rico: Puerto Rico is exempt from the NVRA, as the rest of the territories, and the HAVA 303(b) mail in registration applies to NVRA jurisdictions.

Vermont: One jurisdiction indicated that this number is the people who were able to vote; it does not keep track of who and if they actually cast a ballot. A second jurisdiction reported that no first time voters submitted their registration by mail. Another jurisdiction noted that verifiable numbers are uncertain due to clerk turnover. One jurisdiction commented that the Town Clerk registers and knows everyone. One election official stated, “I send letters out to the first time voters telling them I need identification and they either come in or mail me a copy of their ID before the election.”

Question F5:

Arkansas: One jurisdiction commented, “No – Electronic Pollbooks.”

California: One jurisdiction reported no polls. Another jurisdiction indicated, “Alpha Roster/Street Index.” A third jurisdiction noted that it ran an all-mail ballot election.

Colorado: Nine jurisdictions reported using signature cards; one of these jurisdictions reported that poll books were also available, and another indicated that it also used a poll book exported into a “Master Voter List.” Four jurisdictions reported using poll books as a backup, and one jurisdiction commented, “Printed poll books were deployed as back-ups to electronic poll books. Some polling places used the paper poll books to make initial determination of whether voter was in correct precinct and entitled to vote an official rather than provisional ballot. Problematic voters could be directed quickly to the provisional ballot judges without waiting in line, if appropriate.” One jurisdiction indicated it had a third backup, a PDF file.

Florida: One jurisdiction reported that printed lists were used at the polls on election day, and two jurisdictions reported using printed lists in some of their precincts. Eight jurisdictions reported using printed lists as a backup in their polling places (e.g., in the event of a power outage). One jurisdiction reported only using EViDs, and another jurisdiction reported that it used EViDs (electronic poll books) for voter check-in during early voting.

Maryland: Used as a backup to electronic poll books.

Michigan: Paper poll books and printed lists of voters are utilized in 20% of precincts.

Missouri: Two jurisdictions reported using printed lists as a backup in case electronic poll books did not work. Another jurisdiction stated that it used printed lists at six polling locations.

New Mexico: One jurisdiction commented, "Absentee only," and another jurisdiction reported a mixed use of list/computer.

Nevada: Nine jurisdictions reported using both labels for early voting and a pre-printed roster on election day. Eight jurisdictions reported using only pre-printed rosters.

South Carolina: One jurisdiction commented, "Used as a backup if electronic list was used."

Tennessee: One jurisdiction indicated that paper poll books were used for election day, while early voting is PC direct connect to database. Another jurisdiction stated that it used electronic poll books on election day, but paper signature lists were prepared as a backup in case of an emergency.

Vermont: Two jurisdictions commented that their checklists were printed from HAVA. One jurisdiction indicated, "Voter checklist."

West Virginia: One jurisdiction reported that it uses poll books with registration cards.

TABLE 39. NUMBER AND AGES OF POLL WORKERS

State	Election Juris. in Survey	Number of Poll Workers Total	Cases	Under 18		18 to 25		26 to 40		41 to 60		61 to 70		71 and Over		Balance (See Notes)	
				Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.
Alabama	67		0		...		...		...		...		...		...	0	...
Alaska	1	2,499	1		...		...		...		...		...		...	2,499	100.0
Arizona	15	11,700	15	229	2.0	280	2.4	395	3.4	1,763	15.1	2,405	20.6	1,951	16.7	4,677	40.0
Arkansas	75	9,346	72	2	0.0	73	0.8	231	2.5	743	7.9	1,365	14.6	1,348	14.4	5,584	59.7
California	58	89,440	57	12,750	14.3	5,263	5.9	7,743	8.7	18,836	21.1	11,068	12.4	8,338	9.3	25,442	28.4
Colorado	64	10,790	64	437	4.1	175	1.6	281	2.6	1,345	12.5	1,301	12.1	835	7.7	6,416	59.5
Connecticut	169	4,464	169		...		...		...		...		...		...	4,464	100.0
Delaware	3	4,129	3	228	5.5	293	7.1	298	7.2	1,460	35.4	1,028	24.9	822	19.9	0	0.0
District of Columbia	1	1,708	1	2	0.1	238	13.9	138	8.1	697	40.8	362	21.2	194	11.4	77	4.5
Florida	67	52,086	67	128	0.2	1,558	3.0	2,498	4.8	10,483	20.1	11,293	21.7	11,488	22.1	14,638	28.1
Georgia	159		0		...		...		...		...		...		...	0	...
Hawaii	4	2,583	3	315	12.2	301	11.7	245	9.5	1,005	38.9	703	27.2	401	15.5	(387)	(15.0)
Idaho	44	5,860	44	30	0.5	182	3.1	450	7.7	1,670	28.5	1,765	30.1	1,563	26.7	200	3.4
Illinois	110	49,357	110		...		...		...		...		...		...	49,357	100.0
Indiana	92	22,427	81	61	0.3	247	1.1	405	1.8	1,782	7.9	1,733	7.7	1,527	6.8	16,672	74.3
Iowa	99	9,821	99		...		...		...		...		...		...	9,821	100.0
Kansas	105	8,374	105		...		...		...		...		...		...	8,374	100.0
Kentucky	120	15,290	120		...		...		...		...		...		...	15,290	100.0
Louisiana	64	17,782	64		...		...		...		...		...		...	17,782	100.0
Maine	500	5,983	499	20	0.3	106	1.8	413	6.9	2,154	36.0	1,923	32.1	1,367	22.8	0	0.0
Maryland	24	23,603	24	252	1.1	1,017	4.3	1,937	8.2	8,874	37.6	6,800	28.8	3,798	16.1	925	3.9
Massachusetts	351	18,946	348		...		...		...		...		...		...	18,946	100.0
Michigan	83	37,206	83	1,349	3.6	2,201	5.9	2,954	7.9	10,899	29.3	11,877	31.9	7,926	21.3	0	0.0
Minnesota	87	27,602	87		...		...		...		...		...		...	27,602	100.0
Mississippi	82	6,974	57	0	0.0	94	1.3	197	2.8	529	7.6	798	11.4	555	8.0	4,801	68.8
Missouri	116	21,588	112		...		...		...		...		...		...	21,588	100.0
Montana	56	4,201	56	20	0.5	63	1.5	245	5.8	1,217	29.0	1,465	34.9	1,191	28.4	0	0.0
Nebraska	93	8,322	93	92	1.1	90	1.1	492	5.9	2,319	27.9	2,609	31.4	2,701	32.5	19	0.2
Nevada	17	5,165	17	253	4.9	248	4.8	346	6.7	1,378	26.7	1,570	30.4	1,119	21.7	251	4.9

TABLE 39. NUMBER AND AGES OF POLL WORKERS (CONTINUED)

State	Election Juris. in Survey	Number of Poll Workers Total	Cases	Under 18		18 to 25		26 to 40		41 to 60		61 to 70		71 and Over		Balance (See Notes)	
				Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.
New Hampshire	320	2,392	320		...		...		...		...		...		...	2,392	100.0
New Jersey	21		0		...		...		...		...		...		...	0	...
New Mexico	33	7,671	25	170	2.2	706	9.2	1,088	14.2	2,378	31.0	1,458	19.0	968	12.6	903	11.8
New York	62	82,811	57		...		...		...		...		...		...	82,811	100.0
North Carolina	100	23,020	100	384	1.7	464	2.0	1,040	4.5	5,232	22.7	5,887	25.6	4,163	18.1	5,850	25.4
North Dakota	53	1,286	45		...		...		...		...		...		...	1,286	100.0
Ohio	88	45,556	88	2,107	4.6	1,997	4.4	2,057	4.5	10,225	22.4	10,008	22.0	7,807	17.1	11,355	24.9
Oklahoma	77	7,489	77		...		...		...		...		...		...	7,489	100.0
Oregon	36	1,402	36		...		...		...		...		...		...	1,402	100.0
Pennsylvania	67		0		...		...		...		...		...		...	0	...
Rhode Island	39	3,016	39		...		...		...		...		...		...	3,016	100.0
South Carolina	46	13,213	46	825	6.2		...		...		...		...		...	12,388	93.8
South Dakota	66	2,827	66	0	0.0	12	0.4	48	1.7	296	10.5	320	11.3	259	9.2	1,892	66.9
Tennessee	95	15,879	95	291	1.8	454	2.9	723	4.6	3,489	22.0	5,421	34.1	4,516	28.4	985	6.2
Texas	254	36,019	231		...		...		...		...		...		...	36,019	100.0
Utah	29	4,850	10		...		...		...		...		...		...	4,850	100.0
Vermont	246	3,055	221	21	0.7	34	1.1	112	3.7	743	24.3	725	23.7	407	13.3	1,013	33.2
Virginia	134	24,691	134	332	1.3	1,128	4.6	1,741	7.1	7,579	30.7	7,868	31.9	4,268	17.3	1,775	7.2
Washington	39	782	39	0	0.0	32	4.1	67	8.6	161	20.6	107	13.7	65	8.3	350	44.8
West Virginia	55	7,263	37	0	0.0	92	1.3	238	3.3	638	8.8	700	9.6	228	3.1	5,367	73.9
Wisconsin	3,541	34,902	3,541	543	1.6	567	1.6	1,611	4.6	8,121	23.3	13,442	38.5	10,457	30.0	161	0.5
Wyoming	23	2,449	23	14	0.6	28	1.1	93	3.8	669	27.3	655	26.7	362	14.8	628	25.6
American Samoa	1	336	1		...		...		...		...		...		...	336	100.0
Guam	1	286	1	0	0.0	77	26.9	72	25.2	95	33.2	33	11.5	9	3.1	0	0.0
Puerto Rico	1	89,413	1		...		...		...		...		...		...	89,413	100.0
Virgin Islands	1																
Sum of Above	8,154	887,854	7,684	20,855	2.3	18,020	2.0	28,158	3.2	106,780	12.0	106,689	12.0	80,633	9.1	526,719	59.3
States Included				25		29		29		29		29		29		45	
Question		D3		D4a		D4b		D4c		D4d		D4e		D4f		calc	

TABLE 39. NUMBER AND AGES OF POLL WORKERS

Questions D3, D4. Number of poll workers used and age category.

Question D3:

Arkansas: One jurisdiction stated, “Approximately. Larger polling sited had more workers, smaller does less.”

Arizona: One jurisdiction commented, “As a note, we also hired 119 citizen board Troubleshooters that do not serve as polling place board workers but are assigned several specific polling place locations to assist the board workers at these locations with any issues that come up on Election Day. This quantity of additional workers (119) is NOT reflected in the above grand total.”

California: One jurisdiction reported that this figure includes student poll workers. A second jurisdiction reported 1,580 poll workers unknown. Another jurisdiction indicated that 56 are standby poll workers. One jurisdiction commented, “All mail ballot.”

District of Columbia: number of poll workers failed to report for duty; this number represents the total that showed for work.

Florida: One jurisdiction noted that this number includes Canvassing Board members, tech team, supply return check-in team, and poll workers (both early voting and election day). Another jurisdiction reported 233 worked election day, and 125 worked early voting; a lot of these workers worked both election day and early voting.

Maine: Municipal Clerks did not report figures in 11 jurisdictions. Kingsburg Plantation figures were included with Guilford. Hersey reported that it shares election workers with Moro Plantation. Edmunds Township figures were included with Dennysville.

Minnesota: Estimated number.

Missouri: One jurisdiction stated that several precincts were combined at polling places.

Mississippi: One jurisdiction commented, “5 Resolution Board.”

North Carolina: Several jurisdictions included specific breakdowns of their types of workers, including poll workers, One-Stop workers, chief judges, judges, clerks, student assistants, computer assistants, and rovers. Five jurisdictions stated generally that most of their One-Stop workers also worked in a precinct on Election Day. Several jurisdictions also noted that their worker counts included individuals who worked at both One-Stop sites and at polling places. In a few instances, these individuals were counted twice; in others, these individuals were only counted once.

New Hampshire: Minimum required.

New Mexico: One jurisdiction commented, “PSR Report/EW Payroll Report.”

Puerto Rico: Poll workers are hired as their volunteer representatives and trained by the political parties. For the Nov.6, 2012 General Election, there were two (2) Principal Parties and four (4) Political Parties by Petition (Third Parties). Each party had the right to have up to three (3) poll workers per polling station (7755, plus 1533 provisional voting stations).

South Dakota: One jurisdiction indicated there were five workers at each place.

Vermont: One jurisdiction noted that this count includes the Town Clerk. Another jurisdiction stated that this does not include BCA who counted ballots (8). One jurisdiction commented, “Election Officials work in shifts throughout the day.” A fourth jurisdiction stated that this does not include people who only counted votes (23). One jurisdiction specified, “4 people in tow hour shifts from 8am-7pm, then 8 people (not including the Clerk) to count the votes by hand.” Another jurisdiction indicated that its count includes six Boy Scouts that assist voters with finding an open voting booth, replenishing pens and removing campaign materials left in the booths. One jurisdiction specified, “11 Justice of the Peace, 1 Clerk, 2 Constables”

Washington: Three jurisdictions reported these figures include election day and early voting. One jurisdiction specified that this number includes an 18-day early voting period and election day workers only.

Wyoming: In preparation for the 2012 election cycle, the Albany County election staff designed various efforts to recruit new election judges during new voter registrations at the courthouse and through educational testimony during annual off site VR drives. A mailing was created to generate commitment to participate and when making election judges assignments for the Primary and the General election, the County Clerk and her election staff were thoughtful with regard to pairing seasoned judges with new recruits to facilitate continuity in experiential training. A second jurisdiction reported that it did not count County employees. For another jurisdiction, this number includes election judges assigned to absentee, write-in, and resolution boards. One jurisdiction reported that four of its poll workers worked/helped in the Absentee Polling Place.

Question D4:

Arizona: Maricopa County implemented “Student” poll workers program back in 2008. Since its inception, we have seen a steady increase in participation amongst students. For this 2012 General election, of the 4,820 workers, we had over 167 of these board workers that were “Student” poll workers.

California: Five jurisdictions reported that they did not have age information available for a portion of their poll workers. One second jurisdiction specified that there were 26 election day appointments made; those officers are not currently linked to their voter registration (DOB) information so they are not included in breakdown. A third jurisdiction indicated that DIMS does not have a report that contains information on poll worker ages. Another jurisdiction noted that the 126 difference from D3 to D4 is because it does not track all ages of its county support staff. One jurisdiction commented that 56 are standby poll workers, and 23 are Field Supervisors who support the vote centers.

Colorado: Six jurisdictions reported that information on poll workers’ ages were unavailable; one jurisdiction simply commented, “These are estimates.” Another jurisdiction specified that 97 judges were county employees for which it does not have birthdates. One jurisdiction noted that it had four student judges included in its total, and a second jurisdiction stated that 34 of the 99 were student judges. One jurisdiction specified, “About 2/3 of our judges were in the 61 to 70 range with a good portion of the other 1/3 in the 71 + range. We had a smattering of younger judges. We did not have any student judges this year.”

Florida: One jurisdiction stated that this number only includes election day poll workers. Another jurisdiction commented that it had two poll workers who were 90 years old when they worked the general election.

Indiana: Four jurisdictions stated that they do not track poll workers’ ages. One jurisdiction commented, “While the birthdate of poll workers is captured upon their sign-up and assignment, so many changes are made on election day and the pay vouchers do not include a birthdate, thus determining the exact age and ranges of the workers who actually reported on election day.” Another jurisdiction noted generally that its workers’ ages range from 18 to over 70. One jurisdiction commented that most of the poll workers were 60 and older, another jurisdiction reported that the average age of its poll workers was above 70 years old, and a third jurisdiction estimated that the majority of poll workers would be between 60 and 80 but did not have an exact number. Two jurisdictions stated that their worker pools are aging. One jurisdiction commented, “Our oldest poll worker was 91. We had quite a few in their 80s that have worked for years.”

Maine: Municipal Clerks did not report figures in 11 jurisdictions. Kingsburg Plantation figures were included with Guilford. Hersey reported that it shares election workers with Moro Plantation. Edmunds Township figures were included with Dennysville.

Minnesota: Age data not available.

Mississippi: One jurisdiction commented, “Courthouse burned 1/17/2013.”

North Carolina: Several jurisdictions commented that the majority of their workers were 55 years old or above. A couple of jurisdictions reported they did not track this data or stated that this data was based on an estimate. One jurisdiction commented that the majority of its poll workers are re-appointments. Another jurisdiction commented that only 188 of its reported workers worked in the 2012 general elections; seven of these either didn’t work for some reason or have resigned and are still on the poll worker list.

New Hampshire: Data not available.

New Mexico: One jurisdiction commented, “Run PSR Report/EW.”

Nevada: One jurisdiction indicated that D4e may contain workers over 71 years of age.

Pennsylvania: Not tracked.

South Carolina: Age breakdown unavailable for workers 18+.

Vermont: Three jurisdictions indicated that these numbers are estimates only. One jurisdiction indicated that all but one worker were over 40 years old.

Wyoming: One jurisdiction indicated that the majority of its election judges are retired senior citizens. Two jurisdictions indicate they do not track this information.

TABLE 40. DIFFICULTY OF OBTAINING SUFFICIENT POLL WORKERS

State	Election Juris. in Survey	Total of Voters Participating	Cases	Very Difficult		Somewhat Difficult		Neither Diff./Easy		Somewhat Easy		Very Easy		Not Enough Information		Balance (See Notes)	
				Cases	Pct.	Cases	Pct.	Cases	Pct.	Cases	Pct.	Cases	Pct.	Cases	Pct.	Cases	Pct.
Alabama	67	2,083,309	67	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	67	100.0	0	0.0
Alaska	1	302,465	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Arizona	15	2,323,579	15	0	0.0	6	40.0	7	46.7	1	6.7	1	6.7	0	0.0	0	0.0
Arkansas	75	1,080,809	75	4	5.3	25	33.3	17	22.7	18	24.0	8	10.7	3	4.0	0	0.0
California	58	13,096,097	57	4	7.0	18	31.6	17	29.8	9	15.8	5	8.8	0	0.0	4	7.0
Colorado	64	2,594,628	64	6	9.4	33	51.6	12	18.8	12	18.8	1	1.6	0	0.0	0	0.0
Connecticut	169	1,560,640	169	0	0.0	169	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Delaware	3	417,631	3	0	0.0	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
District of Columbia	1	294,254	1	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Florida	67	8,557,692	67	2	3.0	13	19.4	23	34.3	16	23.9	13	19.4	0	0.0	0	0.0
Georgia	159	3,910,557	159	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	159	100.0
Hawaii	4	436,774	4	2	50.0	2	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Idaho	44	666,290	44	3	6.8	16	36.4	12	27.3	5	11.4	8	18.2	0	0.0	0	0.0
Illinois	110	5,339,488	110	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	110	100.0
Indiana	92	2,663,373	92	16	17.4	34	37.0	21	22.8	6	6.5	3	3.3	3	3.3	9	9.8
Iowa	99	1,589,951	99	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	99	100.0	0	0.0
Kansas	105	1,115,281	105	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	105	100.0
Kentucky	120	1,815,896	120	120	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Louisiana	64	2,014,511	64	0	0.0	64	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Maine	500	724,759	500	32	6.4	165	33.0	122	24.4	82	16.4	82	16.4	2	0.4	15	3.0
Maryland	24	2,734,189	24	4	16.7	6	25.0	5	20.8	6	25.0	3	12.5	0	0.0	0	0.0
Massachusetts	351	3,184,196	351	1	0.3	0	0.0	0	0.0	3	0.9	0	0.0	0	0.0	347	98.9
Michigan	83	4,780,701	83	0	0.0	0	0.0	83	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Minnesota	87	2,950,780	87	1	1.1	3	3.4	30	34.5	24	27.6	3	3.4	26	29.9	0	0.0
Mississippi	82	889,914	58	1	1.7	18	31.0	16	27.6	10	17.2	9	15.5	1	1.7	3	5.2
Missouri	116	2,840,776	116	9	7.8	50	43.1	38	32.8	15	12.9	3	2.6	0	0.0	1	0.9
Montana	56	491,966	56	8	14.3	29	51.8	9	16.1	5	8.9	2	3.6	3	5.4	0	0.0
Nebraska	93	815,568	93	13	14.0	38	40.9	14	15.1	14	15.1	14	15.1	0	0.0	0	0.0
Nevada	17	1,017,772	17	0	0.0	6	35.3	5	29.4	3	17.6	3	17.6	0	0.0	0	0.0

TABLE 40. DIFFICULTY OF OBTAINING SUFFICIENT POLL WORKERS (CONTINUED)

State	Election Juris. in Survey	Total of Voters Participating	Cases	Very Difficult		Somewhat Difficult		Neither Diff./Easy		Somewhat Easy		Very Easy		Not Enough Information		Balance (See Notes)	
				Cases	Pct.	Cases	Pct.	Cases	Pct.	Cases	Pct.	Cases	Pct.	Cases	Pct.	Cases	Pct.
New Hampshire	320	718,700	320	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	320	100.0	0	0.0
New Jersey	21	3,677,463	21	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	21	100.0	0	0.0
New Mexico	33	679,080	26	1	3.8	5	19.2	6	23.1	6	23.1	3	11.5	2	7.7	3	11.5
New York	62	7,128,852	62	0	0.0	0	0.0	62	100.0	0	0.0	0	0.0	0	0.0	0	0.0
North Carolina	100	4,539,729	100	9	9.0	50	50.0	25	25.0	13	13.0	3	3.0	0	0.0	0	0.0
North Dakota	53	326,239	53	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	53	100.0	0	0.0
Ohio	88	5,632,423	88	1	1.1	41	46.6	26	29.5	18	20.5	2	2.3	0	0.0	0	0.0
Oklahoma	77	1,343,380	77	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	77	100.0	0	0.0
Oregon	36	1,820,507	36	0	0.0	0	0.0	0	0.0	0	0.0	36	100.0	0	0.0	0	0.0
Pennsylvania	67	5,783,621	67	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	67	100.0	0	0.0
Rhode Island	39	451,593	39	9	23.1	10	25.6	10	25.6	3	7.7	7	17.9	0	0.0	0	0.0
South Carolina	46	1,981,516	46	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	46	100.0
South Dakota	66	368,816	66	4	6.1	23	34.8	22	33.3	16	24.2	1	1.5	0	0.0	0	0.0
Tennessee	95	2,480,182	95	14	14.7	40	42.1	20	21.1	14	14.7	4	4.2	3	3.2	0	0.0
Texas	254	7,993,851	254	23	9.1	46	18.1	101	39.8	46	18.1	19	7.5	18	7.1	1	0.4
Utah	29	1,023,036	29	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	29	100.0
Vermont	246	304,509	245	3	1.2	35	14.3	74	30.2	48	19.6	76	31.0	3	1.2	6	2.4
Virginia	134	3,896,846	134	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	134	100.0
Washington	39	3,206,490	39	0	0.0	8	20.5	7	17.9	6	15.4	9	23.1	0	0.0	9	23.1
West Virginia	55	685,099	55	4	7.3	12	21.8	10	18.2	6	10.9	5	9.1	0	0.0	18	32.7
Wisconsin	3,541	3,078,135	3,541	909	25.7	585	16.5	959	27.1	599	16.9	486	13.7	0	0.0	3	0.1
Wyoming	23	250,701	23	1	4.3	18	78.3	1	4.3	3	13.0	0	0.0	0	0.0	0	0.0
American Samoa	1	13,167	1	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0
Guam	1	34,075	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Puerto Rico	1	1,878,969	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Virgin Islands	1																
Sum of Above	8,154	131,590,825	8,120	1,205	14.8	1,573	19.4	1,755	21.6	1,007	12.4	810	10.0	768	9.5	1,002	12.3
States Included				28		33		30		28		28		17		18	
Question		F1a		D5.1		D5.2		D5.3		D5.4		D5.5		D5.6		calc	

TABLE 40. DIFFICULTY OF OBTAINING SUFFICIENT POLL WORKERS

Questions F1, D5. Difficulty of obtaining a sufficient number of poll workers for the election.

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. For this table, the total used for comparison is the number of cases in the State. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Question D5:

Arkansas: One jurisdiction noted that workers face long hours, too much paperwork, and a stressful day.

Arizona: One jurisdiction commented that people do not want to work long hours for so little pay. Two jurisdictions stated that obtaining poll workers can be hindered by geographic reasons, primarily in rural areas.

California: A couple of jurisdictions noted that it was difficult to recruit bilingual poll workers. A few jurisdictions noted that recruiting student poll workers was helpful in obtaining a sufficient number of workers. A few jurisdictions stated that there was lots of interest in volunteering for this election due to the attention around the presidential content. One jurisdiction stated that long hours can be a deterrent to poll workers, and half day shifts seemed to be key for some of its workers. One jurisdiction commented, “Does not apply – all mail ballot.”

Colorado: Several jurisdictions reported a high rate of drop outs before the election, making it difficult to recruit and train additional judges. A few jurisdictions noted that they had the most difficulty finding a balance between members of the two major political parties. A couple of jurisdictions noted that student judges were important to obtaining enough poll workers, but one jurisdiction noted that recruiting was difficult because schools did not like students missing a whole day of school. A few jurisdictions noted that there can be long hours and a stressful environment.

Florida: One jurisdiction commented that it had to send out two mailings to bring back retired workers and struggled to keep those committed to work the polls to actually be able to show up on election day. One jurisdiction stated that it encourages poll workers to “find a friend,” i.e., find someone they would like to work with and become poll workers, but it struggled to find enough non-Republicans to meet the requirements under the law. One jurisdiction reported it had approximately 100 more election workers available than needed, and nearly 100 more who were interested but did not attend orientation earlier in the year.

Indiana: A few jurisdictions reported that their local political parties find their poll workers. A couple of jurisdictions noted that finding workers can be difficult due to long hours and difficult pay, and some quit after training because they didn’t know what they were getting into. One jurisdiction stated that presidential elections prove to be the easiest time to recruit poll as the public is very interested in assisting in the election process. One jurisdiction stated that the difficulty rested in the need to find over 1,500 poll workers, while another jurisdiction commented that it reduced the number of polling locations and boards to reduce the number of poll workers needed.

Maine: Municipal Clerks did not report figures in 11 jurisdictions. Kingsburg Plantation figures were included with Guilford. Hersey reported that it shares election workers with Moro Plantation. Edmunds Township figures were included with Dennysville.

Missouri: One jurisdiction noted that 145 started training and quit when they saw how much work was involved; also, Missouri law which requires a balance between political parties among workers caused many problems. Another jurisdiction stated that recruitment of both paid and volunteer workers needs to be reviewed and improved with more interest in securing workers from the corporate world and volunteers from more of the area schools.

Mississippi: One jurisdiction stated that the local election commission gathers poll workers based on registered voters per voting precinct.

Montana: A few jurisdictions noted difficult obtaining workers due to language requirements, the need to fill last minute judge vacancies, and rural geographies. One jurisdiction commented that everyone works; it is hard to find younger people due to jobs and kids.

North Carolina: Several jurisdictions commented that it is difficult to find roughly even numbers of workers from each political party. A few jurisdictions noted that finding poll workers can be more difficult in certain precincts, particularly smaller precincts and places with last minute vacancies. One jurisdiction noted that recruiting workers is getting hard, but it has been able to recruit from college and recent retirees.

Nebraska: Several jurisdictions noted that finding poll workers is difficult due to long hours, low pay, work commitments, bilingual requirements, and finding even numbers of people to represent each political party. In addition, several jurisdictions also noted that they had a very difficult time recruiting younger poll workers during this election. One jurisdiction indicated that it will possibly consider all mail-in precincts in the future. A couple of jurisdictions reported they have a core group of volunteers who have served for many years, enjoy it, and take their responsibility very seriously.

New Mexico: One jurisdiction reported difficulty with political party balance. Another jurisdiction stated that it lost a lot of workers due to new rules. A third jurisdiction stated that it is always hard to get presiding judges.

New York: Hurricane Sandy affected the ability of poll workers in declared jurisdictions to report for work as originally assigned.

Vermont: Two jurisdictions reported that large portions of their Board of Civil Authority worked during the day, and they had to seek others to fill the need. One of these jurisdictions reported they staff elections with retired people. One jurisdiction reported that it had a waiting list of residents who wish to be poll workers for each election. Another jurisdiction reported that it pays workers an attractive stipend and provides meals. When they compensated less, it was more difficult to have enough coverage (easier to find people but a significant expense for the Town).

Wyoming: Several jurisdictions noted they had a difficult time recruiting workers, and their workers are getting older and are less likely to work. A few jurisdictions also reported having a difficult time recruiting younger workers. One jurisdiction stated that some precincts were easier to recruit for than others; some individuals did not mind being asked to work in a precinct other than their own, but others did not seem eager to work in a polling place other than their own.

TABLE 41. NUMBER AND TYPE OF PRECINCTS/POLLING PLACES

State	Election Juris. in Survey	Number of Precincts		Number of Polling Places		Election Day Voting						Early Voting						Balance (See Notes)	
		Total	Cases	Total	Cases	Non-election Office		Election Office		Other Type		Non-election Office		Election Office		Other Type		Total	Pct.
						Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.		
Alabama	67	2,527	67	2,252	67	2,252	100.0		...		...		...		...		...	0	0.0
Alaska	1	438	1	533	1	453	85.0		...		...	75	14.1	5	0.9		...	0	0.0
Arizona	15	1,667	15	1,537	15	1,458	94.9	0	0.0	0	0.0	40	2.6	23	1.5	16	1.0	0	0.0
Arkansas	75	2,747	75	1,631	75	1,494	91.6	3	0.2		...	95	5.8	37	2.3	2	0.1	0	0.0
California	58	24,349	58	14,686	57	14,493	98.7	69	0.5	2	0.0	5	0.0	43	0.3	2	0.0	72	0.5
Colorado	64	2,917	64	1,237	64	1,029	83.2	53	4.3		...	94	7.6	61	4.9		...	0	0.0
Connecticut	169	744	169	744	169	744	100.0	0	0.0		...		...		...		...	0	0.0
Delaware	3	432	3	285	3	283	99.3	2	0.7	0	0.0	0	0.0	0	0.0		...	0	0.0
District of Columbia	1	151	1	151	1	143	94.7	0	0.0	0	0.0	8	5.3	0	0.0	0	0.0	0	0.0
Florida	67	6,242	67	4,928	67	4,631	94.0	19	0.4	0	0.0	194	3.9	95	1.9	0	0.0	(11)	(0.2)
Georgia	159	2,850	159		0		...		...		...		...		...		...	0	...
Hawaii	4	247	4	240	4	231	96.3		...	3	1.3	3	1.3	3	1.3		...	0	0.0
Idaho	44	924	44	807	44	762	94.4	0	0.0		...	0	0.0	45	5.6		...	0	0.0
Illinois	110	10,088	110	6,520	110		...		...		...	295	4.5	115	1.8		...	6,110	93.7
Indiana	92	5,353	92	3,976	92	3,054	76.8	758	19.1		...	98	2.5	66	1.7		...	0	0.0
Iowa	99	1,688	99	1,787	99	1,688	94.5	0	0.0		...		...	99	5.5		...	0	0.0
Kansas	105	3,565	105	1,308	105	1,246	95.3		...		...	62	4.7		...		...	0	0.0
Kentucky	120	3,632	120	2,506	120	2,506	100.0	0	0.0	0	0.0	0	0.0	0	0.0		...	0	0.0
Louisiana	64	4,267	64	2,256	64	2,166	96.0		...		...	13	0.6	77	3.4		...	0	0.0
Maine	500	563	499	542	499	542	100.0		...		...		...		...		...	0	0.0
Maryland	24	1,865	24	1,636	24	1,590	97.2	0	0.0		...	45	2.8	1	0.1		...	0	0.0
Massachusetts	351	2,164	351	1,353	351	1,353	100.0	0	0.0		...		...		...		...	0	0.0
Michigan	83	5,454	83	3,688	83	3,544	96.1	144	3.9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Minnesota	87	4,103	87	2,936	87	2,883	98.2	53	1.8		...		...		...		...	0	0.0
Mississippi	82	1,376	63	1,396	63	1,257	90.0	36	2.6		...	2	0.1	31	2.2	1	0.1	69	4.9
Missouri	116	4,615	116	2,913	116		...		...		...		...		...		...	2,913	100.0
Montana	56	794	56	422	56	422	100.0		...		...		...		...		...	0	0.0
Nebraska	93	1,394	93	1,182	93	1,089	92.1		...		...		...	93	7.9		...	0	0.0
Nevada	17	1,935	17	556	17	412	74.1	8	1.4	0	0.0	123	22.1	13	2.3	0	0.0	0	0.0

TABLE 41. NUMBER AND TYPE OF PRECINCTS/POLLING PLACES (CONTINUED)

State	Election Juris. in Survey	Number of Precincts		Number of Polling Places		Election Day Voting						Early Voting						Balance (See Notes)	
						Non-election Office		Election Office		Other Type		Non-election Office		Election Office		Other Type			
		Total	Cases	Total	Cases	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.
New Hampshire	320	336	320	307	320	307	100.0	0	0.0		...	0	0.0	0	0.0		...	0	0.0
New Jersey	21	6,440	21	3,409	21		...		...		...		...		...		...	3,409	100.0
New Mexico	33	1,393	27	856	27	622	72.7	71	8.3	0	0.0	67	7.8	25	2.9	5	0.6	66	7.7
New York	62	13,966	57	5,111	57	0	0.0	0	0.0		...	0	0.0	0	0.0		...	5,111	100.0
North Carolina	100	2,756	100	3,121	100	2,756	88.3	0	0.0		...	293	9.4	72	2.3		...	0	0.0
North Dakota	53	426	53	297	53	287	96.6		...		...	9	3.0		...		...	1	0.3
Ohio	88	9,242	88	4,779	88	4,645	97.2	0	0.0	1	0.0	3	0.1	85	1.8		...	45	0.9
Oklahoma	77	1,958	77	2,021	77	1,944	96.2	0	0.0		...	0	0.0	77	3.8		...	0	0.0
Oregon	36	1,399	36	36	36		...	36	100.0		...		...		...		...	0	0.0
Pennsylvania	67	9,249	67	9,283	67	4,687	50.5		...		...		...		...		...	4,596	49.5
Rhode Island	39	453	39	453	39	413	91.2	40	8.8	0	0.0		...		...	0	0.0	0	0.0
South Carolina	46	2,145	46	2,191	46	2,145	97.9		...		...		...	46	2.1		...	0	0.0
South Dakota	66	785	66	602	65	496	82.4	21	3.5	0	0.0	5	0.8	47	7.8	3	0.5	30	5.0
Tennessee	95	2,089	95	2,204	95	1,985	90.1	10	0.5	5	0.2	106	4.8	88	4.0	0	0.0	10	0.5
Texas	254	9,142	254	6,399	234	5,606	87.6		...		...	860	13.4		...		...	(67)	(1.0)
Utah	29	2,105	29		0		...		...		...		...		...		...	0	...
Vermont	246	262	238	459	244	150	32.7	104	22.7	3	0.7	27	5.9	156	34.0	4	0.9	15	3.3
Virginia	134	632	134	694	66	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	694	100.0
Washington	39	6,975	39	62	39	20	32.3	42	67.7	0	0.0	0	0.0	42	67.7	0	0.0	(42)	(67.7)
West Virginia	55	1,853	55	1,896	55	1,831	96.6	22	1.2		...	15	0.8	53	2.8		...	(25)	(1.3)
Wisconsin	3,541	3,541	3,541	3,541	3,541	3,541	100.0		...		...		...		...		...	0	0.0
Wyoming	23	482	23	306	23	301	98.4		...		...		...	5	1.6		...	0	0.0
American Samoa	1	18	1	46	1	45	97.8	1	2.2		...		...		...		...	0	0.0
Guam	1	58	1	22	1	21	95.5	0	0.0		...	0	0.0	1	4.5		...	0	0.0
Puerto Rico	1	110	1	7,865	1	7,755	98.6	0	0.0		...	19	0.2	91	1.2		...	0	0.0
Virgin Islands	1																		
Sum of Above	8,154	176,906	8,114	119,968	7,842	91,282	51.6	1,492	0.8	14	0.0	2,556	1.4	1,595	0.9	33	0.0	22,996	13.0
States Included				52		46		19		5		25		29		7		18	
Question		D1		D2a		D2b		D2c		D2d		D2e		D2f		D2g		calc	

TABLE 41. NUMBER AND TYPE OF PRECINCTS/POLLING PLACES

Questions D1, D2. Number of precincts, number of polling places, types of polling places.

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting. Note: in this case there appears to be much double-counting which merely indicates the multiple purposes of some polling places, e.g., an election office being used for both Early Voting and Election Day Voting.

Question D1:

Arkansas: Three jurisdictions reported including counts from early vote, precincts and absentee, and precincts plus early voting and absentee, respectively. One jurisdiction reported that this count does not include absentee and early precincts.

Arizona: One jurisdiction commented, “Arizona underwent “Redistricting” prior to the 2012 General Election and part of the redistricting efforts for Maricopa County was to redraw and consolidate precincts. Prior to 2012, Maricopa County had 1,124 precincts (since 2006). With the increase in the number of voters in Maricopa County on the Permanent Early Voting List (1,162,067), we were able to merge several precincts to reach a new precinct total for 2012 of 724 precincts.”

California: One jurisdiction commented, “Consolidated precincts.” One jurisdiction stated that D1a represents the total number of consolidated precincts for November 2012. One jurisdiction included voting precincts and mailed ballot precincts in its count, while another jurisdiction included precincts, vote by mail precincts, and mail ballot precincts. One jurisdiction reported 22 mail ballot precincts.

Idaho: This number only includes physical precincts. It does not include any absentee precincts, which are non-physical precincts to allow the county to count all of the absentee ballots together as a precinct rather than dividing them by precincts.

Florida: One jurisdiction reported that during redistricting, it combined a number of polling places together, but kept the precincts separate.

Maine: Municipal Clerks did not report figures in 14 jurisdictions. Hersey reported that it shares election workers with Moro Plantation.

Michigan: Totals include physical polling places (jurisdictional precincts) and central count locations (referred to as AVCB, absent voter counting boards).

Missouri: One jurisdiction commented that it had “counted the office as (1). Absentee Voting.” Two jurisdictions reported that these figures include absentee.

New Mexico: One jurisdiction reported that it had successfully used voting convenience centers. Another jurisdiction commented, “24 to include Ab/EV.” A third jurisdiction reported that this number includes early voting and absentee precincts. One jurisdiction reported that two precincts are split by district. Another jurisdiction commented, “23 Voting Convenience Centers and 12 Regular.”

Puerto Rico: The island is divided into 110 precincts, 1533 Voting Units and 7755 polling stations (plus 1533 provisional voting stations, for a total 8557 polling stations).

South Carolina: Does not include VR Office.

Vermont: The City of Burlington has seven Wards which also serve seven State Representative Districts for 19 total Ward/District combinations. Another jurisdiction commented, “We only have one place to vote.”

Question D2:

Arkansas: One jurisdiction commented, “Early voting in the county clerk’s office.”

Arizona: One jurisdiction noted, “D2a is a total number of physical polling places (677) IN ADDITION to the 15 early voting centers (3 offices and 12 off-site locations) and the 5 drop off “ballot box” sites for a total of 697. “Election Day” voting (D2b) is only offered at polling place locations. Each of the 724 precincts is technically assigned a polling place. However, in certain areas some precinct polling places were co-located within the same facility and that is why the “physical” polling place location total is less than the number of precincts existing. A co-located polling place consists of two different and separate boards specifically assigned to a given precinct and a specific set of voters within that precinct. Additionally, we had 7 All-Mail Precincts where the total number of registered voters within those precincts was less than 25 registered voters. These All-Mail precincts were still co-located and assigned to a physical polling place in case a voter opted to vote in-person versus by mail.” Another jurisdiction reported that it utilized Vote Centers and not traditional polling places for the 2012 elections.

California: One jurisdiction reported that it had 787 polling places, with one early voting site that was also an election day voting site. A second jurisdiction indicated that the polling places for D2c and D2f are the same. A third jurisdiction reported that its Elections Office is election day and early voting. Similarly, two other jurisdictions noted that the Elections Office was used as an early voting site and also used on election day; the totals for D2a will not match. One jurisdiction stated that the Truckee early voting site was not open for voting on election day; therefore its count is off by one. Another jurisdiction commented, “18 PP/16 Locations + Office.” A different jurisdiction noted that its two election offices serve as polling places on Election Day and also as a location where voters can pick up their VBM ballot beginning 29 days before the election. Another jurisdiction noted that the county Elections Office is open for voting, by law, 29 days prior to election day; the total number of physical polling places in the county includes the county Elections Office.

Idaho: Idaho does not have “Early Voting.” However, the States does have In-Person absentee voting at least 3 weeks before the election. The In-Person absentee polling place is being reported under the Early Voting heading.

Florida: Two jurisdictions reported that their elections offices are used for election day voting and for early voting, so these are counted twice in the D2 totals. Three jurisdictions also noted that they use multiple early voting sites and included these in their counts. Another jurisdiction commented, “One City Hall.”

Maine: Municipal Clerks did not report figures in 11 jurisdictions. Kingsburg Plantation figures were included with Guilford. Hersey reported that it shares election workers with Moro Plantation. Edmunds Township figures were included with Dennysville.

Michigan: Total of physical precincts (jurisdictional precincts).

Mississippi: Three jurisdictions noted that Mississippi does not have early voting but has absentee voting. One of these jurisdictions commented that its County Clerk’s office served as the only polling place for absentee voting until, but not on, Election Day.

New Mexico: One jurisdiction commented, “Vote Centers.” A second jurisdiction noted that it had 39 election day, one absentee (Clerk’s Office), one alternate site, three tribal early voting sites, and three all mail precincts/not polling place. Another jurisdiction stated, “2 VCC locations.” A fourth jurisdiction commented that it had 16 precincts on election day and in-person voting and absentee.

New York: Early voting not permitted in NY.

Oregon: Vote by mail state. No early voting.

South Dakota: One jurisdiction indicated that D2f refers to in-house absentee voting; election office is not considered absentee polling place – ballots are all processed at the 22 precincts’ polling places. Another jurisdiction noted that the auditor’s office was open for voters to absentee vote from 9-28-2012 until 3 P.M. election day.

Virginia: Virginia is not an early voting state. Election offices may not be actual voting locations.

Vermont: One jurisdiction reported that it does not have early voting. One jurisdiction stated that early voters may vote outside the election office at home and return the ballot to the election official before the close of polls on election day. A third jurisdiction stated that voters could vote in the Town Office through November 5, 2012; on November 6, 2012, everyone else had to come to the gymnasium to vote. Four jurisdictions noted that their early voting and election day voting is held in the same place – two at their Town Offices, one at its Town Clerk’s Office, and one at its Town Hall. Another jurisdiction commented, “D2f Same place.” One jurisdiction stated, “One polling placed at the school gym.” Another jurisdiction reported, “D2b. Our election office is not open on election day. D2e. Early voting is conducted in the election office (Town Clerk’s Office).”

Washington: In Washington State, polling places are voting centers, centrally located. Each election office is for early voting as well as voting on election day.

West Virginia: Nineteen jurisdictions reported that their election offices were used for both election day voting and early voting. Four jurisdictions indicated that one non-election polling place was used for both election day voting and early voting. One jurisdiction stated that two non-election polling places were sued for both election day voting and early voting.

Wyoming: Five jurisdictions commented that the absentee polling places are not open on election day.

TABLE 42. NUMBER AND TYPE OF VOTING EQUIPMENT

State	Election Juris. in Survey	Sum of All Voting Equipment (See Notes)	DRE w/o VVPAT		DRE w/ VVPAT		Hybrid of DRE/Optical Scan		Optical or Digital Scan		Optical or Digital Scan		Punch Card		Punch Card		Lever		Paper		Other-1		Other-2	
			Total	Pct.	Total	Pct.	Total	Pct.	Counters	Pct.	Booths	BpC	Counters	Pct.	Booths	BpC	Total	Pct.	Booths	Pct.	Total	Pct.	Total	Pct.
Alabama	67	5,267	0	0.0	0	0.0	2,357	44.8	2,910	55.2		...	0	0.0		...	0	0.0	0	0.0	0	0.0	0	0.0
Alaska	1	914		...	443	48.5		...	338	37.0		...		...		...		...	133	14.6		...		...
Arizona	15	3,107		...	1,559	50.2	20	0.6	1,528	49.2	14,150	455		...		...		...		...		...		...
Arkansas	75	3,601	139	3.9	3,088	85.8		...	318	8.8	180	5		...		...		...	41	1.1	15	0.4		...
California	58	25,369	98	0.4	18,996	74.9	1,013	4.0	4,397	17.3	23,289	92	0	0.0	0	...	0	0.0	688	2.7	50	0.2	127	0.5
Colorado	64	4,544	214	4.7	3,732	82.1		...	598	13.2		...		...		...		...		...		...		...
Connecticut	169	2,232		...		...	744	33.3	744	33.3	8,166	366		...		...		...		...	744	33.3		...
Delaware	3	1,292	1,288	99.7	0	0.0	0	0.0	4	0.3	2	0	0	0.0		...	0	0.0	0	0.0	0	0.0	0	0.0
District of Columbia	1	579		...	255	44.0	167	28.8	157	27.1	157	27		...		...		...		...		...		...
Florida	67	13,350	4,065	30.4		...	1,190	8.9	7,839	58.7	56,054	420		...		...		...		...	255	1.9	1	0.0
Georgia	159	26,515	26,515	100.0		...		...		...		...		...		...		...		...		...		...
Hawaii	4	520		...	260	50.0		...	260	50.0		...		...		...		...		...		...		...
Idaho	44	1,590	0	0.0	0	0.0	824	51.8	73	4.6	6,210	391	4	0.3	641	160	0	0.0	689	43.3	0	0.0	0	0.0
Illinois	110			...		...		...		...		...		...		...		...		...		...		...
Indiana	92	9,543	7,427	77.8		...	869	9.1	1,239	13.0	3,605	38		...		...		...	8	0.1		...		...
Iowa	99	3,376	0	0.0	0	0.0	1,688	50.0	1,688	50.0		...	0	0.0		...	0	0.0	0	0.0		...		...
Kansas	105	6,423	3,617	56.3	1,118	17.4	606	9.4	919	14.3	8,107	126		...		...		...	163	2.5		...		...
Kentucky	120			...		...		...		...		...		...		...		...		...		...		...
Louisiana	64	9,633	9,004	93.5		...		...	84	0.9		...		...		...		...		...	545	5.7		...
Maine	500			...		...		...		...		...		...		...		...		...		...		...
Maryland	24	17,700	17,610	99.5		...		...	90	0.5		...		...		...		...		...		...		...
Massachusetts	351			...		...		...		...		...		...		...		...		...		...		...
Michigan	83	8,998		...		...	3,544	39.4	5,454	60.6		...		...		...		...	0	0.0	0	0.0		...
Minnesota	87	6,242		...		...	3,121	50.0	3,121	50.0	23,130	371	0	0.0	0	...	0	0.0	0	0.0	0	0.0	0	0.0
Mississippi	82	4,693	2,515	53.6	1,758	37.5		...	125	2.7	408	9		...		...		...	1	0.0	294	6.3		...
Missouri	116	6,978		...	3,720	53.3	336	4.8	2,807	40.2	13,679	196		...		...		...		...	64	0.9	51	0.7
Montana	56	1,037		...		...	505	48.7	345	33.3	4,353	420		...		...		...	187	18.0		...		...
Nebraska	93	1,302		...		...	1,087	83.5	215	16.5		...	0	0.0	0	...	0	0.0		...	0	0.0		...
Nevada	17	6,608		...	6,577	99.5		...	31	0.5		...		...		...		...		...		...		...

TABLE 42. NUMBER AND TYPE OF VOTING EQUIPMENT (CONTINUED)

State	Election Juris. in Survey	Sum of All Voting Equipment (See Notes)	DRE w/o VVPAT		DRE w/ VVPAT		Hybrid of DRE/ Optical Scan		Optical or Digital Scan		Optical or Digital Scan		Punch Card		Punch Card		Lever		Paper		Other-1		Other-2	
			Total	Pct.	Total	Pct.	Total	Pct.	Counters	Pct.	Booths	BpC	Counters	Pct.	Booths	BpC	Total	Pct.	Booths	Pct.	Total	Pct.	Total	Pct.
New Hampshire	320	1,546	0	0.0	0	0.0	0	0.0	244	15.8	9,335	604	0	0.0	0	...	0	0.0	1,302	84.2	0	0.0	0	0.0
New Jersey	21	11,244	11,244	100.0		...		...		...		...		...		...		...		...		...		...
New Mexico	33	1,202	53	4.4	179	14.9	413	34.4	531	44.2	3,222	268	0	0.0	0	...	0	0.0	0	0.0	0	0.0	26	2.2
New York	62	18,649		...		...	7,567	40.6	11,082	59.4		...		...		...		...		...		...		...
North Carolina	100	11,608	0	0.0	7,226	62.3	1,853	16.0	2,514	21.7	18,394	158	0	0.0	0	...	0	0.0	0	0.0	15	0.1	0	0.0
North Dakota	53	387		...		...		...	384	99.2		...		...		...		...		...	3	0.8		...
Ohio	88	29,001		...	25,495	87.9	718	2.5	2,769	9.5	14,844	51		...		...		...		...	19	0.1		...
Oklahoma	77	2,064	0	0.0	0	0.0	0	0.0	2,064	100.0		...	0	0.0		...	0	0.0	0	0.0		...	0	0.0
Oregon	36	71	0	0.0	0	0.0	0	0.0	71	100.0		...	0	0.0	0	...	0	0.0	0	0.0	0	0.0	0	0.0
Pennsylvania	67	22,070	21,300	96.5		...	770	3.5		...		...		...		...		...		...		...		...
Rhode Island	39	908		...		...		...	454	50.0	3,971	437		...		...		...		...	454	50.0		...
South Carolina	46			...		...		...		...		...		...		...		...		...		...		...
South Dakota	66	660		...		...	602	91.2	58	8.8	148	22		...		...		...	0	0.0		...		...
Tennessee	95	8,731	8,580	98.3		...		...	151	1.7		...		...		...		...		...		...		...
Texas	254			...		...		...		...		...		...		...		...		...		...		...
Utah	29			...		...		...		...		...		...		...		...		...		...		...
Vermont	246	2,469	32	1.3	5	0.2	1,278	51.8	123	5.0	1,697	69	0	0.0	0	...	0	0.0	978	39.6	52	2.1	1	0.0
Virginia	134	8,273	7,937	95.9		...	184	2.2		...		...		...		...		...	76	0.9	76	0.9		...
Washington	39	426		...	321	75.4	19	4.5	86	20.2	50	12		...		...		...		...		...		...
West Virginia	55	4,667	0	0.0	4,304	92.2	58	1.2	205	4.4	1,737	37	0	0.0	0	...	0	0.0	100	2.1	0	0.0	0	0.0
Wisconsin	3,541			...		...		...		...		...		...		...		...		...		...		...
Wyoming	23	1,154	0	0.0	321	27.8	360	31.2	473	41.0		...	0	0.0		...	0	0.0		...		...		...
American Samoa	1	46		...	0	0.0	0	0.0		...		...		...		...		...	46	100.0		...		...
Guam	1	3		...		...		...	3	100.0		...		...		...		...		...		...		...
Puerto Rico	1	23,265		...		...		...		...		...		...		...		...	23,265	100.0		...		...
Virgin Islands	1																							
Sum of Above	8,154	319,857	121,638	38.0	79,357	24.8	31,893	10.0	56,496	17.7	214,888	4	4	0.0	641	160	0	0.0	27,677	8.7	2,586	0.8	206	0.1
States Included			17		18		26		40		23		1		1		0		14		13		5	
Question		calc	F7a		F7b		F7c		F7d[c]		F7d[b]		F7e[c]		F7e[b]		F7f		F7g[b]		F7h		F7i	

TABLE 42. NUMBER AND TYPE OF VOTING EQUIPMENT

Question F7. Information on the number and type of voting equipment used in the elections and the purposes for which they are used.

Note: This table is a simple summary of a complex set of information. Researchers are advised to consult the dataset for complete information. The “Sum of All Voting Equipment” is a calculated estimate to enable comparative percentage values. This sum is determined by using the number of machines or counters as well as the number of booths for paper ballots and the “other” types of equipment.

TABLE 43. SUMMARY OF SELECTED FACTORS PER POLLING PLACE

State	Election Juris. in Survey	Polling Places Total	Precincts		Registrants		Voters		Election Day Voters (exc. Provisionals)		Provisional Ballots		Poll Workers		Voting Equipment	
			Total	per PP	Total	per PP	Total	per PP	Total	per PP	Total	per PP	Total	per PP	Total	per PP
Alabama	67	2,252	2,527	1.1	3,162,135	1,404.1	2,083,309	925.1		...	6,728	3.0		...	5,267	2.3
Alaska	1	533	438	0.8	579,304	1,087	302,465	567	203,496	382	18,255	34	2,499	5	914	2
Arizona	15	1,537	1,667	1.1	3,725,362	2,424	2,323,579	1,512	633,660	412	183,259	119	11,700	8	3,107	2
Arkansas	75	1,631	2,747	1.7	1,610,364	987	1,080,809	663	565,716	347	2,592	2	9,346	6	3,601	2
California	58	14,686	24,349	1.7	18,996,338	1,293	13,096,097	892	5,460,518	372	1,065,156	73	89,440	6	25,369	2
Colorado	64	1,237	2,917	2.4	3,651,091	2,952	2,594,628	2,098	421,980	341	62,847	51	10,790	9	4,544	4
Connecticut	169	744	744	1.0	2,202,278	2,960	1,560,640	2,098		...	963	1	4,464	6	2,232	3
Delaware	3	285	432	1.5	632,805	2,220	417,631	1,465	396,408	1,391	453	2	4,129	14	1,292	5
District of Columbia	1	151	151	1.0	557,774	3,694	294,254	1,949	191,166	1,266	38,636	256	1,708	11	579	4
Florida	67	4,928	6,242	1.3	11,934,446	2,422	8,557,692	1,737	3,736,946	758	42,745	9	52,086	11	13,350	3
Georgia	159		2,850	...	6,050,050	...	3,910,557	...	1,979,776	...		...		...	26,515	...
Hawaii	4	240	247	1.0	705,668	2,940	436,774	1,820	236,586	986	711	3	2,583	11	520	2
Idaho	44	807	924	1.1	895,834	1,110	666,290	826	496,546	615		...	5,860	7	1,590	2
Illinois	110	6,520	10,088	1.5	8,116,660	1,245	5,339,488	819	4,021,805	617	43,772	7	49,357	8		...
Indiana	92	3,976	5,353	1.3	4,562,268	1,147	2,663,373	670	2,073,074	521	4,801	1	22,427	6	9,543	2
Iowa	99	1,787	1,688	0.9	2,236,068	1,251	1,589,951	890	896,757	502	4,996	3	9,821	5	3,376	2
Kansas	105	1,308	3,565	2.7	1,771,252	1,354	1,115,281	853	784,825	600	38,865	30	8,374	6	6,423	5
Kentucky	120	2,506	3,632	1.4	3,037,153	1,212	1,815,896	725	1,710,486	683	287	0	15,290	6		...
Louisiana	64	2,256	4,267	1.9	2,965,751	1,315	2,014,511	893	1,650,912	732	6,862	3	17,782	8	9,633	4
Maine	500	542	563	1.0	1,026,086	1,893	724,759	1,337	536,635	990	315	1	5,983	11		...
Maryland	24	1,636	1,865	1.1	3,694,658	2,258	2,734,189	1,671	2,068,656	1,264	79,876	49	23,603	14	17,700	11
Massachusetts	351	1,353	2,164	1.6	4,340,000	3,208	3,184,196	2,353	2,913,489	2,153	12,920	10	18,946	14		...
Michigan	83	3,688	5,454	1.5	7,454,553	2,021	4,780,701	1,296	3,505,208	950	2,675	1	37,206	10	8,998	2
Minnesota	87	2,936	4,103	1.4	3,387,783	1,154	2,950,780	1,005	2,640,446	899		...	27,602	9	6,242	2
Mississippi	82	1,396	1,376	1.0	1,399,209	1,002	889,914	637	708,020	507	22,478	16	6,974	5	4,693	3
Missouri	116	2,913	4,615	1.6	4,191,778	1,439	2,840,776	975	2,567,998	882	6,393	2	21,588	7	6,978	2
Montana	56	422	794	1.9	681,608	1,615	491,966	1,166	198,775	471	5,562	13	4,201	10	1,037	2
Nebraska	93	1,182	1,394	1.2	1,163,871	985	815,568	690	595,284	504	15,130	13	8,322	7	1,302	1
Nevada	17	556	1,935	3.5	1,258,409	2,263	1,017,772	1,831	305,122	549	8,329	15	5,165	9	6,608	12

TABLE 43. SUMMARY OF SELECTED FACTORS PER POLLING PLACE (CONTINUED)

State	Election Juris. in Survey	Polling Places Total	Precincts		Registrants		Voters		Election Day Voters (exc. Provisionals)		Provisional Ballots		Poll Workers		Voting Equipment	
			Total	per PP	Total	per PP	Total	per PP	Total	per PP	Total	per PP	Total	per PP	Total	per PP
New Hampshire	320	307	336	1.1	878,136	2,860	718,700	2,341	654,450	2,132	0	0	2,392	8	1,546	5
New Jersey	21	3,409	6,440	1.9	5,415,639	1,589	3,677,463	1,079	3,047,584	894	97,481	29	...	...	11,244	3
New Mexico	33	856	1,393	1.6	1,252,438	1,463	679,080	793	225,870	264	6,630	8	7,671	9	1,202	1
New York	62	5,111	13,966	2.7	11,720,541	2,293	7,128,852	1,395	4,342,214	850	451,868	88	82,811	16	18,649	4
North Carolina	100	3,121	2,756	0.9	6,655,291	2,132	4,539,729	1,455	1,743,642	559	51,192	16	23,020	7	11,608	4
North Dakota	53	297	426	1.4	...	...	326,239	1,098	230,890	777	...	...	1,286	4	387	1
Ohio	88	4,779	9,242	1.9	7,987,697	1,671	5,632,423	1,179	3,547,582	742	208,087	44	45,556	10	29,001	6
Oklahoma	77	2,021	1,958	1.0	2,114,489	1,046	1,343,380	665	1,163,957	576	5,313	3	7,489	4	2,064	1
Oregon	36	36	1,399	38.9	2,199,360	61,093	1,820,507	50,570	...	...	1,771	49	1,402	39	71	2
Pennsylvania	67	9,283	9,249	1.0	8,352,342	900	5,783,621	623	5,488,684	591	49,000	5	...	...	22,070	2
Rhode Island	39	453	453	1.0	725,309	1,601	451,593	997	423,691	935	2,357	5	3,016	7	908	2
South Carolina	46	2,191	2,145	1.0	2,875,121	1,312	1,981,516	904	1,525,284	696	5,473	2	13,213	6	...	...
South Dakota	66	602	785	1.3	523,410	869	368,816	613	209,102	347	441	1	2,827	5	660	1
Tennessee	95	2,204	2,089	0.9	4,024,960	1,826	2,480,182	1,125	1,006,868	457	7,089	3	15,879	7	8,731	4
Texas	254	6,399	9,142	1.4	13,690,729	2,140	7,993,851	1,249	5,606	1	50,787	8	36,019	6	...	...
Utah	29	...	2,105	...	1,508,372	...	1,023,036	...	573,149	...	53,483	...	4,850	...	...	...
Vermont	246	459	262	0.6	460,817	1,004	304,509	663	219,399	478	19	0	3,055	7	2,469	5
Virginia	134	694	632	0.9	5,428,091	7,821	3,896,846	5,615	3,431,110	4,944	12,862	19	24,691	36	8,273	12
Washington	39	62	6,975	112.5	3,904,959	62,983	3,206,490	51,718	11,828	191	6,832	110	782	13	426	7
West Virginia	55	1,896	1,853	1.0	1,246,559	657	685,099	361	521,311	275	3,152	2	7,263	4	4,667	2
Wisconsin	3,541	3,541	3,541	1.0	3,987,248	1,126	3,078,135	869	2,413,557	682	135	0	34,902	10	...	...
Wyoming	23	306	482	1.6	240,438	786	250,701	819	183,413	599	33	0	2,449	8	1,154	4
American Samoa	1	46	18	0.4	17,764	386	13,167	286	11,903	259	0	0	336	7	46	1
Guam	1	22	58	2.6	50,701	2,305	34,075	1,549	32,492	1,477	144	7	286	13	3	0
Puerto Rico	1	7,865	110	0.0	2,402,941	306	1,878,969	239	1,829,762	233	12,715	2	89,413	11	23,265	3
Virgin Islands	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sum of Above	8,154	119,968	176,906	1.5	193,653,908	1,614	131,590,825	1,097	74,343,638	620	2,702,470	23	887,854	7	319,857	3
States Included	...	...	54	...	53	...	54	...	51	...	48	...	50	...	46	...
Question	...	D2a	D1	...	A1	...	F1a	...	F1b	...	E1	...	D3	...	F7:calc	...

TABLE 43. SUMMARY OF SELECTED FACTORS PER POLLING PLACE

Questions A1, D1, D2, D3, E1, F1, F7. Calculations for selected factors per polling place.

Note: This table summarizes information from several tables and calculates the value of the unit in each category per polling place. These values are provided to give an overview of the distribution of these factors amongst the States and are merely illustrative.

APPENDIX C

Questionnaire



U.S. ELECTION ASSISTANCE COMMISSION

2012 Election Administration & Voting Survey

The ongoing process of improving America's election systems relies in part on having accurate data about the way Americans cast their ballots. In 2002, Congress chartered the U.S. Election Assistance Commission (EAC) to collect information on the state of American elections and make it widely available to policy makers, advocates, scholars, journalists and the general public. Since 2004, the Commission has sponsored a biennial survey as its primary tool for fulfilling that mission. We are pleased to present the 2012 Election Administration and Voting Survey, and we ask for your help in making it the most complete and accurate survey in its history.

The questions below ask for information about ballots cast; voter registration; overseas and military voting; Election Day activities; voting technology; and other important issues. The section concerning the Uniformed and Overseas Citizens Voting Act (UOCAVA) serves as the EAC's standardized format for state reporting of UOCAVA voting information as required by 42 U.S.C. §1973ff-1. States that complete and timely submit this section to the EAC will fulfill their UOCAVA reporting requirement under 42 U.S.C. §1973ff-1(c). Additionally, EAC is mandated by the National Voter Registration Act (NVRA) to collection information from states concerning the impact of that statute on the administration of Federal elections. With this information EAC is required to make a report to Congress and provide recommendations for the improvement of Federal and State procedures, forms, and other NVRA matters. States that timely respond to all questions in this survey concerning voter registration related matters will meet their NVRA reporting requirements under 42 U.S.C. § 1973gg-7 and EAC regulations.

The EAC recognizes the burden that asking for this data places on state and local election officials, and we have worked to minimize that burden as much as possible.

In advance, we thank you for your cooperation and look forward to answering any questions you might have.

Information supplied by:

Name		Title	
Office/Agency name			
Address 1			
Address 2			
City		State	Zip Code
E-mail address			
Telephone (area code and number)	Extension	Fax number (area code and number)	

Instructions for Completing the 2012 Election Administration & Voting Survey

1. This survey collects information on election administration issues in local election offices (typically counties or townships) that are responsible for the administration of the November 2012 general election. As such, all data should be reported at the level of the local jurisdiction. However, the State or Territorial level election office may fill out any or all of the information on behalf of the local election offices under its jurisdiction.
2. Do not leave items blank - always provide an answer to the question asked using the “Data not available” or “Other” categories discussed below, if needed.
3. Use the “Data not available” box if the question asks for details that are not required by your state law or the question asks for information that is not currently collected.
4. You may find it helpful to read an entire section before answering any of the questions in that section.
5. Please attempt to record data according to the categories as they are defined in the question. If your jurisdiction uses a different data classification scheme (for instance, collects data in such a way that combines two or more categories listed in a question), you can use the space provided for “Other” to provide numbers and details on these categories. Use as many “Other” categories as you need to adequately report the relevant statistics for your jurisdiction. If you enter information into the “Other” field, please use the comments field to provide an explanation for the answer.

In the example below, the jurisdiction does not collect separate statistics on the number of duplicate and rejected registration forms, but instead has only one number that represents the total number of registration forms that are either duplicated/or rejected.

EXAMPLE:

A5. In order to evaluate the workflow of your office over the last election cycle, enter the total number of registration forms your jurisdiction received from all sources during the period from the close of registration for the November 2010 general election until the close of registration for the November 2012 general election. Include here any Election Day or Same Day registrations, if applicable. Also include any special categories of voters who may have extended deadlines, such as returning military personnel, if applicable.

A5a. Total ☐ Data not available

Next, divide the total number of registration application forms received (as entered in A5a) into the following categories. The amounts should sum to the total provided in A4a.

A5b. New registrations		4000	☐
A5c. Invalid or rejected (other than duplicates)	.....		☒
A5d. Duplicate of existing registration	.....		☒
A5e. Changes to name, party or within-jurisdiction address change		500	☐
A5f. Moved into jurisdiction but was registered elsewhere in the state		200	☐
A5g. Other→ comments: <u>duplicate and invalid registrations combined</u>		300	
A5h. Other→ comments: .....	.....		
TOTAL		5000	

Data not available
 ▼

SECTION A**VOTER REGISTRATION**

EAC is mandated by the National Voter Registration Act (NVRA) to collection information from states concerning the impact of that statute on the administration of Federal elections. With this information EAC is required to make a report to Congress and provide recommendations for the improvement of Federal and State procedures, forms, and other NVRA matters. States that timely respond to all questions in this survey concerning voter registration related matters will meet their NVRA reporting requirements under 42 U.S.C. § 1973gg-7 and EAC regulations.

Roadmap to Section A:

- **A1, A2 and A3** ask for information about the number of registered voters in your jurisdiction and how you calculate those statistics.
- **A4** asks for information about registration activity on days in which it was possible for a person to both register and vote on the same day.
- **A5** asks for information on all registration forms for all types of registration transactions (successful and unsuccessful) received by your office.
- **A6** asks for the sources of all registration forms (both successful and unsuccessful).
- **A7** asks for the sources of new registrations.
- **A8** asks for the sources of duplicate registrations.
- **A9** asks for the sources of invalid or rejected registrations.
- **A10** asks for information on removal notices sent under NVRA Section 8(d) 2.
- **A11** asks for the number of voters removed from the voter registration rolls and the reason for their removal.

A1. Enter the total number of persons in your jurisdiction who were registered and eligible to vote in the November 2012 general election. Include all persons eligible to vote in the election including special categories of voters with extended deadlines (such as returning military). Do not include any persons under the age of 18 who may be registered under a "pre-registration" program.

A1a. Total ☐ Data not available

A1 Comments

A2. When you report the number of registered voters in your jurisdiction for the November 2012 general election (as in A1a) do you include both active and inactive voters in the count, or does your jurisdiction only include active voters? (Select only one)

A2a. Jurisdiction uses both active and inactive registered voters ☐
 A2b. Jurisdiction only uses active registered voters ☐
 A2c. Other → comments: ☐

A2 Comments

A3. Enter the total number of persons who were registered and eligible to vote in the November 2012 general election into the following categories. Do not include any persons under the age of 18 who may be registered under a “pre-registration” program.

A3a. Active

A3b. Inactive

Data not
available


☐
☐

A3 Comments

A4. If your state’s laws allowed any voters to register and then to vote on the same day, enter the total number of registration forms received on those days in which it was possible to both register for and vote in the November 2012 general election on the same day. This question includes jurisdictions in states that have formal Election Day Registration or Same Day Registration and those states that have other situations that provide Election Day Registration or Same Day Registration. This question includes jurisdictions in states that permit Election Day Registration for voting for office of President, such as Connecticut and Rhode Island.

A4a. Total new registrations... ☐ Data not available

..... ☐ Not applicable

A4b. Are the numbers you provided for question A4a because your state allows Election Day Registration or Same Day Registration for all voters, or does your answer come from a difference circumstance?

☐Yes, our state has Election Day Registration or Same Day Registration.

☐ No, our state does not have formal Election Day Registration or Same Day Registration, but some voters were able to register and vote on the same day for the 2012 election.

☐ Other → comments: _____

☐ Not applicable.

A4 Comments

A5. In order to evaluate the workflow of your office over the last election cycle, enter the total number of forms your jurisdiction received from all sources during the period from the close of registration for the November 2010 general election until the close of registration for the November 2012 general election. Include any forms that were processed, such as changes to name, party or address, duplicates, or pre-registrations. Include here any Election Day or Same Day registrations, if applicable. Also include any special categories of voters who may have extended deadlines such as returning military personnel, if applicable.

A5a. Total ☐ Data not available

Next, divide the total number of registration application forms received (as entered in A5a) into the following categories. The amounts should sum to the total provided in A5a.

			Data not available ▼
A5b. New valid registrations (excluding pre-registrations of persons under 18)...		.....	☐
A5c. New "pre" registrations of persons under age 18 .....		.....	☐
A5d. Duplicate of existing valid registration .....		.....	☐
A5e. Invalid or rejected (other than duplicates) .....		.....	☐
A5f. Changes to name, party or within-jurisdiction address change .....		.....	☐
A5g. Address changes that cross jurisdiction borders.....		.....	☐
A5h. Other → comments: .....		.....	
A5i. Other → comments: .....		.....	
A5j. Other → comments: .....		.....	
A5k. Other → comments: .....		.....	
A5l. Other → comments: .....		.....	
TOTAL	A5a		

A5 Comments

A6a through A6o: Divide the total number of all registration forms received (as entered in A5a) into the following sources.

A7a through A7o: Divide the total number of new registration forms received (as entered in A5b) into the following sources.

A8a through A8o: Divide the total number of duplicate registration forms received (as entered in A5d) into the following sources.

A9a through A9o: Divide the total number of invalid or rejected registration forms (as entered in A5e) received into the following sources.

*Sub-question "e" should include all forms handled through the public assistance agency process (i.e., paper, online).

	(from A5a)		(from A5b)		(from A5d)		(from A5e)	
	A6. Total forms received	NA ▼	A7. New registrations	NA ▼	A8. Duplicate of existing registrations	NA ▼	A9. Invalid or rejected	NA ▼
a. <u>Individual voters</u> submitting applications by mail, fax, or email		☐		☐		☐		☐
b. <u>Individual voters</u> registering in person at the election/registrar's office		☐		☐		☐		☐
c. <u>Individual voters</u> submitting registration forms via the Internet.....		☐		☐		☐		☐
d. Motor vehicle offices or other offices that issue drivers licenses		☐		☐		☐		☐
e.* Public assistance offices mandated as registration sites under NVRA		☐		☐		☐		☐
f. State funded agencies primarily serving persons with disabilities		☐		☐		☐		☐
g. Armed forces recruitment offices.....		☐		☐		☐		☐
h. Other agencies designated by the State not mandated by NVRA.....		☐		☐		☐		☐
i. Registration drives from advocacy groups or political parties		☐		☐		☐		☐
j. Other → comments:								
k. Other → comments:								
l. Other → comments:								
m. Other → comments:								
n. Other → comments:								
o. Other → comments:								
TOTAL.....	A5a		A5b		A5d		A5e	

A6, A7, A8, and A9 Comments

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A10. Enter the total number of confirmation notices sent to voters in the period between the close of registration for the November 2010 general election and the close of registration for the November 2012 general election, because the person had not voted or appeared to vote in the two previous federal elections (per NVRA Section 8 (d) (2)).

A10a. Total ☐ Data not available

Next, divide the total number of confirmation notices mailed (as entered in A10a) into the following categories. The amounts should sum to the total provided in A10a.

			Data not available ▼
A10b. Received back from voters confirming registration		☐	
A10c. Received back confirming registration should be invalidated		☐	
A10d. Returned back as undeliverable		☐	
A10e. Status unknown (neither received confirmation nor returned undeliverable).....		☐	
A10f. Other → comments:			
A10g. Other → comments:			
A10h. Other → comments:			
TOTAL	A10a		

A10 Comments

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A11. Enter the total number of voters removed from the voter registration rolls in your jurisdiction in the period between the close of registration for the November 2010 general election and the close of registration for the November 2012 general election. Note this question asks for those ineligible to vote, not merely those moved into an “inactive” status.

A11a. Total

..... ☐ Data not available

Next, divide the total number of voters removed (as entered in A11a) into the following categories. The amounts should sum to the total provided in A11a.

			Data not available ▼
A11b. Moved outside jurisdiction	.....		☐
A11c. Death	.....		☐
A11d. Disqualifying felony conviction	.....		☐
A11e. Failure to respond to notice sent and failure to vote in the two most recent federal elections	.....		☐
A11f. Declared mentally incompetent	.....		☐
A11g. Voter requested to be removed for reasons other than felony conviction, mental status, or moved outside jurisdiction	.....		☐
A11h. Other → comments:	.....		
A11i. Other → comments:	.....		
A11j. Other → comments:	.....		
A11k. Other → comments:	.....		
TOTAL	.....	A11a	

A11 Comments

SECTION B UNIFORMED & OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA)

Section B serves as the EAC's standardized format for the state reporting of UOCAVA voting information as required by 42 U.S.C. §1973ff-1. States that complete and timely submit this section to the EAC will fulfill their UOCAVA reporting requirement under 42 U.S.C §1973ff-1(c).

Pursuant UOCAVA, this section collects various data elements needed to determine: (1) the combined number of absentee ballots transmitted to UOCAVA voters; (2) the combined number of ballots returned by UOCAVA voters; and (3) the combined number of returned ballots cast by UOCAVA voters (the number of cast ballots is practically determined by collecting data concerning the total votes counted and rejected).

Roadmap to Section B:

- **B1 and B2** ask for information about the number and type of UOCAVA absentee ballots transmitted.
- **B3** asks for the number and type of all UOCAVA ballots returned and submitted for counting.
- **B4, B5, B6, and B7** asks for information on the type of UOCAVA ballot returned by type of UOCAVA voter.
- **B8** asks for the number and type of all UOCAVA ballots counted.
- **B9, B10, B11, and B12** asks for information on the type of UOCAVA ballot counted by type of UOCAVA voter.
- **B13** asks for the number and type of all UOCAVA ballots rejected.
- **B14** asks for information on reasons why UOCAVA ballots were rejected.
- **B15, B16, B17, and B18** asks for information on the type of UOCAVA ballot rejected by type of UOCAVA voter.

B1. Enter the total number of absentee ballots transmitted to UOCAVA voters for the November 2012 general election.

B1a. Total ☐ Data not available

Next, divide the total number of absentee ballots transmitted to UOCAVA voters (as entered in B1a) into the following categories. The amounts should sum to the total provided in B1a.

B1b. Uniformed services voters – domestic or foreign		☐
B1c. Non-military/civilian overseas voters		☐
B1d. Other → comments:		
B1e. Other → comments:		
TOTAL		B1a

Data not available
▼

B1 Comments

B2. Of the UOCAVA absentee ballots transmitted (as entered in B1a) how many were:

		Data not available ▼	
B2a. Returned by voter and submitted for counting (include both those that were counted and those that were rejected)	.....		☐
B2b. Returned as undeliverable	.....		☐
B2c. Spoiled or replaced ballots	.....		☐
B2d. Status unknown (neither returned undeliverable nor returned from voter) ...	.....		☐
B2e. Other → comments: .....	.....		
B2f. Other → comments: .....	.....		
B2g. Other → comments: .....	.....		
TOTAL	.....	B1a	

B2 Comments

B3. Enter the total number of all UOCAVA ballots (including regular UOCAVA absentee ballots and Federal Write-in Absentee Ballots (FWAB)) returned by UOCAVA voters and submitted for counting for the November 2012 general election. Please include both those ballots that were later counted and those that were rejected. Do not include ballots that were returned undeliverable.

B3a. Total ☐ Data not available

B3 Comments

B4a through B4c. Divide the total number of UOCAVA ballots returned by UOCAVA voters and submitted for counting (as entered in B3) into each category of UOCAVA voter below.

Next, for each type of UOCAVA voter, enter the number of:

- B5a through B5c: Regular UOCAVA absentee ballots returned and submitted for counting.
- B6a through B6c: FWAB returned and submitted for counting.
- B7a through B7c: Other type of ballots returned and submitted for counting.

		Of the total UOCAVA ballots returned (as entered in B3), how many were ballots of each of the following ballot types:							
B4. All UOCAVA ballots		B5. Absentee ballots		B6. FWAB		B7. Other type of ballot →			
	NA ▼		NA ▼		NA ▼		NA ▼		
Type of UOCAVA voter:									
a. Uniformed services voters – domestic or foreign		☐		☐		☐		☐	
b. Non-military/civilian overseas voters		☐		☐		☐		☐	
c. Other type of voter→									
comments: _____									
TOTAL	B3								

B4, B5, B6, and B7 Comments

B8. Enter the total number of all UOCAVA ballots (including regular UOCAVA absentee ballots and FWAB) counted in the November 2012 general election.

B8a. Total..........☐
Data not available

B8 Comments

B9a through B9c. Divide the total number of UOCAVA ballots counted (as entered in B8) into each category of UOCAVA voter below.

Next, for each type of UOCAVA voter, enter the number of:

- B10a through B10c: Regular UOCAVA absentee ballots counted.
- B11a through B11c: FWAB counted.
- B12a through B12c: Other type of ballots counted.

		Of the total UOCAVA ballots counted (as entered in B8), how many were ballots of each of the following ballot types:							
B9. All UOCAVA ballots		B10. Absentee ballots		B11. FWAB		B12. Other type of ballot →			
	NA ▼		NA ▼		NA ▼		NA ▼		
Type of UOCAVA voter:									
a. Uniformed services voters – domestic or foreign		☐		☐		☐		☐	
b. Non-military/civilian overseas voters		☐		☐		☐		☐	
c. Other type of voter →		☐		☐		☐		☐	
comments:									
TOTAL	B8								

B9, B10, B11 and B12 Comments

B13. Enter the total number of UOCAVA ballots (including regular UOCAVA absentee ballots and FWAB) rejected in the November 2012 general election.

B13a. Total..........☐ Data not available

B13 Comments

B14. Please divide the total number of all UOCAVA ballots rejected (as entered in B13a) into the following categories indicating the reason the absentee ballots were rejected. The amounts should sum to the total provided in B13a.

B14a. Ballot not received on time/missed deadline.			☐
B14b. Problem with voter signature			☐
B14c. Ballot lacked a postmark			☐
B14d. Other → comments:			
B14e. Other → comments:			
B14f. Other → comments:			
TOTAL		B13a	

B14 Comments

B15a through B15c. Divide the total number of UOCAVA ballots rejected (as entered in B13) into each category of UOCAVA voter below.

Next, for each type of UOCAVA voter, enter the number of:

- **B16a through B16c:** Regular UOCAVA absentee ballots rejected.
- **B17a through B17c:** FWAB rejected.
- **B18a through B18c:** Other type of ballots rejected.

		Of the total UOCAVA ballots rejected (as entered in B13), how many were ballots of each of the following ballot types:							
B15. All UOCAVA ballots		B16. Absentee ballots		B17. FWAB		B18. Other type of ballot →			
	NA ▼		NA ▼		NA ▼		NA ▼		
Type of UOCAVA voter:									
a. Uniformed services voters – domestic or foreign	☐	☐	☐	☐	☐	☐	☐		
b. Non-military/civilian overseas voters	☐	☐	☐	☐	☐	☐	☐		
c. Other type of voter → comments									
TOTAL	B13								

B15, B16, B17, and B18 Comments

SECTION C**Domestic Civilian Absentee Ballots****Roadmap to Section C.**

- **C1** asks for information about absentee ballots transmitted and the status of the transmitted ballots.
- **C2** and **C3** ask for information on any voters who may be registered as permanent absentee voters.
- **C4** asks for information on the status of absentee ballots returned and submitted for counting.
- **C5** asks for information on the reasons absentee ballots were rejected.

C1. Enter the total number of domestic civilian absentee ballots transmitted to voters for the November 2012 general election. Do not include absentee ballots transmitted to UOCAVA voters

C1a. Total ☐ Data not available

Next, divide the total number of absentee ballots transmitted to voters (as entered in C1a) into the following categories. The amounts should sum to the total provided in C1a.

Data not available



C1b. Returned by voters and submitted for counting (include both

those that were later counted and those that were rejected)..... ☐

C1c. Returned as undeliverable ☐

C1d. Spoiled or replaced ballots ☐

C1e. Status unknown (neither returned undeliverable nor returned from voter).... ☐

C1f. Other → comments:

C1g. Other → comments:

C1h. Other → comments:

TOTAL **C1a**

C1 Comments

C2. Does your jurisdiction have a permanent absentee voter registration list in which voters may apply to receive an absentee (or mail) ballot for subsequent elections without further application? Do not include UOCAVA voters.

☐ Yes → Continue to question C3.

☐ No → Skip to question C4.

C2 Comments

Total ☐ Data not available

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Data not available

TOTAL		C1b
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C5. Please divide the total number of domestic civilian absentee ballots rejected (as entered in C4b) into the following categories indicating the reason why the absentee ballots were rejected. The amounts should sum to the total provided in C4b.

				Data not available ▼
C5a. Ballot not received on time/missed deadline.	.....		.....	☐
C5b. No voter signature	.....		.....	☐
C5c. No witness signature	.....		.....	☐
C5d. Non-matching signature	.....		.....	☐
C5e. No election official's signature on ballot	.....		.....	☐
C5f. Ballot returned in an unofficial envelope	.....		.....	☐
C5g. Ballot missing from envelope	.....		.....	☐
C5h. Envelope not sealed	.....		.....	☐
C5i. No resident address on envelope	.....		.....	☐
C5j. Multiple ballots returned in one envelope.	.....		.....	☐
C5k. Voter deceased.	.....		.....	☐
C5l. Voter already voted in person	.....		.....	☐
C5m. First-time voter without proper identification	.....		.....	☐
C5n. No ballot application on record	.....		.....	☐
C5o. Other → comments:				
C5p. Other → comments:				
C5q. Other → comments:				
C5r. Other → comments:				
C5s. Other → comments:				
C5t. Other → comments:				
C5u. Other → comments:				
C5v. Other → comments:				
TOTAL		C4b		

C5 Comments

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SECTION D	Election Administration
• D1 asks for information on the number of <u>precincts</u> in your jurisdiction • D2 asks for information on the number and type of <u>polling places</u> in your jurisdiction • D3, D4, and D5 ask for information on <u>poll workers</u> utilized in the November 2012 general election.	

D1. Enter the total number of precincts in your jurisdictions for the November 2012 general election.

D1a. Total ☐ Data not available

D1 Comments

D2. Enter the total number of physical polling places in your jurisdiction for the November 2012 general election.

Please include physical polling places in operation on Election Day and physical polling places in operation before Election Day (such as early vote centers).

D2a. Total ☐ Data not available

Next, divide the total physical polling places in your jurisdiction (as entered in D2a) into the following categories.

The amounts should sum to the total provided in D2a. If you do not include election offices in your count of polling places, enter 0.

Data not available



Election Day voting

D2b. Physical polling places other than election offices ☐

D2c. Election offices ☐

D2d. Other → comments:

Early voting

D2e. Physical polling places other than election offices ☐

D2f. Election offices ☐

D2g. Other → comments:

TOTAL D2a

D2 Comments

D3. Enter the total number of poll workers used in your jurisdiction for the November 2012 general election.

- Poll workers may include election judges, booth workers, wardens, commissioners, or other similar terms that refer to persons who verify the identity of a voter; assist the voter with signing the register, affidavits or other documents required to cast a ballot; assist the voter by providing the voter with a ballot or setting up the voting machine for the voter; and serving other functions as dictated by State law.
- Include all people recruited specifically for the purposes of working at physical polling places in operation on and/or before Election Day, but, do not include observers stationed at the polling places or regular office staff.

D3a. Total

..... ☐ Data not available**D3 Comments****D4. If your jurisdiction has data on the ages of its poll workers (for example, from voter registration records, payroll records or from poll worker applications), enter the total number of poll workers in each age category.**

D4a. Under 18 years old

D4b. 18 to 25

D4c. 26 to 40

D4d. 41 to 60

D4e. 61 to 70

D4f. 71 years old and over

..... ☐ Data not available**D4 Comments****D5. How difficult or easy was it for your jurisdiction to obtain a sufficient number of poll workers for the November 2012 general election?**

- ☐ Very difficult
- ☐ Somewhat difficult
- ☐ Neither difficult nor easy
- ☐ Somewhat easy
- ☐ Very easy
- ☐ Not enough information to answer

D5 Comments

SECTION E	Provisional Ballots
• E1 asks for the information on the number and status of provisional ballots <u>submitted</u>. • E2 asks for the information on reasons why provisional ballots were <u>rejected</u>.	

E1. Enter the total number of voters who submitted provisional ballots in the November 2012 general election.

E1a.Total ☐ Data not available

Next, divide the total number of voters who submitted provisional ballots in the November 2012 general election (as entered in E1) into the following categories.

			Data not available ▼
E1b. Counted the full ballot	.....		☐
E1c. Counted part of the ballot	.....		☐
E1d. Rejected ballot	.....		☐
E1e. Other → comments: _____	.....		
E1f. Other → comments: _____	.....		
TOTAL		E1a	

E1 Comments

E2. Please divide the total number of provisional ballots rejected (as entered in E1d) into the following categories indicating the reason the provision ballots were rejected. The amounts should sum to the total provided in E1d.

Data not available



E2a. Voter not registered in the state		☐
E2b. Voter registered in state but attempted to vote in the wrong jurisdiction		☐
E2c. Voter registered in state but attempted to vote in the wrong precinct.....		☐
E2d. Failure to provide sufficient identification		☐
E2e. Envelope and/or ballot was incomplete and/or illegible		☐
E2f. Ballot missing from envelope		☐
E2g. No signature		☐
E2h. Non-matching signature		☐
E2i. Voter already voted		☐
E2j. Other → comments:		
E2k. Other → comments:		
E2l. Other → comments:		
E2m. Other → comments:		
E2n. Other → comments:		
E2o. Other → comments:		
E2p. Other → comments:		

TOTAL

Ed1

SECTION F	Election Day Activities
• F1 and F2 ask for <u>turnout</u> figures for the November 2012 general election and the source used to arrive at this number. • F3 asks for the number of <u>first time voters who registered to vote by mail</u> and, under HAVA 303(b), were <u>required to provide identification</u> in order to vote. • F4 asks for information on <u>electronic poll books or electronic lists of voters</u> that may have been used. • F5 and F6 ask for information on <u>printed poll books or printed lists of voters</u> that may have been used. • F7 asks for the type of primary <u>voting equipment</u> used. • F8 solicits any <u>additional comments</u> jurisdictions may wish to share regarding their Election Day experiences.	

F1. Enter the total number of people in your jurisdiction who participated in the November 2012 general election.

Include all type of voters (civilian and military) by all types of ballots. Include rejected provisional ballots only if your jurisdiction credits the person's vote history even though the provisional ballot was rejected.

F1a. Total

 ☐ Data not available

Next, divide the total number people who participated in the November 2012 general election (as entered in F1a) into the following categories. The amounts should sum to the total provided in F1a.

Data not available



F1b. Voted at a physical polling place on Election Day (not including provisional ballots

or absentee ballots dropped off at the polls).

..... ☐

F1c. UOCAVA voters who voted via absentee or FWAB (as in B2a)

 ☐

F1d. Voted using a domestic civilian absentee ballot (as in C1b).....

 ☐

F1e. Voted using a provisional ballot (as in E1)

 ☐

F1f. Voted at an early vote center (as in D2e,f,g).....

 ☐

F1g. Voted by mail in a vote by mail jurisdiction

F1h. Other → comments:

F1i. Other → comments:

F1j. Other → comments:

TOTAL

..... F1a**F1 Comments**

F2. Indicate the source used to arrive at the total number of voters entered in F1a. (Select only one source.)

- ☐..... Number of voters checked off by poll workers or who signed poll books at physical polling places plus the number of UOCAVA and other absentee or early voters.
- ☐..... Number of ballots counted at precincts and/or at a central location (including UOCAVA and other absentee or early vote ballots)
- ☐..... Number of voters generated after "vote history" has been added.
- ☐..... Number of votes cast for the highest office on the ballot.
- ☐..... Other:→ comments: _____

F2 Comments

F3. HAVA 303(b) states that all first-time voters in a State who registered to vote by mail are required to provide identification in order to vote and have their ballot counted. Enter the number of voters who provided identification and were able to vote in the November 2012 general election in your jurisdiction.

Total

..... ☐ Data not available

..... ☐ Not applicable

F3 Comments

F4. Were electronic poll books or electronic lists of voters used at the polling place for the November 2012 general election in your jurisdiction to (select either Yes or No for each item):

	Yes	No
a. Sign voters in	☐	☐
b. Update voter history	☐	☐
c. Look up polling places	☐	☐
d. Other → comments:	☐	☐
e. Information unavailable	☐	☐

F4 Comments

F5. Did your jurisdiction use printed lists of registered voters at the polls in the November 2012 Federal general election?

Yes ☐ → Continue to F6

No..... ☐ → Skip to F7

Information unavailable ☐ → Skip to F7

F5 Comments

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F6. Did your state print and ship the printed poll books to your local jurisdiction or did your jurisdiction arrange for the printing of the poll books? (Select only one.)

State printed poll books and shipped to jurisdiction..... ☐

Jurisdiction arranged for printing of poll books ☐

Combination of printing by the state and local jurisdiction ☐

Information unavailable ☐

F6 Comments

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F7. Enter information on the number and type of voting equipment used for the 2012 November general election. Then, for each type of voting equipment, please identify how the machines were used in the voting process and where the ballots from that machine type were tallied. Do not include backup systems that were not actually used.

Type of Equipment	Number used	Make	Model	Version	Vendor	Machine use (select all that apply)	Location of Vote Tally (select all that apply)
F7a. Direct Recording Electronic (DRE) (Not Equipped with Voter Verified Paper Audit Trail (VVPAT))	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Not Available	
F7b. Direct Recording Electronic (DRE) (Equipped with VVPAT)	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Not Available	

Type of Equipment	Number used	Make	Model	Version	Vendor	Machine use (select all that apply)	Location of Vote Tally (select all that apply)
F7c. Electronic system that prints voter choices on an optical scan ballot (hybrid of a DRE and an optical scan system)	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Not Available	
F7d. Optical/Digital Scan	Number of counters: _____					☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Absentee	☐ A Central Location ☐ Not Available
	☐ Not Available						
Number of booths: _____							

Type of Equipment	Number used	Make	Model	Version	Vendor	Machine use (select all that apply)	Location of Vote Tally (select all that apply)				
F7c. Electronic system that prints voter choices on an optical scan ballot (hybrid of a DRE and an optical scan system)	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Not Available					
F7d. Optical/Digital Scan	Number of counters: _____	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
	Number of booths: _____					☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
	☐ Not Available					☐ Absentee	☐ A Central Location ☐ Not Available				
						☐ Not Available					

Type of Equipment	Number used	Make	Model	Version	Vendor	Machine use (select all that apply)	Location of Vote Tally (select all that apply)				
F7e. Punch Card	Number of counters: _____	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
	Number of booths: _____					☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place				
	☐ Not Available					☐ Absentee	☐ A Central Location ☐ Not Available				
						☐ Not Available					
F7f. Lever	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available				
						☐ Not Available					

Type of Equipment	Number used	Make	Model	Version	Vendor	Machine use (select all that apply)	Location of Vote Tally (select all that apply)
F7g. Hand-counted paper ballots (not optical scan system)	Number of booths: ☐ Not Available					☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place
						☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Absentee	☐ A Central Location ☐ Not Available
						☐ Not Available	
F7h. Other	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ Not Available	☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place
						☐ Absentee	☐ A Central Location ☐ Not Available
						☐ Not Available	

Type of Equipment	Number used	Make	Model	Version	Vendor	Machine use (select all that apply)	Location of Vote Tally (select all that apply)
F7i. Other						☐ In-Precinct regular ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Special Device accessible to disabled voters	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Provisional Ballot voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available
						☐ Early Vote Site voting	☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place
						☐ Absentee	☐ A Central Location ☐ Not Available
						☐ Not Available	

F8. The U.S. Election Assistance Commission welcomes any general comments the jurisdiction may wish to share regarding its Election Day experiences (e.g., problems with voting system anomalies*, recounts, staffing, challenges to eligibility, long lines, etc.), or note-worthy success in administering the November 2012 general election. Please feel free to attach additional pages as necessary.

* An anomaly is defined as an irregular or inconsistent action or response from the voting system or system component resulting in some disruption to the election process. Incidents resulting from administrator error or procedural deficiencies are not considered anomalies for purposes of this survey question (*EAC Voting Systems Testing and Certification Program Manual*).

END OF SURVEY

THANK YOU FOR RESPONDING TO THIS SURVEY

*This information collection is required for the U.S. Election Assistance Commission (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); respondents include the 50 States, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC Web site (<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 Office of Management and Budget (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 88 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.



U.S. Election Assistance Commission

1201 New York Avenue, NW • Suite 300 • Washington, DC 20005 • 866-747-1471 (toll free) • HAVAinfo@eac.gov • www.eac.gov

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DIVISION OF MINNESOTA

LEAGUE OF WOMEN VOTERS OF
MINNESOTA,

Plaintiff,

v.

STEVE SIMON, in his official
capacity as Secretary of State of Minnesota,

Defendant.

Case No. _____

DECLARATION OF DR. ARTHUR L. REINGOLD

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

I am the Division head of Epidemiology and Biostatistics at the University of California, Berkeley, School of Public Health. I have worked on the prevention and control of infectious diseases in both the United States, including eight years at the U.S. Centers for Disease Control and Prevention ("CDC"), and with numerous developing countries around the world for over forty years. Since its inception in 1994, I have directed or co-directed the CDC-funded California Emerging Infections Program. I am a member of the Society for Epidemiologic Research and the American Epidemiological Society; an elected Fellow of the Infectious Disease Society of America and of the American Association for the Advancement of Science; and an elected member of the Institute of Medicine of the National Academy of Sciences. I was previously the President of both the Society for Epidemiologic Research and the American Epidemiological Society. I have served on the editorial boards of three journals: *American Journal of Epidemiology*, *Epidemiology*, and *Global Public Health*.

2. I received my A.B. in biology from the University of Chicago in 1970, and my M.D. from the University of Chicago in 1976. Among other things, I completed a residency in internal medicine and a preventative medicine residency with the CDC.

3. My career in public health has been in the area of infectious diseases and epidemiology. Following my positions at the CDC (1979-87), I joined the faculty of the School of Public Health at Berkeley as a Professor of Epidemiology (1987-present), the faculty of the Department of Epidemiology and Biostatistics at the University of California, San Francisco ("UCSF") (1989-present), and as a Clinical Professor in the Department of Medicine at UCSF (1991-present). From 1990-94, I was the Head of the Epidemiology Program, Department of Biomedical and Environmental Health Sciences, University of California, Berkeley; from 1994-2000, I was the Head of the Division of Public Health Biology and Epidemiology, University of California, Berkeley; from 2000-18, I was the Head of the Division of Epidemiology, School of Public Health, University of California, Berkeley; from 2018 continuing through the present, I am the Head of the Division of Epidemiology and Biostatistics, School of Public Health, University of California, Berkeley.

4. My research focuses on emerging and re-emerging infections in the United States and in developing countries, including diverse respiratory tract infections; vaccine-preventable diseases in the United States and in developing countries; and disease surveillance, outbreak detection, and outbreak response.

5. Attached and incorporated by reference to this declaration is a copy of my curriculum vitae. (Attached hereto as Exhibit A).

6. I am currently collaborating on multiple research projects concerning SARS-CoV-2 and its incidence, and serving on SARS-CoV-2 advisory groups for multiple organizations.

including University of California, Berkeley, the University of California System, and the City and County of San Francisco, among others.

7. SARS-CoV-2 is a novel coronavirus that causes Coronavirus Disease 2019 (“COVID-19”). The virus is a respiratory virus with patients typically presenting with acute respiratory signs and symptoms, which can escalate in some patients to respiratory failure and other serious, life-threatening complications. The most common symptoms are fever, cough, and shortness of breath. Other identified symptoms include muscle aches, headaches, chest pain, diarrhea, coughing up blood, sputum production, runny nose, nausea, vomiting, sore throat, confusion, loss of senses of taste and smell, and anorexia. Due to the respiratory impacts of the disease, individuals may need to be put on oxygen, and in severe cases, patients may need to be intubated and put on a ventilator.

8. People of every age can and have contracted COVID-19, including severe cases, long-term impairment, and death. While geriatric patients are at the most risk of life-threatening COVID-19 illness, adults of every age are at risk of serious illness and possible death. And those with immunologic conditions and with other pre-existing conditions, such as hypertension, certain heart conditions, lung diseases (e.g., asthma, COPD), diabetes mellitus, obesity, and chronic kidney disease, are at high risk of a life-threatening COVID-19 illness—regardless of their age. Furthermore, once infected in the community or in the workplace, adults <65 years of age (and children) can easily transmit SARS-CoV-2 to family members and other close contacts, including the elderly and infirm.

9. SARS-CoV-2 is readily spread through respiratory transmission. All people are susceptible to and capable of getting COVID-19 because of the ease with which the virus spreads and the lack of immunity in the population. The virus is spread through large and small droplet

transmission; that is, when an infected individual speaks, coughs, sneezes, and the like, they expel droplets which can transmit the virus to others in their proximity. Though still under study, early evidence suggests that the virus can be aerosolized, such that tiny droplets containing the virus can remain in the air and be inhaled by others who come into contact with that air. The virus is also known to be spread through the touching of contaminated surfaces, for example, when an infected person touches a surface with a hand they have coughed into and then another person touches that same surface before it has been disinfected and then touches their face. Each infected individual is estimated to infect two to eight others. In addition, some people are so-called “superspreaders,” who cause even more widespread infections.

10. Diagnostic testing for the virus is currently most often done through use of a reverse-transcriptase polymerase chain reaction (“RT-PCR”) test. There has not been sufficiently widespread and easily accessible testing throughout the United States, including in Minnesota. Serologic tests, which detect antibodies to the virus and thus indicate whether someone has already been exposed to it, are being developed but have not yet been validated or produced at scale. Furthermore, evidence does not yet establish whether the presence of antibodies correlates with immunity to re-infection.

11. There is not yet any FDA-approved vaccine against SARS-CoV-2, which could be used to immunize the population to the virus. As a result, the only ways to limit its spread are self-isolation, social distancing, frequent handwashing, and disinfecting surfaces. Self-isolation involves not physically interacting with those outside one’s household. Social or physical distancing is maintaining at least six feet of distance between individuals. Both of these interventions are aimed at keeping infecting individuals far enough apart from other individuals

so that they do not pass the virus along. Frequent handwashing and regular disinfecting of surfaces can help curb the spread via contaminated surfaces.

12. Transmission of SARS-CoV-2 can occur in any location where there is close proximity (less than six feet) between individuals. And because transmission of the virus can occur via environmental surfaces, there is also risk of spread of the virus at any location where multiple individuals touch surfaces. Some individuals who are infected with the virus do not have any symptoms but can transmit the virus (i.e. are infectious) before they develop any symptoms. This means that isolating only persons known to be infected will not stop the spread of infection. Rather, to prevent increasing the scope of the outbreak of COVID-19, we must assume that anyone could be infected and infect another person.

13. Due to the lack of adequate testing, the time lag in getting results back from laboratories, and the lengthy incubation time, we cannot yet definitely determine the full effects of stay-at-home orders and social distancing. But social distancing has worked to slow the spread of respiratory viruses generally and in places that are ahead of Minnesota and the United States in the current pandemic. There is evidence that cities and states that have implemented stay-at-home orders earlier than Minnesota are experiencing reduced transmission. Current modeling shows that social distancing and stay-at-home orders are lessening transmission; however, transmission of the virus will continue through the population until the development and widespread use of a vaccine or herd immunity has developed.

14. It is unlikely that an FDA-approved vaccine will be available for at least 12 to 18 months, and indeed may take longer than that due to the number of steps in the process of development, trial and error, scaling to clinical trials, assessing side effects, and assessing efficacy across the population at large.

15. Herd immunity occurs when a high percentage of the population become immune to an infectious disease, such that the spread is dramatically slowed, as infected persons become dead-ends for the virus, so to speak, because infected individuals are not interacting with anyone to whom they can transmit the virus. Approximately 80-95% of a population must be immune in order to achieve herd immunity, depending on the infectiousness of the agent. In this context, an individual's immunity can come from either a vaccine or from previous infection. Herd immunity can protect those in a population who cannot be vaccinated and for whom infection can be particularly serious. Without herd immunity, we can expect that COVID-19 will continue to be transmitted widely.

16. As SARS-CoV-2 is a new virus, also referred to as a novel virus, only those who have been infected and recovered are possibly immune; no population has a pre-existing immunity to the virus. Anyone who has not yet been infected is susceptible to infection. Also, due to the virus's novelty, we do not know whether any immunity generated by previous infection lasts permanently, for a specified period, or whether reinfection is possible. As a result, herd immunity is unlikely unless and until the development and widespread use of an effective vaccine or a sufficiently high proportion of the population has been infected. Only once serologic antibody testing with a highly reliable test is widely available will we be able to determine who in the population is not susceptible to either infection or transmission, based on their immunity due to earlier infection. As a result, even if transmission slows due to behavioral interventions such as social distancing and stay-at-home orders, we can expect resurgences of COVID-19, including significant community transmission, throughout 2020 and into 2021 across the United States, until the development and widespread use of a vaccine. Such resurgence is particularly likely if/when

these behavioral modifications (e.g., social distancing requirements) are lifted while community transmission is still occurring.

17. As SARS-CoV-2 is a novel virus, we also cannot say definitively whether its incidence and prevalence will rise and fall based on weather or season. If virus transmission and prevalence do decline over the summer months, it remains likely that they will resurge in the fall and winter, although certain other novel coronaviruses—such as SARS and MERS-CoV—do not appear to demonstrate seasonality of infection. SARS-CoV-2 has circulated widely in countries currently in their hot seasons. These two points suggest that transmission of and infection with the virus may not be substantially affected by the weather, but if it is, it is likely that transmission will increase in the fall and winter.

18. Because it is difficult to predict whether and when the incidence and prevalence of SARS-CoV-2 infection will fluctuate with season or ambient temperature and because most of the population in Minnesota and the rest of the U.S. undoubtedly remain susceptible, resurgence of COVID-19 in the fall and winter of 2020 should be considered very likely.

19. Due to the ease of transmission, the high risk to certain segments of the population, and the fact that the virus will continue to circulate unless and until widespread vaccination and/or herd immunity is achieved, individuals will need to continue to take steps to prevent infection. For individuals without another person able to witness in their household, the requirement that they have someone witness their absentee ballot would place them at increased risk of exposure to and/or transmission of COVID-19. Requiring individuals to have someone they are not otherwise being exposed to come into close enough proximity to witness their ballot would place them at increased risk of infection. This would be particularly risky for those who are at a greater risk of complications and death from COVID-19. My opinion has been further confirmed by reports like

the one from public health officials in Milwaukee, Wisconsin, who have reported that at least forty and up to sixty-seven individuals have been identified as having contracted SARS-CoV-2 via in-person voting in the primary election held on April 7, 2020.¹ This is just one example of the risks of transmission I have described.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 1st, 2020.



Dr. Arthur L. Reingold

¹ Teran Powell, "40 Coronavirus Cases in Milwaukee County Linked to Wisconsin Election, Health Official Says," WUWM, Apr. 24, 2020, <https://www.wuwm.com/post/40-coronavirus-cases-milwaukee-county-linked-wisconsin-election-health-official-says#stream/0>; David Wahlberg, "67 got COVID-19 after visiting polls in state's April 7 election but tie to voting unclear," Wisconsin State Journal, May 8, 2020, https://madison.com/wsj/news/local/health-med-fit/67-got-covid-19-after-visiting-polls-in-states-april-7-election-but-tie-to/article_49a42a7e-45d8-50cc-bd76-3a583842de39.html.

November, 2019

CURRICULUM VITA

Arthur Lawrence Reingold

PRESENT POSITION: Professor of Epidemiology
Head, Division of Epidemiology and Biostatistics
School of Public Health
University of California, Berkeley
2121 Berkeley Way, #5302
Berkeley, California 94720-7360
Phone: (510) 642-0327
Fax: (510) 643-5056
E-mail: Reingold@berkeley.edu

DATE OF BIRTH: October 31, 1948

PLACE OF BIRTH: Chicago, Illinois

MARITAL STATUS: Married

EDUCATION: 1966 - 70 A.B. University of Chicago
1970 - 76 M.D. University of Chicago

POSTGRADUATE TRAINING: 1976 - 78 Internal Medicine Resident, Mount Auburn Hospital
Cambridge, Massachusetts
1980 - 82 Preventive Medicine Resident, Centers for Disease
Control (CDC) - Atlanta, Georgia

POSITIONS HELD: 1979 - 80 Epidemic Intelligence Service Officer,
State of Connecticut - Department of Health Services
Hartford, Connecticut
1980 - 81 Epidemic Intelligence Service Officer,
Special Pathogens Branch - Bacterial Diseases Division
Centers for Disease Control (CDC) - Atlanta, Georgia
1981 - 85 Assistant Chief, Respiratory & Special Pathogens
Epidemiology Branch, Center for Infectious Diseases
Centers for Disease Control (CDC) - Atlanta, Georgia
1985 - 87 CDC Liaison Officer, Office of the Director
Centers for Disease Control - Atlanta, Georgia

FACULTY APPOINTMENTS: 1979 - 80 Instructor, Department of Medicine (Epidemiology)
University of Connecticut - Hartford, Connecticut
1985 - 87 Visiting Lecturer, Department of Biomedical and
Environmental Health Sciences (Epidemiology)
University of California, Berkeley
1987 - Professor of Epidemiology, School of Public Health,
University of California, Berkeley
1989 - Professor, Department of Epidemiology and
Biostatistics - University of California, San Francisco

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FACULTY APPOINTMENTS: (CONTINUED)	1990 - 94	Head, Epidemiology Program, Department of Biomedical and Environmental Health Sciences, University of California, Berkeley
	1991 -	Clinical Professor, Department of Medicine University of California, San Francisco
	1994 - 2000	Head, Division of Public Health Biology and Epidemiology University of California, Berkeley
	2000 - 2018	Head, Division of Epidemiology, School of Public Health, University of California, Berkeley
	2018 -	Head, Division of Epidemiology and Biostatistics, School of Public Health University of California, Berkeley
	2008 - 2014	Associate Dean for Research, School of Public Health, University of California, Berkeley
	2009 - 2014	Edward Penhoet Distinguished Chair for Global Health and Infectious Disease

MEDICAL LICENSURE: California

BOARD CERTIFICATION: 1980 American Board of Internal Medicine

AWARDS: 1970 - 74 Medical Scientist Training Program
1985 Commendation Medal, U.S. Public Health Service
1986 Charles Shepard Award, Centers for Disease Control (CDC)

MEMBERSHIPS: 1970 Sigma Xi
1978 American College of Physicians
1983 American Society for Microbiology
1984 Society for Epidemiologic Research
1986 Infectious Disease Society of America (Fellow)
1988 American Epidemiological Society
1991 American College of Epidemiology (Fellow)
1994 AAAS (Fellow)
2003 Institute of Medicine (Member)

PROFESSIONAL ACTIVITIES

CONSULTATIONS:	1981	Institute of Medicine: Toxic-shock syndrome
	1981	Food and Drug Administration: Toxic-shock syndrome
	1982	United States Agency for International Development: Control of meningococcal meningitis in West Africa
	1983	World Health Organization (WHO): Control of meningococcal meningitis in Nepal
	1983	East-West Center, University of Hawaii: Role of indoor air pollution in acute respiratory infections in developing countries
	1984	Institute of Medicine: Meningococcal vaccines

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CONSULTATIONS: (CONTINUED)	1986	World Health Organization (WHO): Control of meningococcal meningitis in South Asia
	1987 - 1993	Center for Child Survival, University of Indonesia: Control of Acute Respiratory Infections
	1988	Evaluation of the Combating Communicable Childhood Disease Program, Ivory Coast
	1994	Evaluation of National Epidemiology Board Program, Rockefeller Foundation
	1995	Planning of a School-based Acute Rheumatic Fever Prevention Project - New Zealand Heart Foundation
	1995	Vaccines Advisory Committee, Food & Drug Administration Approval of acellular pertussis vaccine
	1996	External Reviewer, NIAID Group B Streptococcus Research Contract with Harvard University
	1996 - 2000	U.S. Food and Drug Administration; Consultant to the Vaccines Advisory Committee
	1996	World Health Organization, Consultation on Control of Meningococcal Meningitis in Africa
	1998 – 2002	Advisor to the INCLIN "Indiaclen" project
	2002 – 2003	Evaluation of a School-based Acute Rheumatic Fever Prevention Project – New Zealand Heart Association
ADVISORY BOARDS AND PANELS:	1988 - 1989	Member, Advisory Committee on Ground Water and Reproductive Outcomes, State of California Department of Health Services
	1989 - 1990	AIDS Advisory Committee, Alameda County Board of Supervisors
	1989 - 1993	Advisory Committee, Birth Defects Monitoring Program, State of California Department of Health Services
	1993 - 1995	Centers for Disease Control (CDC): Public Health Service Advisory Panel on the Case Definition for Lyme Disease
	1992 - 1994	World Health Organization (WHO): Task Force on Strengthening Epidemiologic Capacity; Childhood Vaccine Initiative
	1996 - 2000	Armed Forces Epidemiological Board
	1997 - 2012	University of California, San Francisco AIDS Research Institute Steering Committee
	1998 - 2003	Emerging Infections Committee of the Infectious Diseases Society of America
	1998 – 2000	Panelist, Howard Hughes Medical Institute Predoctoral Fellowship
	2001 - 2006	Technical expert, Sub-Committee on the Protection of Public Health; California State Strategic Committee on Terrorism

Arthur Lawrence Reingold

ADVISORY BOARDS PANELS (CONTINUED)	2003 - 2008	Advisory Board, Chinese University of Hong Kong – Centre for Emerging AND Infectious Diseases
	2004 -	Advisory Board, University of California, Berkeley Clinical Research Center
	2004 - 2008	Advisory Board, New York University School of Medicine Fellowship in Medicine and Public Health Research
	2004 - 2005	Institute of Medicine Committee on Measures to Enhance the Effectiveness of CDC Quarantine Station Plan for U.S. Ports of Entry
	2005 - 2012	Strategic Advisory Group of Experts (SAGE) for Vaccine Policy, World Health Organization (WHO) (Deputy Chairman, 2010-2012)
	2005 -	Data and Safety Monitoring Committee; F.I. Proctor Foundation, University of California, San Francisco (UCSF)
	2007 - 2012	NIH Fogarty International Center External Advisory Board
	2007 - 2009	Chair, Working Group on Pneumococcal Vaccine, Strategic Advisory Group of Experts (SAGE), World Health Organization (WHO)
	2008 - 2012	Working Group on H5N1 Influenza Vaccines, Strategic Advisory Group of Experts (SAGE), World Health Organization (WHO)
	2008 - 2011	Chair, Leptospirosis Burden Epidemiology Reference Group, World Health Organization (WHO)
	2008 - 2012	National Biosurveillance Advisory Subcommittee of the Advisory Committee to The Director, Centers for Disease Control and Prevention (CDC)
	2008 - 2009	Institute of Medicine Committee on the Review of Priorities in the National Vaccine Plan
	2009 - 2012	Chair, Working Group on Hepatitis A Vaccine, Strategic Advisory Group of Experts (SAGE), World Health Organization (WHO)
	2011 - 2013	Member, Institute of Medicine Committee on Vaccine Priorities
	2011 - 2014	Member, Working Group on Vaccine Hesitancy, Strategic Advisory Group of Experts (SAGE), World Health Organization (WHO)
	2012 - 2014	Chair, Review of the Heterologous Effects of Childhood Vaccines, World Health Organization (WHO)
	2012 - 2014	Chair, External Review of the Measles Rubella Initiative (of WHO, CDC, UNICEF, American Red Cross, and United Nations Foundation)
	2013 - 2018	Advisory Committee on Immunization Practices (ACIP), U.S. Department of Health and Human Services
	2016-2017	Member, Institute of Medicine Committee on a National Strategy for the Elimination of Hepatitis B and C
	2018 -	Member, Independent Review Committee, Global Alliance for Vaccines and Immunizations (GAVI)
	2018 -	Member, Strategic Advisory Group, Partnership for Influenza Vaccination Introduction

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LEADERSHIP POSITIONS:

1997 - 2012	Secretary-Treasurer, American Epidemiological Society
2009 - 2010	President, Society for Epidemiologic Research
2015 – 2016	President, American Epidemiological Society (AES)

EDITORIAL BOARDS:

1995 - 2000	Board of Editors, American Journal of Epidemiology
2001 - 2005	Board of Editors, Epidemiology
2005 -	Editorial Advisory Board, Global Public Health
2009 - 2010	Editorial Advisory Board, American Journal of Epidemiology

ASSOCIATE EDITORSHIPS:

2017 -	Current Epidemiology Reports
2018 -	Vaccine

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PUBLICATIONS:

1. Hayes RV, Pottenger LA, Reingold AL, Getz GS, Wissler RW. Degradation of I¹²⁵ - labeled serum low density lipoprotein in normal and estrogen-treated male rats. *Biochem Biophys Res Comm* 1971;44:1471-1477.
2. Reingold AL, Kane MA, Murphy BL, Checko P, Francis DP, Maynard JE. Transmission of hepatitis B by an oral surgeon. *J Infect Dis* 1982;145:262-268.
3. Reingold AL, Dan BB, Shands KN, Broome CV. Toxic-shock syndrome not associated with menstruation: a review of 54 cases. *Lancet* 1982;1:1-4.
4. Bartlett P, Reingold AL, Graham DR, et al. Toxic-shock syndrome associated with surgical wound infections. *JAMA* 1982;247:1448-1450.
5. Reingold AL, Hargrett NT, Shands KN, et al. Toxic-shock syndrome surveillance in the United States, 1980-1981. *Ann Intern Med* 1982;96:875-880.
6. Reingold AL, Hargrett NT, Dan BB, Shands KN, Strickland BY, Broome CV. Nonmenstrual toxic-shock syndrome: a review of 130 cases. *Ann Intern Med* 1982;96:871-874.
7. Broome CV, Hayes PS, Ajello GW, Feeley JC, Gibson RJ, Graves LM, Hancock GA, Anderson RJ, Highsmith AK, Mackel DC, Hargrett NT, Reingold AL. In-vitro studies of interactions between tampons and *Staphylococcus aureus*. *Ann Intern Med* 1982;96:959-962.
8. Guinan ME, Dan BB, Guidotti RJ, Reingold AL, et al. Vaginal colonization with *Staphylococcus aureus* in healthy women: a review of four studies. *Ann Intern Med* 1982;96(pt.2):944-947.
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11. Reingold AL. Toxic-shock syndrome. In: Spittell JA Jr., ed. *Clinical Medicine*. Philadelphia: Harper & Row Publishers 1982 (II):1-6.
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14. Meenhorst PL, Reingold AL, Gorman GW, et al. *Legionella pneumonia* in guinea pigs exposed to aerosols of concentrated potable water from a hospital with nosocomial Legionnaires' disease. *J Infect Dis* 1983;147:129-132.

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15. Reingold AL. Nonmenstrual toxic-shock syndrome: the growing picture. JAMA 1983; 249:932 (editorial).
16. Reingold AL. Meningococcal meningitis. Nepal Paed Soc J 1983; 2:144-148.
17. Reingold AL, Broome CV, Phillips CJ, Meda H, Tiendrebeogo H, Yada A. Evidence of continuing protection against group A meningococcal disease one year after vaccination: a case-control approach. Med Trop 1983;43:225.
18. Reingold AL, Kane MA, Hightower AW. Disinfection procedures and infection control in the outpatient oral surgery practice. J Oral Maxillofac Surg 1984;42:568-572.
19. Broome CV, Reingold AL. Current issues in toxic-shock syndrome. In: Remington JS, Swartz MN, eds. Current clinical topics in infectious diseases. McGraw Hill 1984;65-85.
20. Herwaldt LA, Gorman GW, McGrath T, Toma S, Brake B, Hightower AW, Jones J, Reingold AL, et al. A new Legionella species, Legionella feeleei species nova, causes Pontiac fever in an automobile plant. Ann Intern Med 1984;100:333-338.
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22. Hayes PS, Graves LM, Feeley JC, Hancock GA, Cohen ML, Reingold AL, et al. Production of toxic-shock-associated protein(s) in Staphylococcus aureus strains isolated from 1956 through 1982. J Clin Microbial 1984;20:42-46.
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Arthur Lawrence Reingold

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EXHIBIT 4



Coronavirus Disease 2019 (COVID-19)

Cases in the U.S.

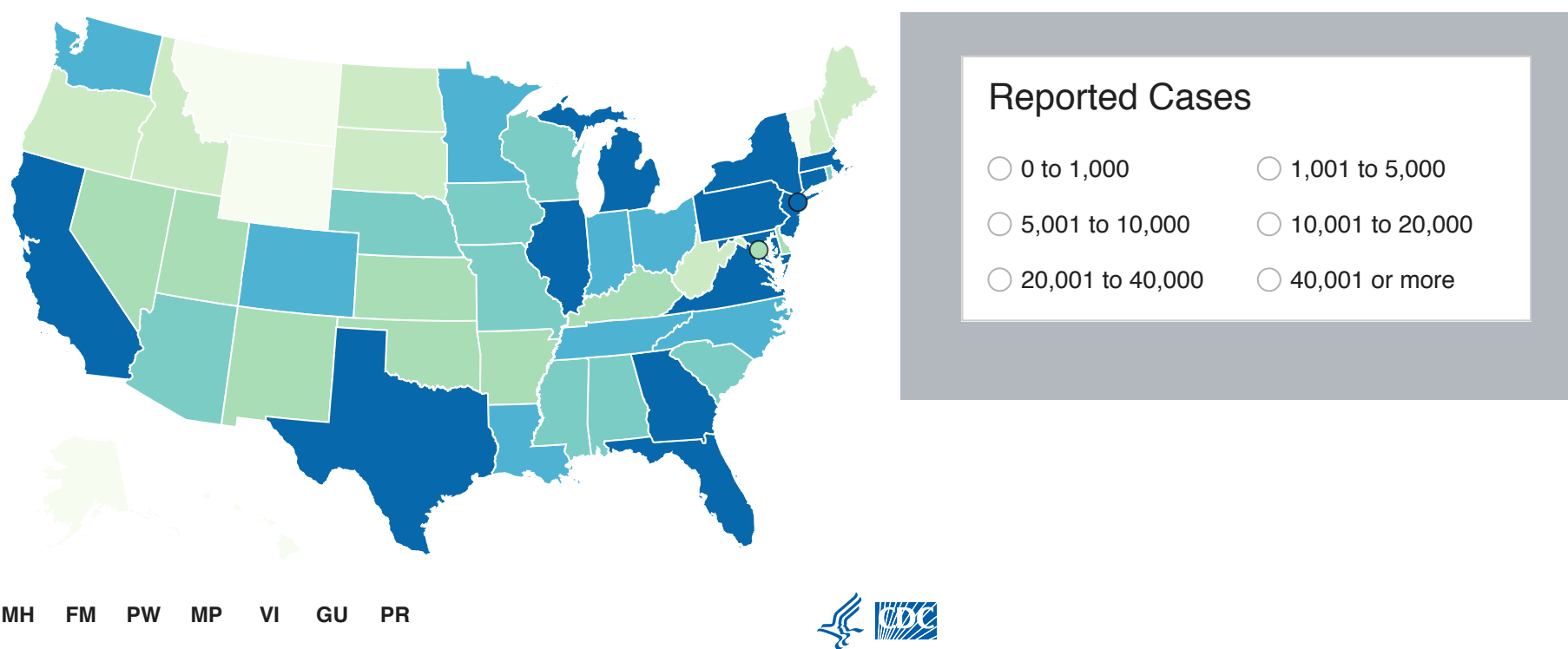
Last updated on May 28, 2020



Cases & Deaths by Jurisdiction

31 jurisdictions report more than 10,000 cases of COVID-19.

This map shows COVID-19 cases and deaths reported by U.S. states, the District of Columbia, and other U.S.-affiliated jurisdictions. Hover over the map to see the number of cases and deaths reported in each jurisdiction. To go to a jurisdiction's health department website, click on the jurisdiction on the map.



Jurisdictions

Add U.S. Map to Your Website

Cases & Deaths by County

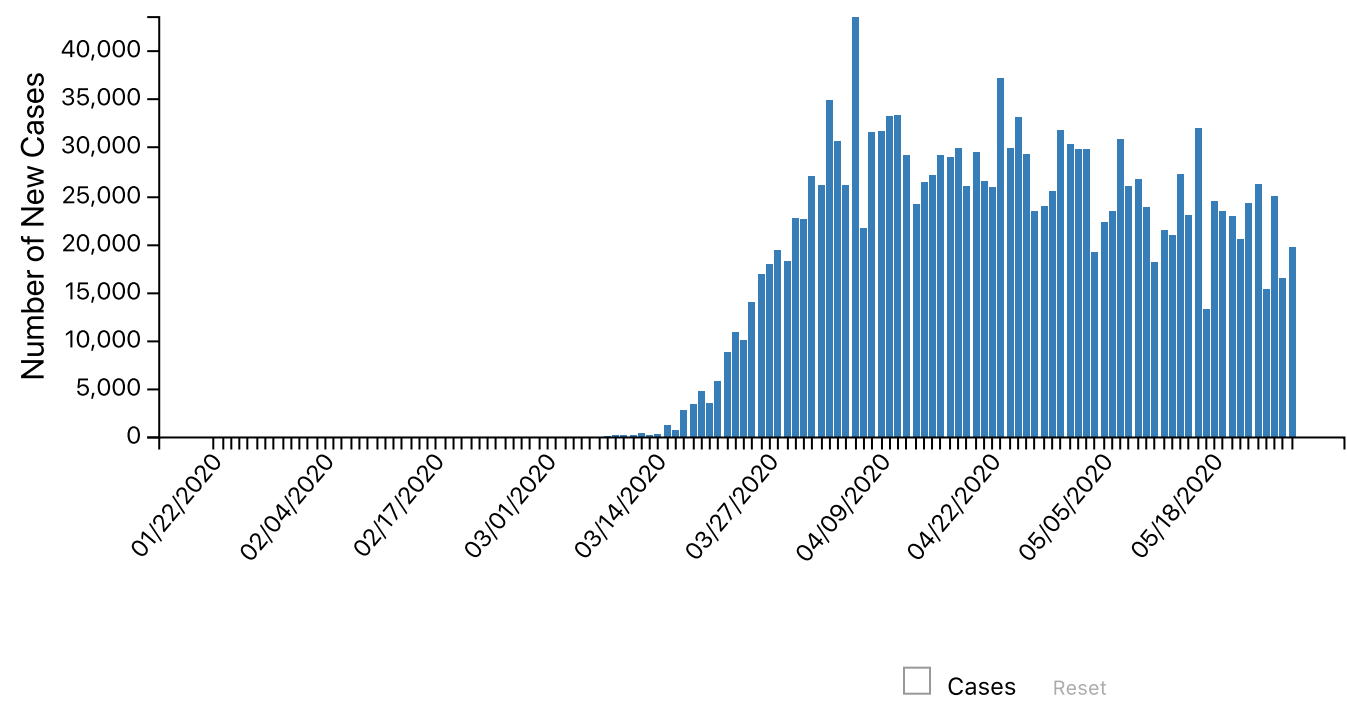
Select a state to view the number of cases and deaths by county. This data is courtesy of [USA Facts.org](#)

Select a State

View County Data

New Cases by Day

The following chart shows the number of new cases of COVID-19 reported by day in the U.S. since the beginning of the outbreak.



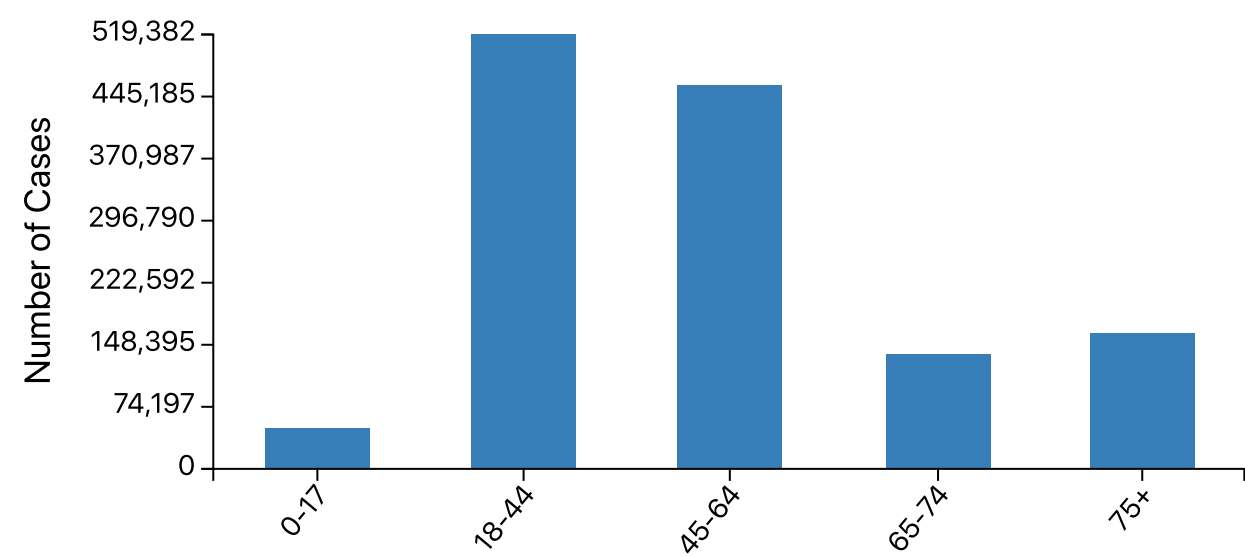
View Data by Date

	01/22/2020	01/23/2020	01/24/2020	01/25/2020	01/26/2020	01/27/2020	01/28/2020	01/29/2020	01/30/2020
Cases	1	0	1	0	3	0	0	0	

Scroll for additional info

Cases by Age

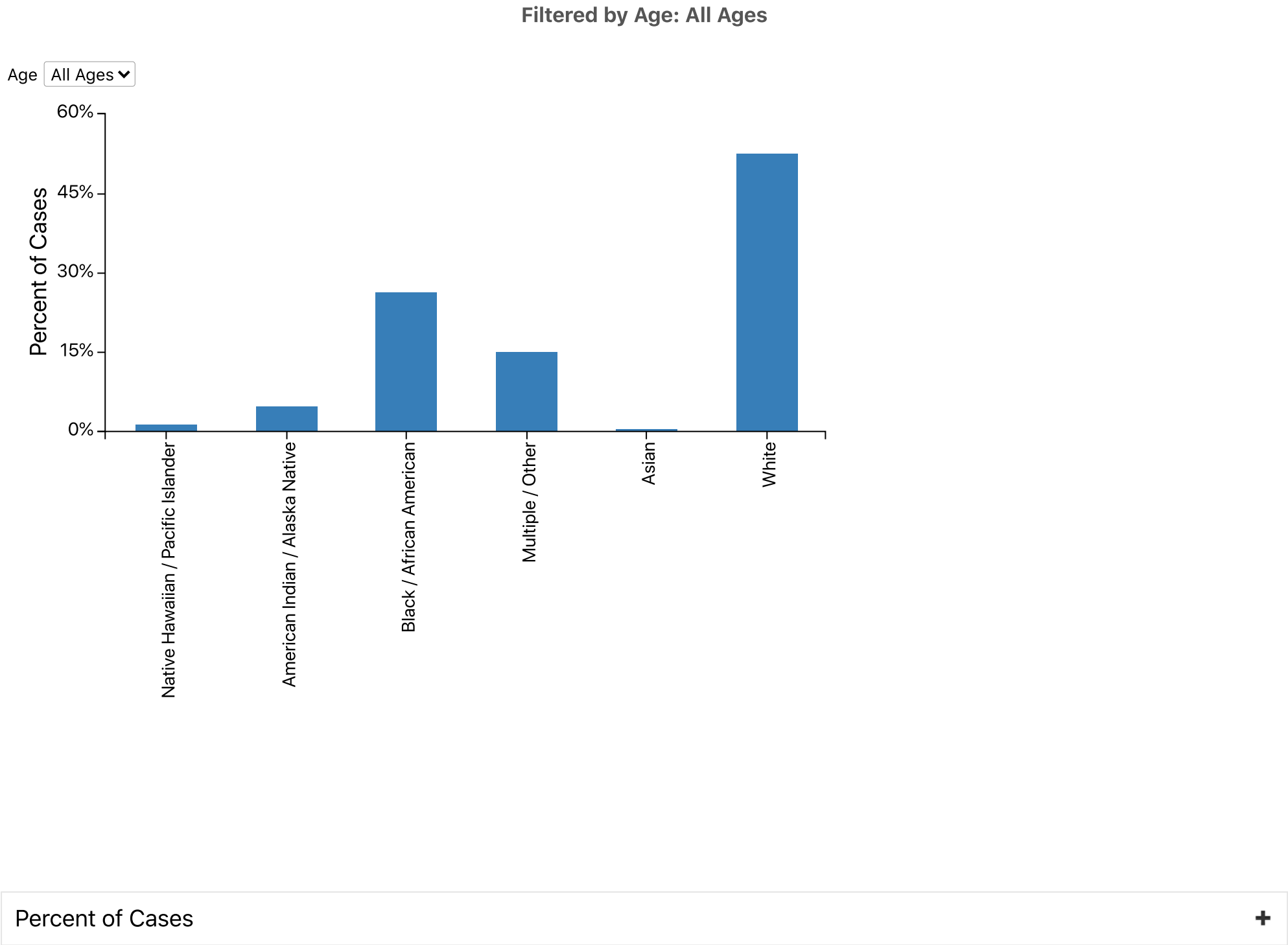
The following chart shows the age of people with COVID-19. Data were collected from 1,327,267 people, and age was available for 1,324,111 (99.8%) people.



Number of Cases

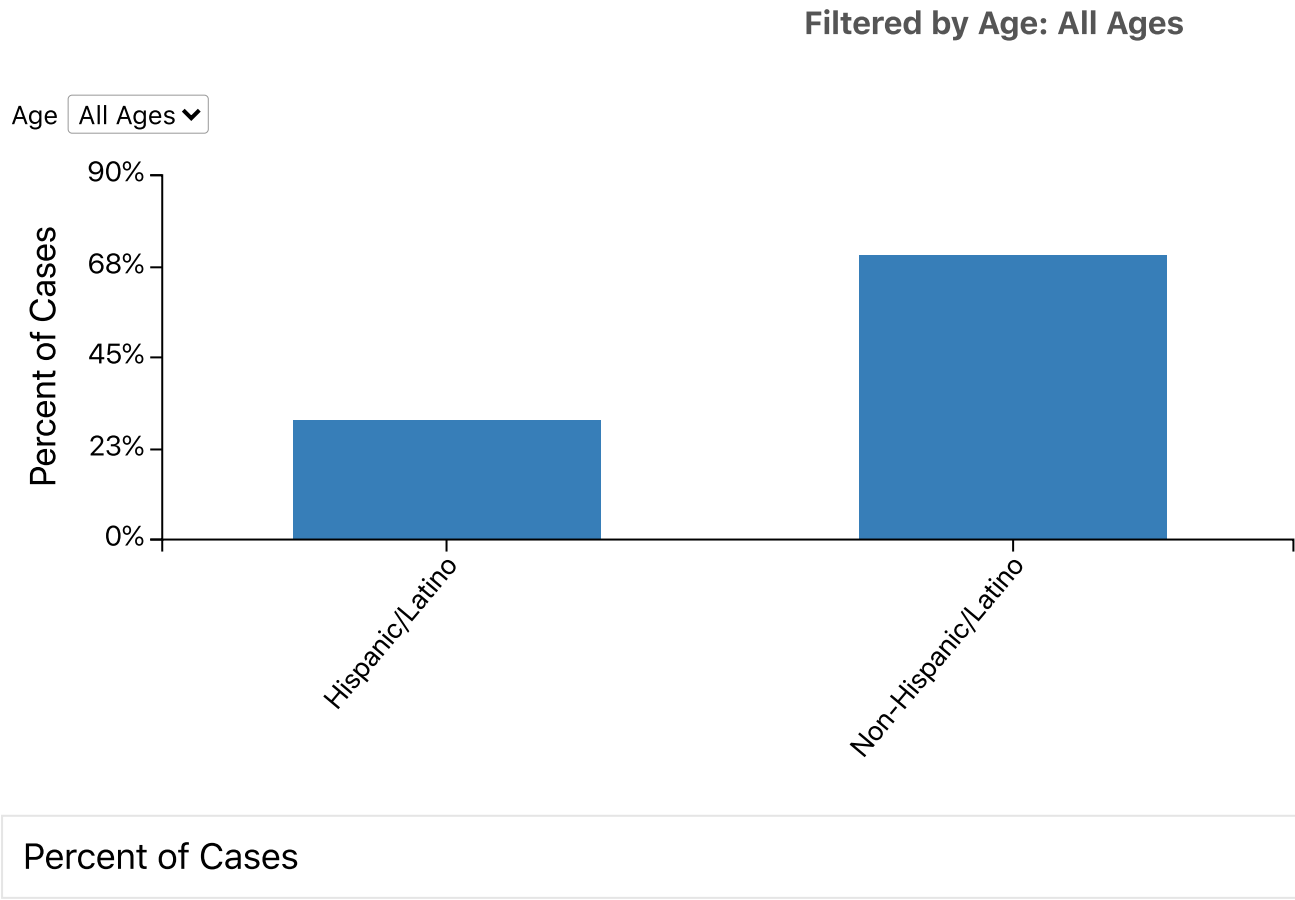
Cases by Race & Age

The following chart shows the race of people with COVID-19. Data were collected from 1,327,267 people, but race was only available for 653,561 (49.2%) people.



Cases by Ethnicity & Age

The following chart shows the ethnicity of people with COVID-19. Data were collected from 1,327,267 people, but ethnicity was only available for 613,757 (46.2%) people.



Cases & Deaths among Healthcare Personnel

Data were collected from 1,365,370 people, but healthcare personnel status was only available for 288,658 (21.1%) people. For the 63,136 cases of COVID-19 among healthcare personnel, death status was only available for 36,043 (57.1%).

CASES AMONG HCP
63,136

DEATHS AMONG HCP
299

Previous U.S. COVID-19 Case Data +

CDC has moved the following information to the [Previous U.S. COVID-19 Case Data](#)

- When did people in the U.S. get sick from COVID-19,
- How did people in the U.S. get COVID-19, and
- Cases of COVID-19 from Wuhan, China and the Diamond Princess cruise.

About the Data +

Updated Daily

This page is updated daily based on data confirmed at 4:00pm ET the day before.

Numbers reported on Saturdays and Sundays are preliminary and not yet confirmed by state and territorial health departments. These numbers have not been medically reviewed and are subject to change. Monday

departments. These numbers may be modified when numbers are updated on Mondays.

Number of Jurisdictions

There are currently 55 U.S.-affiliated jurisdictions reporting cases of COVID-19. This includes 50 states, District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S Virgin Islands.

Confirmed & Probable Cases

As of April 14, 2020, CDC case counts and death counts include both confirmed and probable cases and deaths. This change was made to reflect an [interim COVID-19 position statement](#)   issued by the Council for State and Territorial Epidemiologists on April 5, 2020. The position statement included a case definition and made COVID-19 a nationally notifiable disease.

A confirmed case or death is defined by meeting confirmatory laboratory evidence for COVID-19.

A probable case or death is defined by one of the following:

- Meeting clinical criteria AND epidemiologic evidence with no confirmatory laboratory testing performed for COVID-19
- Meeting presumptive laboratory evidence AND either clinical criteria OR epidemiologic evidence
- Meeting vital records criteria with no confirmatory laboratory testing performed for COVID19

Case Notifications

Case notifications were received by CDC from U.S. public health jurisdictions and the [National Notifiable Diseases Surveillance System](#) (NNDSS).

Accuracy of Data

CDC does not know the exact number of COVID-19 illnesses, hospitalizations, and deaths for a variety of reasons. COVID-19 can cause mild illness, symptoms might not appear immediately, there are delays in reporting and testing, not everyone who is infected gets tested or seeks medical care, and there may be differences in how states and territories confirm numbers in their jurisdictions.

State and local public health departments are now testing and publicly reporting their cases. In the event of a discrepancy between CDC cases and cases reported by state and local public health officials, data reported by states should be considered the most up to date.

More Information

[COVIDView – A Weekly Surveillance Summary of U.S. COVID-19 Activity](#)

[Previous U.S. COVID-19 Case Data](#)

[FAQ: COVID-19 Data and Surveillance](#)

Testing in the U.S.

World Map

Health Departments

Page last reviewed: May 28, 2020

EXHIBIT 5



Stay Safe MN [About the Order \(/covid19/for-minnesotans/stay-safe-mn/stay-safe-mn.jsp\)](#) [Frequently Asked Questions \(/covid19/for-minnesotans/stay-safe-mn/faq.jsp\)](#) [Share Our Message \(/covid19/media/share-message/index.jsp\)](#)



COVID-19 Dashboard: Data on Minnesota Cases

When viewed on a smartphone, select bars to view chart labels.

22,947

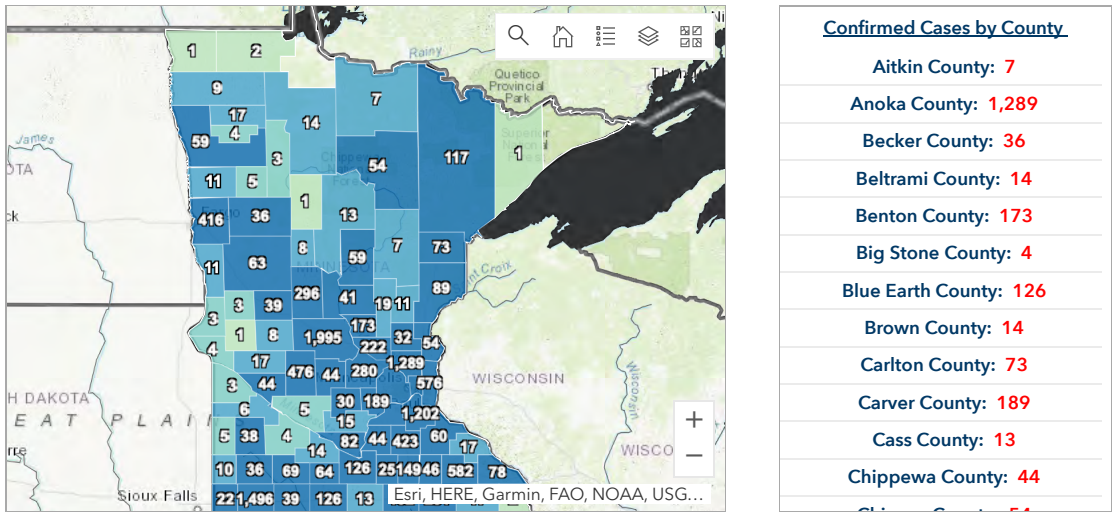
Confirmed Cases

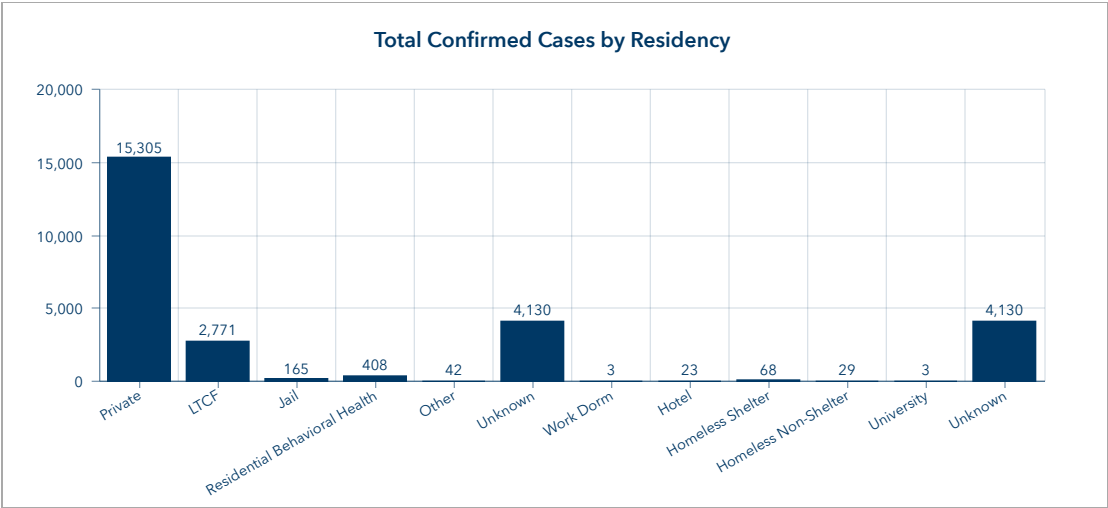
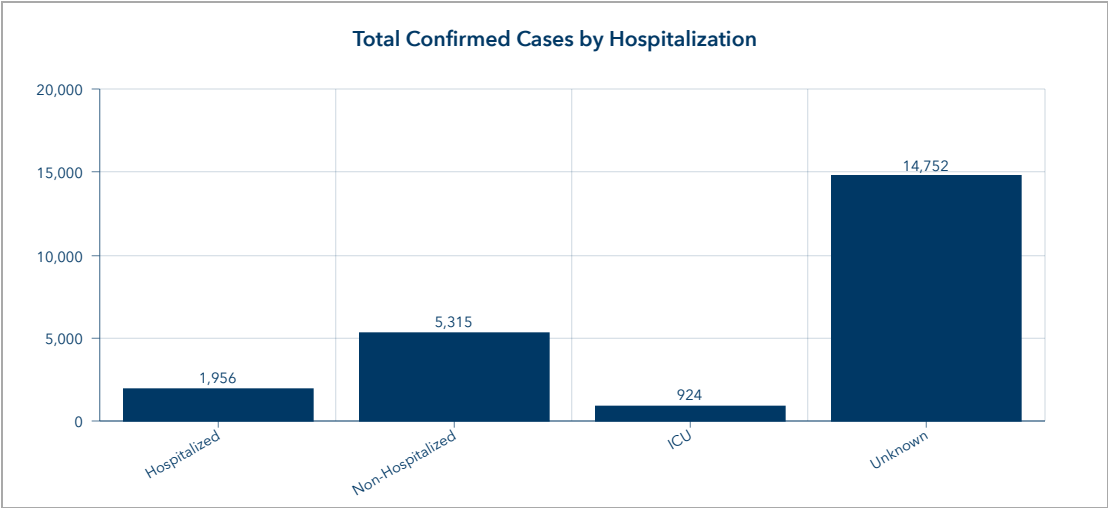
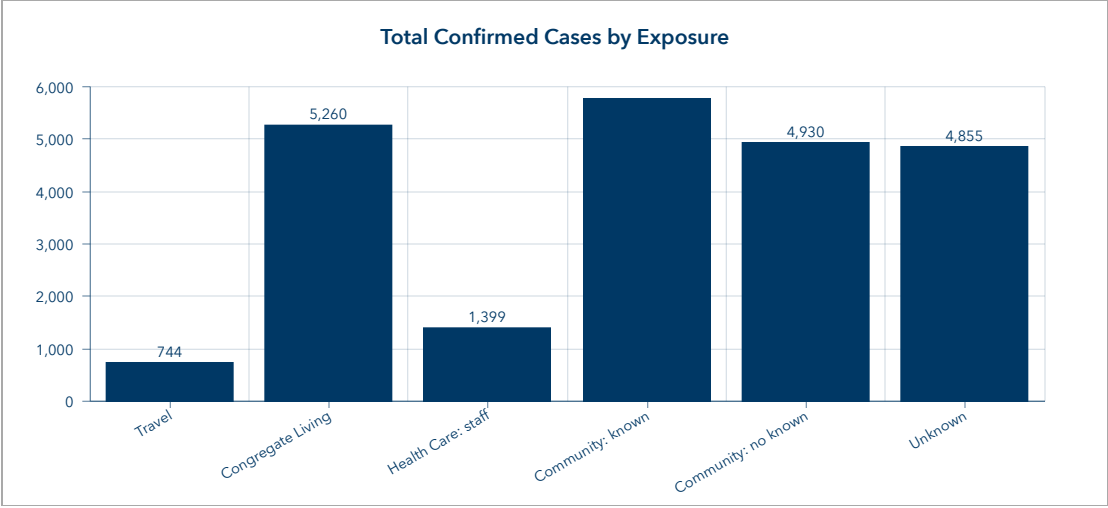
967

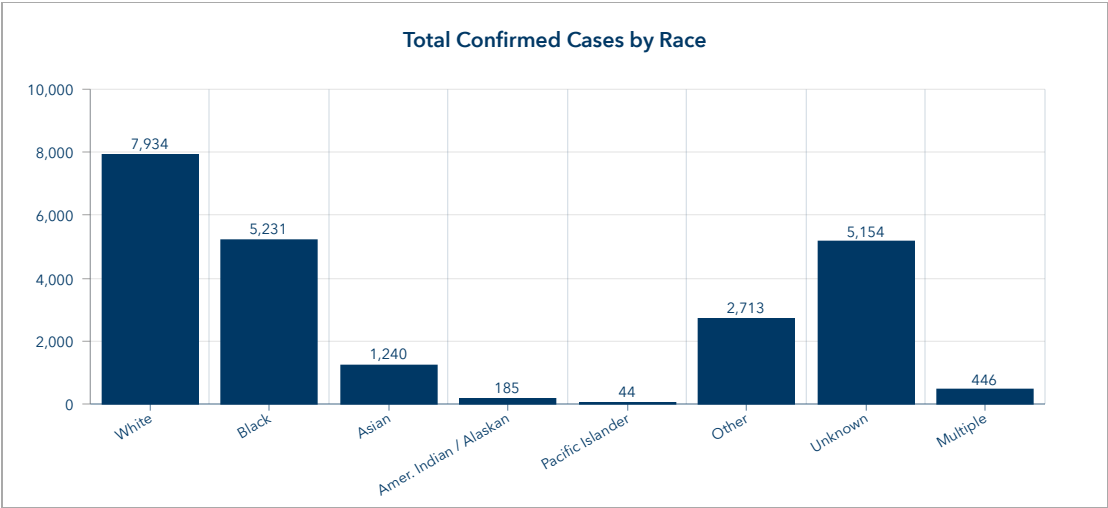
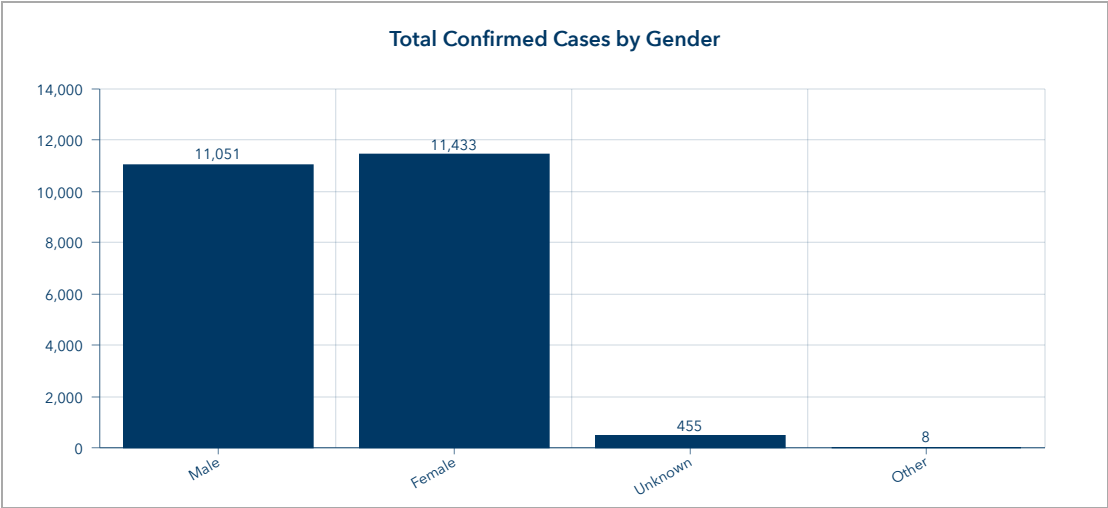
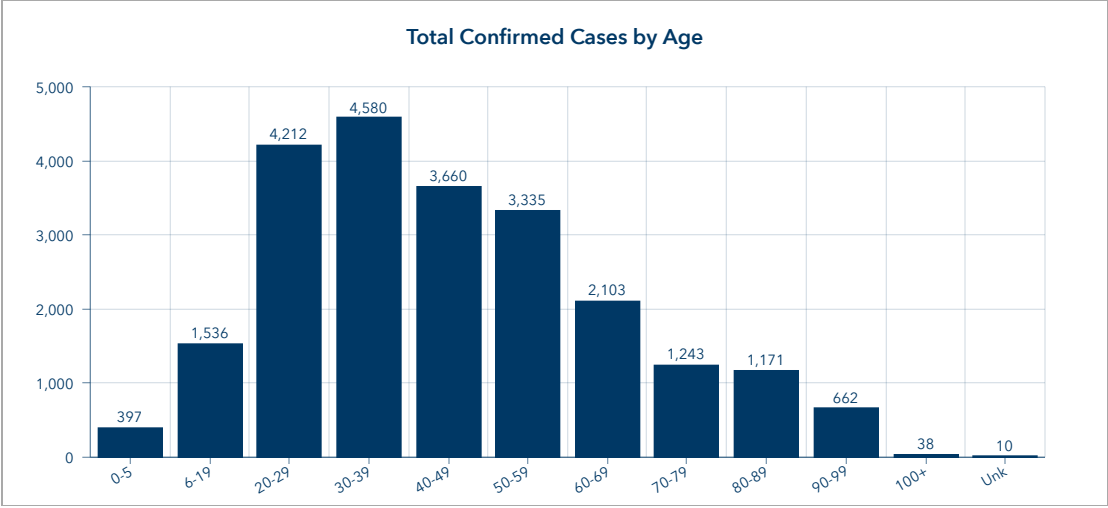
Deceased

16,655

Released From Isolation







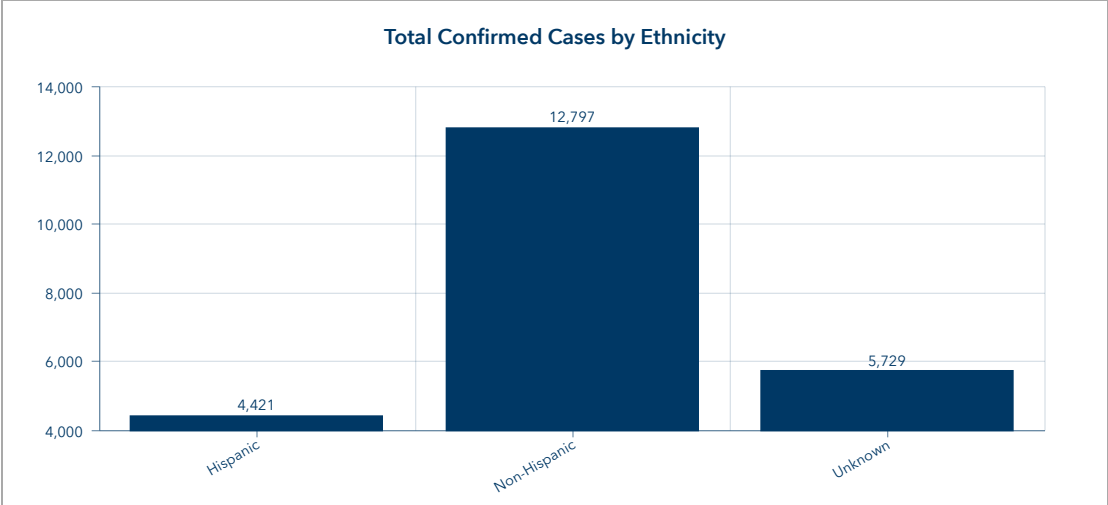


EXHIBIT 6

By Kelley Luckstein

Updated visitor policy: Mayo Clinic limits number of visitors during COVID-19 response



ROCHESTER, Minn. — To protect patients and staff, Mayo Clinic is limiting the number of outpatient and hospital visitors while there is concern about COVID-19 transmission.

UPDATED: Saturday, March 21st

As Mayo Clinic continues to monitor the outbreak of the COVID-19 (coronavirus disease), additional changes have been made to policies for visitors to all Mayo Clinic sites. Please read below for additional details.

Effective Sunday, March 22, to ensure the safety of hospital patients and staff, no visitors will be allowed in the hospital setting or emergency department. Exceptions include consideration for childbirth, end-of-life care, hospitalized children, and other rare and unique circumstances assessed by the care team.

Effective Monday, March 23, outpatient clinic patients may have one individual accompany them, with consideration for special exceptions determined by patient care teams.

The ongoing safety of patients, staff and the community remains Mayo Clinic's primary focus. To protect patients and staff, Mayo Clinic will limit the number of visitors on its campuses while there is a threat of COVID-19 transmission.

These restrictions may be difficult for patients and their loved ones, but Mayo is taking these necessary steps to protect patients and staff. Limiting the number of visitors is temporary and is being done to safeguard the health of all who come to Mayo Clinic.

Following are site-specific updates to hospital visitor policies:

Arizona:

- **Outpatient/Clinic Patients:** Patients may have one individual accompany them in the clinic (outpatient) setting. Due to additional screening activities, please allow extra time upon arrival (approximately 20 minutes).
- **Hospital Patients:** For each hospital patient, one visitor per patient at a time will be allowed. The visitor will be screened to be sure they are free from fever and respiratory symptoms. Additional guidelines apply for patients who are receiving care for respiratory conditions that require isolation.

Florida:

- Effectively immediately, to ensure the safety of hospital patients, no visitors will be allowed for patients at Mayo Clinic Hospital and Emergency Department. Requests for exceptions should be sent to the Healthcare Incident Command System (HICS) at 904-956-1800.

Rochester:

- **Hospital Patients:** Effective Sunday, March 22, to ensure the safety of hospital patients and staff, no visitors will be allowed in the hospital setting or emergency department.

Exceptions include consideration for childbirth, end-of-life care, hospitalized children, and other rare circumstances as assessed by the care team.

- **Outpatient/Clinic Patients:** Patients may have one individual accompany them in the clinic (outpatient) setting, with consideration for special exceptions as determined by your care team. Due to respiratory illness screening activities, please allow extra time upon arrival (approximately 15 minutes). We ask for your patience as we work to implement these processes in our clinics.

Since Mayo has begun screening visitors in Rochester, staff members are urged to use staff-only entrances to avoid congestion. If you must use an entrance used by patients and visitors, you can move swiftly through by displaying your Mayo Clinic access identification badge.

Mayo Clinic Health System:

Hospitalized patients across Mayo Clinic Health System will no longer be allowed to have visitors. The effective dates are as follows:

- Northwest Wisconsin: Effective Sunday, March 22, at 7 a.m.
- Southwest Wisconsin: Effective Sunday, March 22, at 7 a.m.
- Southeast Minnesota: Effective as of Friday, March 20
- Southwest Minnesota: Effective as of Friday, March 20

A limited number of compassionate exceptions will be evaluated on a case-by-case basis and no visitors under age 18 will be allowed. All visitors will be screened to assess the need for a COVID-19 test. If a visitor is tested, they will not be allowed to visit while results are pending, or if results are positive.

Click here for additional information on patient visitor guidelines, including Florida, Arizona and the Mayo Clinic Health system. (<https://www.mayoclinic.org/covid-19>)

Media contact: Kelley Luckstein, Mayo Clinic Public Affairs, newsbureau@mayo.edu (<mailto:newsbureau@mayo.edu>)

Check the CDC website (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>) for additional updates on COVID-19.

For more information and all your COVID-19 coverage, go to the Mayo Clinic News Network (<https://newsnetwork.mayoclinic.org/tag/covid-19/>) and [mayoclinic.org](https://www.mayoclinic.org) (<https://www.mayoclinic.org/diseases-conditions/coronavirus/symptoms-causes/syc-20479963>).

#COVID-19 (<https://newsnetwork.mayoclinic.org/tag/covid-19/>)

#visitor policy (<https://newsnetwork.mayoclinic.org/tag/visitor-policy/>)

EXHIBIT 7



The NEW ENGLAND JOURNAL of MEDICINE

Perspective

Not Dying Alone — Modern Compassionate Care in the Covid-19 Pandemic

Glenn K. Wakam, M.D., John R. Montgomery, M.D., Ben E. Biesterveld, M.D., and Craig S. Brown, M.D.

***D**r. Wakam: I'm 5 hours into my ICU shift at a community hospital in Detroit when the results of another arterial blood gas return. My patient has been hospitalized for 3 days and is Covid-19–positive. Over the past 12*

hours, his treatment has progressed from intubation, to prone positioning on 100% fractional inspired oxygen, to medically induced paralysis, and finally to bilevel ventilation. The results from the arterial blood gas are dismal: pH 7.19, pCO₂ 70.1, pO₂ 63.7, HCO₃ 26.0. He has already experienced episodes of profound hypoxia when we try to rotate him into a supine position, and his heart has begun to show signs of strain, with periods of atrial fibrillation with rapid ventricular response and nonsustained runs of ventricular tachycardia. A request to transfer the patient for extracorporeal membrane oxygenation (ECMO) is denied. It's 11 p.m., and I'm worried that my patient won't survive until morning.

I call the patient's wife to inform her about her husband's trajectory. The conversation makes her feel overwhelmed

and helpless. She asks to come into the hospital to be with her husband, or at least see him through the door to his room. Unfortunately, I am told by the unit charge nurse that hospital policy permits no visitors for patients who have tested positive or are under investigation for Covid-19.

The fear of dying alone is nearly universal — a fact of which anyone who's taken care of a critically ill patient is acutely aware. So we sometimes go to great lengths to give patients just a little more time for family members to arrive and say their good-byes. One aspect of the Covid-19 pandemic that has been particularly difficult is that instead of our usual promise that "We'll do everything we can to keep him alive until you get here," we find

ourselves telling families, "Because of hospital policy, we cannot allow visitors at this time." This conversation sometimes takes place at the doors to the ICU, over the phone, or in front of the hospital, as families beg to see their loved ones before they die. A seemingly simple request, which in other times would be encouraged, has become an ethical and health care dilemma.

It is 12 a.m., and I try to advocate for the wife with the nursing managers. To complicate matters, the wife admits that although she hasn't had any fever or cough, she has had a headache and a sore throat. With no clear policy in place for family members with symptoms, we call the hospital administrator at home, and he answers immediately: "No." Then there's a long back and forth about "extenuating circumstances" criteria, which allow a single visitor to come to the hospital. But since the wife could possibly have symptoms and has not been tested for Covid-19, the administrator decides she cannot

visit. I telephone the wife and relay the final decision, and she rapidly cycles through stages of grief. Her initial anger and threats of a lawsuit quickly give way to pleading and bargaining — “What if I only spent 5 minutes and left?”

The problem is multifaceted. In many cases, family members have already spent time in close contact with the patient, which means they’re reasonably likely to be infected with SARS-CoV-2 themselves. Moreover, there is a shortage of personal protective equipment (PPE), and using some on family members means consuming more of a scarce resource. And if the family members are currently uninfected, a visit to a ward full of patients with Covid-19 risks infecting people who lack proper training in PPE use.

This dilemma has led to some creative workarounds: nurses may hold the bedside phone up to the patient’s ear or bring their personal smartphone into the room and hold it up while using Skype, WhatsApp, or FaceTime. But many nurses, owing to concern about HIPAA privacy rules, a heavy workload, or poor connectivity can’t offer such communication with family. And even if a call does take place, families may be left feeling like they didn’t get to say goodbye properly — and we are left feeling like there must be a better way.

My patient’s wife arrives at the emergency department at 1:30 a.m., despite having been told she would not be allowed to see her husband. I go to meet her, and we discuss her husband’s

continued decline. Unfortunately, in the middle of the conversation, a Code Blue rings from the overhead speaker for a patient in the ICU. I step away and find myself entering her husband’s room, where CPR is already in progress.

After 90 minutes of CPR, epinephrine, and defibrillations, my patient still has not regained a sustained pulse. I somberly call time of death. One of the nurses in the hallway has been in contact with the wife throughout the process and has informed her of the death; she now has the wife on FaceTime so that she can see her husband. When she recognizes him in the distorted image, she lets out a wail of sorrow. She is in the midst of her final goodbyes when I have to excuse myself from the room: another patient with Covid-19 is deteriorating a few rooms over.

We, as residents, have spent much of our time these past few weeks in community ICUs around Detroit, one of the epicenters of Covid-19 in the United States, and have all experienced similar scenarios. We have witnessed more death in the past 3 weeks than in all our previous years combined. Unfortunately, similar stories are becoming more common and represent uncharted territory for many of us, as we try to maintain our humanity and patient-centeredness while managing these difficult situations.

We believe that the U.S. health care system can do better. As telehealth and virtual meetings become the new normal, so can telecommunication between isolated patients and their families. Perhaps setting up a tablet com-

puter facing the patient or repurposing a workstation on wheels logged in to a video chat would be a solution. Recently, some guidance has become available regarding difficult but necessary conversations related to Covid-19 and ways of bridging the physical distance we must maintain during the pandemic.^{1,2} Such efforts may not represent the evidence-based medicine we all strive to practice, but they capture some of the art of caring not just for patients, but also for their families and friends. National guidance would be beneficial, since existing Covid-19 management resources fall short. There may be no way for families to hold patients’ hands or hug them while they’re dying, but with the care and compassion of front-line health care workers, maybe we can harness creative solutions to help them feel some connection, while still keeping everyone safe.

Identifying details have been changed to protect the family’s privacy.

Disclosure forms provided by the authors are available at NEJM.org.

From the Department of Surgery, University of Michigan, Ann Arbor.

This article was published on April 14, 2020, at NEJM.org.

1. VitalTalk. COVID ready communication playbook (<https://www.vitaltalk.org/guides/covid-19-communication-skills/>).
2. Hollander JE, Carr BG. Virtually perfect? Telemedicine for Covid-19. N Engl J Med. DOI: 10.1056/NEJMp2003539.

DOI: 10.1056/NEJMp2007781

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EXHIBIT 8



Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

Coronavirus Disease 2019 (COVID-19)

Social Distancing

Keep Your Distance to Slow the Spread

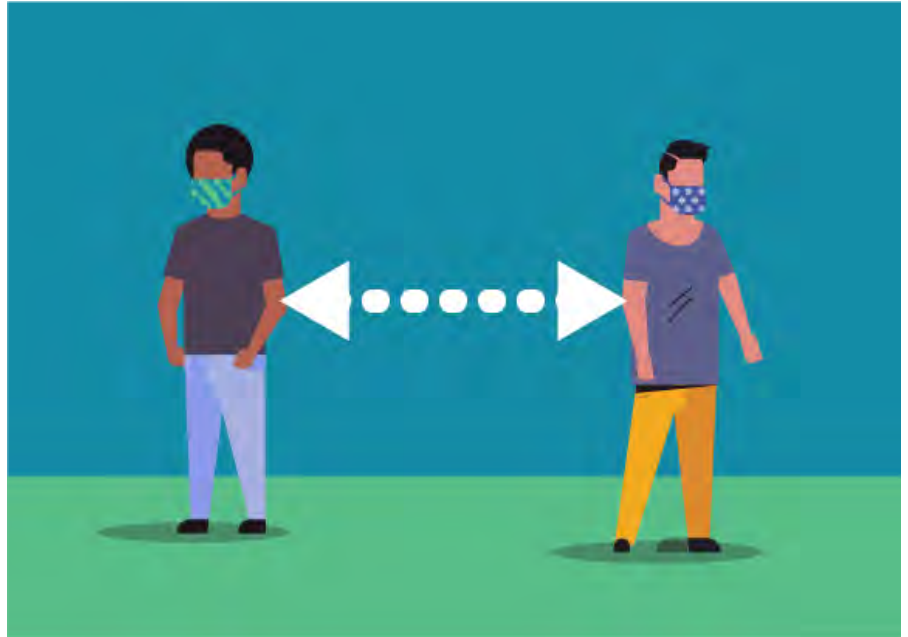
Limiting face-to-face contact with others is the best way to reduce the spread of coronavirus disease 2019 (COVID-19).

What is social distancing?

Social distancing, also called “physical distancing,” means keeping space between yourself and other people outside of your home. To practice social or physical distancing:

- Stay at least 6 feet (about 2 arms’ length) from other people
- Do not gather in groups
- Stay out of crowded places and avoid mass gatherings

In addition to [everyday steps to prevent COVID-19](#), keeping space between you and others is one of the best tools we have to avoid being exposed to this virus and slowing its spread locally and across the country and world.



Limit close contact with others outside your household in indoor and outdoor spaces. Since people can spread the virus before they know they are sick, it is important to stay away from others when possible, even if you—or they—have no symptoms. Social distancing is especially important for [people who are at higher risk](#) for severe illness from COVID-19.

Many people have personal circumstances or situations that present challenges with practicing social distancing to prevent the spread of COVID-19. Please see the following guidance for additional recommendations and considerations for:

- [Households Living in Close Quarters: How to Protect Those Who Are Most Vulnerable](#)
- [Living in Shared Housing](#)
- [People with Disabilities](#)
- [People Experiencing Homelessness](#)



If you have been exposed or are sick

- [Separate from others to limit the spread of COVID-19](#)
- [Take care of yourself while you’re sick](#)

Why practice social distancing?

COVID-19 spreads mainly among people who are in close contact (within about 6 feet) for a prolonged period. Spread happens when an infected person coughs, sneezes, or talks, and droplets from their mouth or nose are launched into the air and land in the mouths or noses of people nearby. The droplets can also be inhaled into the lungs. Recent studies indicate that people who are infected but do not have symptoms likely also play a role in the spread of COVID-19.

It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or eyes. However, this is not thought to be the main way the virus spreads. COVID-19 can live for hours or days on a surface, depending on factors such as sunlight, humidity, and the type of surface. Social distancing helps limit opportunities to come in contact with contaminated surfaces and infected people outside the home.

Although the risk of severe illness may be different for everyone, anyone can get and spread COVID-19. Everyone has a role to play in slowing the spread and protecting themselves, their family, and their community.

Tips for social distancing

- Follow guidance from authorities where you live.
- If you need to shop for food or medicine at the grocery store or pharmacy, stay at least 6 feet away from others. Also consider other options:
 - Use mail-order for medications, if possible.
 - Consider a grocery delivery service.
- Cover your mouth and nose with a [cloth face covering](#) when around others, including when you have to go out in public, for example to the grocery store.
 - Cloth face coverings should NOT be placed on children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
 - Keep at least 6 feet between yourself and others, even when you wear a face covering.
- Avoid gatherings of any size outside your household, such as a friend's house, parks, restaurants, shops, or any other place. This advice applies to people of any age, including teens and younger adults. Children should not have in-person playdates while school is out. To help maintain social connections while social distancing, learn [tips to keep children healthy while school's out](#).
- Work from home when possible. See additional information for [critical infrastructure workforce](#)  from Cybersecurity and Infrastructure Security Agency (CISA).
- Limit using any kind of public transportation, ridesharing, or taxis, if possible. If you must use public transportation, [follow these tips to protect yourself](#).
- If you are a student or parent, talk to your school about options for digital/distance learning.

Stay connected while staying away. It is very important to stay in touch with friends and family that don't live in your home. Call, video chat, or stay connected using social media. Everyone reacts differently to stressful situations and having to socially distance yourself from someone you love can be difficult. [Read tips for stress and coping](#).



Need help? Know someone who does?

If you, or someone you care about, are feeling overwhelmed with emotions like sadness, depression, or anxiety, or feel like you want to harm yourself or others

- Call 911
- Visit the [Disaster Distress Helpline](#) , call 1-800-985-5990, or text TalkWithUs to 66746
- Visit the [National Domestic Violence Hotline](#) or call 1-800-799-7233 and TTY 1-800-787-3224

More Information

[How to Protect Yourself](#)

[Cleaning and Disinfecting Your Home](#)

[Gatherings and Community Events](#)

Page last reviewed: May 6, 2020

Content source: [National Center for Immunization and Respiratory Diseases \(NCIRD\), Division of Viral Diseases](#)

EXHIBIT 9

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-48

Extending and Modifying Stay at Home Order, Continuing Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation, and Allowing Additional Workers in Certain Non-Critical Sectors to Return to Safe Workplaces

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. On March 11, 2020, the World Health Organization (“WHO”) characterized the COVID-19 outbreak as a pandemic. Despite efforts to contain COVID-19, the WHO and the Centers for Disease Control and Prevention (“CDC”) indicate that it is expected to spread. Confirmed cases of COVID-19 in Minnesota are rapidly increasing. On March 15, 2020, Minnesota detected the first confirmed cases caused by “community spread”—infections not epidemiologically linked to overseas travel. By March 17, 2020, all fifty states had reported a confirmed case of COVID-19. And on March 21, 2020, the Minnesota Department of Health (“MDH”) announced the first confirmed fatality due to COVID-19 in Minnesota.

Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. On April 13, 2020, after notifying the Legislature, I issued Executive Order 20-35, extending the peacetime emergency declared in Executive Order 20-01. Previous Executive Orders required the closure of bars, restaurants, and other places of public accommodation and directed Minnesotans to stay at home except for certain exempted activities and Critical Sector work.

Community spread of COVID-19 continues to increase in Minnesota and nationwide. Just three weeks ago, on April 8, 2020, Minnesota had 1,154 confirmed COVID-19 cases, with 271 hospitalizations and 39 fatalities. As of today, Minnesota has had 5,136 confirmed COVID-19 cases, with 1,044 hospitalizations and 343 fatalities. The United States has recorded over 1,005,000 COVID-19 cases with over 57,500 recorded fatalities. The continued presence of community spread in Minnesota and the rapid increase in COVID-19 cases and deaths require us

to continue our measures to slow the spread of this pandemic. Slowing the community spread of COVID-19 is critical to ensuring that our healthcare facilities remain able to accommodate those who require intensive medical intervention.

Executive Orders 20-20 and 20-33 permitted work in Critical Sectors based on guidance from the U.S. Department of Homeland Security. That Guidance has since been updated and revised. This order adopts and relies on the April 17, 2020 Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, Version 3.0 (“CISA Guidance (version 3.0)” —attached to, and incorporated into, this Executive Order). The CISA Guidance (version 3.0) identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability. This federal guidance provides a baseline for Minnesota’s efforts to ensure critical infrastructure and services are maintained while slowing the spread of COVID-19.

Many Minnesotans, who neither work in a Critical Sector nor can work from home, have been unable to work during this pandemic. In Executive Order 20-33, seeking to balance public health needs and economic considerations, I directed the MDH Commissioner, and the Commissioners of the Minnesota Department of Employment and Economic Development (“DEED”) and the Minnesota Department of Labor and Industry (“DLI”) to begin planning to allow certain non-Critical Sector workers to return to work when it is safe to do so. I explained that such a plan must include guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. In Executive Order 20-38, I expanded exemptions related to outdoor recreational activities and facilities. In Executive Order 20-40, I further allowed certain non-Critical Sector workers to return to work once their employers had planned for and provided a safe work environment. This Executive Order continues our plan to safely reopen our economy.

Businesses have the opportunity to resume work through preparation and planning that will allow for compliance with the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 (“Minnesota OSHA Standards”), in addition to guidelines related to COVID-19 set forth by the Minnesota Department of Health and the Centers for Disease Control and Prevention (“MDH and CDC Guidelines”). We will continue to monitor the level of COVID-19 cases and explore whether more workers can safely return to other workplaces.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers “in order to (1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state.” Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state’s emergency management as well as carry out the provisions of Minnesota’s Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in “matters pertaining to the emergency management of the state and nation.” This includes “the direction or control of . . . the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and . . . public meetings or gatherings.” Pursuant to subdivision 3 of that same section, the Governor may “make, amend, and rescind the necessary orders and rules to carry out the

provisions” of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

For these reasons, I order as follows:

1. Beginning on Sunday, May 3, 2020 at 11:59 pm through Sunday, May 17, 2020 at 11:59 pm, all persons currently living within the State of Minnesota are ordered to stay at home or in their place of residence except to engage in the Activities set forth below in paragraph 5 and to work in Critical Sectors and Non-Critical Exempt Businesses as forth below in paragraphs 6 and 8. Executive Orders 20-33, 20-38, 20-40, and 20-47 are rescinded as of Sunday, May 3, 2020 at 11:59 pm.
2. This Executive Order does not restrict virtual work or telework (*i.e.*, work from home). Minnesotans working in any field, including the Critical Sectors and Non-Critical Exempt Businesses set forth below, must work from their home or residence as much as possible. Any worker who can work from home must do so.
3. **Masks and face coverings.** I strongly encourage all Minnesotans to wear a manufactured or homemade cloth face covering at all times when they leave their homes and travel to any public setting where other social distancing measures are difficult to maintain (*e.g.*, grocery and other stores), and to follow face covering guidelines issued by MDH and the CDC until this order is rescinded. Such face masks and coverings are for source control – to help limit the person wearing the covering from infecting others. They are not yet known to be protective of the wearer and thus are not personal protective equipment.
4. **Definitions.** For purposes of this Executive Order, homes or residences include mobile homes, hotels, motels, shared rental units, shelters, and similar facilities, to the extent they are used for lodging. As used in this Executive Order, “workers” and “personnel” are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns. As used in this Executive Order, “Critical Sectors” is defined to include the categories found in the CISA Guidance (version 3.0) and the additional categories listed below in paragraph 6.
5. **Exemptions – Activities.** Minnesotans may leave their homes or residences to engage in the following activities, provided that all persons follow the MDH and CDC Guidelines, including but not limited to social distancing, to the maximum extent possible. **Consistent with federal guidance and to protect our neighbors, Minnesotans are encouraged to stay close to home and are strongly discouraged from engaging in unnecessary travel.** This list of Activities may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications will be available for public review at:
<https://mn.gov/covid19/>

- a. **Relocation to ensure safety.** Individuals whose homes or residences are unsafe or become unsafe, including individuals who have suffered or are at risk of domestic violence or for whom the safety, sanitation, or essential operations of their home or residence cannot be maintained, are allowed and urged to leave their home or residence and relocate to a safe alternative home or residence.
- b. **Health and safety activities.** Individuals may seek emergency services; obtain medical services, supplies, and medications; and visit a healthcare or dental professional or facility, or a veterinarian. Individuals may also donate blood.
- c. **Outdoor Recreational Activity.** Individuals **must not** engage in outdoor recreational activities where they will come into close proximity with others from different households. Individuals may engage in the activities listed below, provided that they follow the Minnesota Department of Natural Resources (“DNR”) and MDH guidelines on outdoor recreation and guidelines for facilities and the public (“Outdoor Recreation Guidelines”) available at DNR’s COVID-19 website (<https://www.dnr.state.mn.us/covid-19.html>):
 - i. Individuals may engage in any outdoor activity that is dependent upon or derives its principal benefit from natural surroundings and open space, including but not limited to hunting, fishing, trapping, boating, hiking, biking, golfing, and picnicking for the purposes of pleasure, rest, exercise, or relaxation, provided that the activity can be engaged in accordance with the Outdoor Recreation Guidelines, including maintaining at least six feet of separation between participants from different households. Groups **within a single household** may engage in outdoor activities or sports that do not allow for social distancing (e.g., soccer or basketball) but should not engage in such activities with members of other households.
 - ii. Outdoor recreational activities allowed by this Executive Order **do not include** performances, competitions, team events, tournaments, races, rallies, organized sports, spectator events, fairs, or any other events that involve the gathering of individuals in a manner that would preclude social distancing. For example, individuals must not partake, as participants or as spectators, in activities such as marathons, fundraising walks, fishing contests, league sports, and tournaments.
 - iii. All persons participating in outdoor recreational activities under this Executive Order must follow the Outdoor Recreation Guidelines.
 - iv. Nothing in this paragraph permits trespass upon private property, and all activities undertaken pursuant to this paragraph must be undertaken in accordance with Minnesota law, including but not limited to license

and permit requirements, invasive species regulations, and park rules. Nothing in this paragraph should be construed to abrogate existing local authority to limit or restrict activities or close facilities.

- d. **Supplies and services.** Individuals may leave their residences to:
 - i. Obtain food, including delivery or carry-out services, beverages (alcoholic and non-alcoholic), and other grocery items.
 - ii. Obtain gasoline.
 - iii. Obtain supplies needed to work from home.
 - iv. Obtain commercially available personal protective equipment and supplies and materials necessary to make homemade source control items such as face masks.
 - v. Obtain products needed to maintain the safety, sanitation, and essential operation of homes and residences, businesses, and personally owned vehicles, including automobiles and bicycles.
 - vi. Visit and use the services of laundromats and dry cleaners.
 - vii. Pick up retail products from establishments offering curbside pickup services.
- e. **Essential intrastate and interstate travel.** Minnesotans are encouraged to stay close to home and are strongly discouraged from engaging in unnecessary travel. Individuals may travel to exempted activities and may travel to return to a home or place of residence. Individuals may also travel into and out of Minnesota.
- f. **Care of others.** Individuals may care for a family member, friend, or pet in another household, and may transport family members, friends, or pets as allowed by this Executive Order, including the transport of children pursuant to existing parenting time schedules or other visitation schedules pertaining to a child in need of protective services (CHIPS) proceeding.
- g. **Displacement.** Individuals without a home are exempt from the restrictions in this Executive Order, and they may move between emergency shelters, drop-in centers, and encampments. Encampments, including both new and existing encampments, should not be subject to sweeps or disbandment by state or local governments, as such sweeps or disbandment increase the potential risk and spread of COVID-19.
 - i. Law enforcement is not prohibited from addressing trespassing or exigent circumstances (*i.e.*, those requiring immediate action to protect life, prevent injury, or preserve evidence) that occur within

encampments or among people staying outdoors. Law enforcement and other first responders should respond to trespassing and exigent circumstances as those situations require.

- ii. If a local government entity is providing sufficient alternate housing, shelter, or encampment space that complies with MDH's guidance entitled *Homeless Services Settings: Interim Guidance for Providers* and the CDC's guidance entitled *Responding to COVID-19 Among People Experiencing Unsheltered Homelessness*, or if an encampment has reached a size or status such that is a documented threat to the health, safety, or security of residents, state or local governments may restrict, limit, or close encampment spaces.
 - iii. The commissioners of the Minnesota Housing Finance Agency and the Minnesota Department of Human Services are authorized, as co-chairs of the Minnesota Interagency Council on Homelessness, to issue additional guidance as needed to clarify this provision or further address the issue of homeless encampments.
- h. **Moving or relocation.** Individuals are permitted to move to a new home or place of residence, provided they follow MDH and CDC Guidelines to the maximum extent possible.
- i. **Voting.** Individuals are permitted and encouraged to vote in all state and local elections. Voters are also encouraged to vote by mail using an absentee ballot where feasible. Additional information from the Secretary of State is available at <https://www.sos.state.mn.us/election-administration-campaigns/elections-calendar/2020-elections-and-covid-19/>
- j. **Funerals.** Individuals may leave their home or residence to attend funerals, whether at a place of worship, funeral home, burial site, or other similar location, provided that the gathering consists of no more than 10 attendees. The space utilized must allow for social distancing and compliance with MDH and CDC Guidelines to the maximum extent possible. Venues should make accommodations for remote attendance, if possible, for others. Individuals who are at high risk from COVID-19 are strongly encouraged to attend remotely.
- k. **Weddings.** Individuals may leave their home or residence to be married, to serve as witnesses, or to officiate a marriage, provided that the gathering consists of no more than 10 attendees. The wedding location must allow for social distancing and compliance with MDH and CDC Guidelines to the maximum extent possible. The restrictions on places of public accommodation adopted in Executive Orders 20-04, 20-18, and this Executive Order otherwise remain in effect.
- l. **Tribal Activities and Lands.**

- i. Activities by tribal members within the boundaries of their tribal reservations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.
 - ii. Activities within the boundaries of federal land held in trust for one of the 11 Minnesota Tribal Nations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.
 - iii. Activities by tribal members to exercise their federal treaty rights within the boundaries of their treaty territory (also known as “ceded territory”) are exempt from the restrictions in this Executive Order but may be subject to restrictions by applicable tribal authorities.
 - iv. Tribal members may travel to and from their tribal reservations in accordance with applicable tribal law.
6. **Exemptions – Critical Sectors. All workers who can work from home must do so.** Workers in the following Critical Sectors, who are performing work that cannot be done at their home or residence through telework or virtual work and can be done only at a place of work outside of their home or residence, are exempted from the prohibition in paragraph 1 of this Executive Order as set forth below. **These Critical Sector exemptions apply only to travel to and from an individual’s home or residence and place of work and an individual’s performance of work duties that cannot be done at their home or residence. Travel may include transportation to and from child care or school settings as necessary to ensure the safe care of children.** This list of Critical Sectors may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. These clarifications carry the full weight and effect of this Executive Order. Clarifications are available for public review at: <http://mn.gov/deed/critical/>
- a. **Healthcare and public health.** As applicable, healthcare and public health workers are subject to the restrictions on elective surgeries and procedures as set forth in Executive Orders 20-09 and 20-17. This category is limited to:
 - i. Healthcare and public health workers listed in the CISA Guidance (version 3.0).
 - ii. Workers providing or supporting reproductive health care, childbirth services, mental health care, and substance use treatment.
 - iii. Workers supporting manufacturers, technicians, logistics and warehouse operators, and distributors of personal care, hygiene, and healthcare products.
 - iv. Workers providing or supporting home care and human services workers from government or non-profit providers who are delivering

food, prescriptions, case management services, mental health and substance abuse therapy, or who are otherwise caring for a client.

- v. Workers providing or supporting home-based care for adults, seniors, and children, including but not limited to people who are blind, deaf, deafblind, or hard of hearing and people with disabilities, including physical disabilities, developmental disabilities, intellectual disabilities, substance use disorders, or mental illness. This includes workers who must travel to a person's home to provide care or other in-home services including meal delivery and one-on-one interpreting services for people who are blind, deaf, deafblind, or hard of hearing.
 - vi. Personal care attendants, paid employees of government and non-profit providers, or volunteers representing government and non-profit providers.
 - vii. Workers supporting the medical cannabis industry.
 - viii. Workers in adult daycares are **not** exempted.
- b. **Law enforcement, public safety, and first responders.** This category is limited to law enforcement and public safety workers and first responders listed in the CISA Guidance (version 3.0), and all corrections personnel, state and county probation officers, supervision agents, victims' advocates, animal control officers, humane officers, and all workers who support electronic security and life-safety services. This category also includes the following:
- i. Bail bond agents posting a bond.
 - ii. Workers supporting indoor gun or shooting ranges when providing qualification shooting or skills maintenance to licensed Minnesota peace officers, law enforcement officers, and federally sworn law enforcement officers assigned to work within the state of Minnesota. Workers supporting outdoor shooting ranges are exempt under paragraph 6.kk of this Executive Order.
 - iii. Workers and attendees at skills training for the state's Professional Peace Officer Education ("PPOE") providers, where such training cannot be given remotely and provided that social distancing and other mitigation strategies are employed.
 - iv. Evaluators and firefighters at skills training, including evaluation for the state's firefighter Certification Testing, where such training and evaluations cannot be given remotely.
- c. **Food and agriculture.** This category includes food and agriculture workers listed in the CISA Guidance (version 3.0). For clarity, and for the purposes of

this Executive Order, references to “beverages” include alcoholic beverages. The restrictions on restaurants, bars, and other places of public accommodation adopted in Executive Orders 20-04, 20-08, 20-18, and this Executive Order remain in effect. This category also includes:

- i. Workers supporting agricultural equipment repair service.
 - ii. Lawn care and landscaping workers.
 - iii. Workers supporting garden centers, stores, and nurseries, provided that such centers, stores, or nurseries adhere to guidance provided by the Minnesota Department of Agriculture.
 - iv. Workers supporting florists for the sale for delivery only of perishable plant stock. Workers delivering perishable plant stock are strongly encouraged to drop off product at the front door of nursing homes and hospitals to avoid contact with vulnerable populations.
 - v. Workers supporting bait harvesters.
 - vi. This category **does not** include workers supporting tobacco and vaping-product shops or cannabidiol (CBD) oil shops, but these workers may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.
- d. **Energy.** This category is limited to energy workers listed in the CISA Guidance (version 3.0), workers supporting emergency response operations, and workers supporting the underground storage of natural gas.
- e. **Water and wastewater.** This category is limited to water and wastewater workers listed in the CISA Guidance (version 3.0), in addition to State Parks workers who maintain water and wastewater infrastructure, workers who perform work related to residential wells and septic tanks, and workers who supply bottled water or home filtration systems in areas where that is a health necessity.
- f. **Transportation and logistics.** This category is limited to the transportation and logistics workers listed in the CISA Guidance (version 3.0), in addition to:
- i. State, county, and local government agencies and agency workers, as well as private sector workers, who support or enable transportation functions, including engineers, dispatchers, maintenance and repair technicians (including workers at maintenance and repair shops), warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel).

- ii. Workers engaged in roadway construction, maintenance, and utility projects.
 - iii. Public transit workers.
 - iv. Bicycle shops and distribution facilities.
 - v. Automobile, motorcycle, recreational vehicle (RV), and all-terrain vehicle (ATV) sales, when conducted by appointment only.
 - vi. Workers who clean vehicles used for public transportation, government services, and Critical Sectors.
 - vii. Workers transporting boats.
 - viii. Workers necessary for the operation of safe harbors and marinas to provide refuge for boaters when conditions make boating on open water unsafe.
 - ix. Workers supporting car washes, but only where such car washes are limited to exterior washes, allow for payment without direct contact between workers and customers, and where customers remain in their vehicles.
- g. **Public works and infrastructure support services.** This category is limited to public works and infrastructure support services workers listed in the CISA Guidance (version 3.0), in addition to construction material suppliers and workers providing services necessary to maintain construction material sources.
- h. **Communications and information technology.** This category is limited to communications and information technology workers listed in the CISA Guidance (version 3.0) and all workers who support news services of all kinds, including newspapers, radio, television, and other forms of news media.
- i. **Other community-based government operations and essential functions.** This category is limited to the other community-based and government essential functions listed in the CISA Guidance (version 3.0), in addition to workers who support the following functions and services:
- i. Election support services and election administration workers.
 - ii. Housing, shelter, and homelessness-prevention staff of state and local agencies and organizations responsible for ensuring safe and stable housing, including workers from state and local agencies and organizations with responsibility for ensuring safe and stable housing; shelter outreach or drop-in center programs; financing affordable housing; and administering rent subsidies, homeless interventions,

operating supports, and similar supports. This includes workers necessary to provide repairs, maintenance, and operations support to residential dwellings.

- iii. Workers performing all other governmental functions which are necessary to ensure the health, safety, and welfare of the public, to preserve the essential elements of the financial system of government, and to continue priority services as determined by a political subdivision of the State. All political subdivisions of the State will determine the minimum personnel necessary to maintain these governmental operations.
 - iv. Workers supporting building code enforcement necessary to maintain public safety and health and for all ongoing construction.
 - v. Workers, including logistical and contract workers, who are critical to facilitating support of national, state, and local emergency response operations.
 - vi. Workers necessary to process applications for and issue hunting and fishing licenses, where it is impracticable for applicants to apply online.
 - vii. Workers supporting environmental compliance and assistance activities, field research, monitoring and surveying, habitat restoration, natural land and water management, and plant and animal population management.
- j. **Critical manufacturing.** This includes the critical manufacturing workers listed in the CISA Guidance (version 3.0) and the following:
- i. Workers supporting iron ore mining and processing operations and supplier/vendor industries essential to such mining and processing operations.
 - ii. Workers supporting printing operations that supply other Critical Sectors. Other printing workers are not included in this category, but such workers may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.
- k. **Hazardous materials.** This category is limited to hazardous materials workers listed in the CISA Guidance (version 3.0).
- l. **Financial services.** This category is limited to financial services workers identified in the CISA Guidance (version 3.0), in addition to workers at banks, credit unions, insurance companies, and insurance agencies. Debt collection professionals and other workers supporting debt collection are not included in

this category, but such workers may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.

- m. **Chemical.** This category is limited to chemical workers listed in the CISA Guidance (version 3.0).
- n. **Defense industrial base.** This category is limited to defense industrial base workers listed in the CISA Guidance (version 3.0).
- o. **Commercial facilities/essential supply stores.** Essential supply stores are strongly encouraged to offer curbside pickup or delivery of products. This category is limited to commercial facilities workers listed in the CISA Guidance (version 3.0) and the following:
 - i. Workers supporting businesses that sell products, tools, materials, or supplies necessary for: (1) Critical Sectors to continue their essential operations, (2) for workers to work from home, or (3) for the maintenance of the safety, sanitation, and essential operation of homes or residences.
 - ii. Workers supporting licensed businesses that sell or service firearms, pursuant to Minnesota Statutes 2019, section 624.7192. Indoor gun clubs and indoor gun and shooting ranges must remain closed pursuant to Executive Orders 20-04, 20-18, and this Executive Order.
 - iii. Workers at traditional retail establishments who are working only to take and fulfill online orders for pick up or delivery.
 - iv. Workers supporting the sale of essential furnishings, including beds, lift chairs, and office furniture and equipment necessary for other workers to work from home. Workers supporting sales of non-essential furnishings are not included in this category, but such workers may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.
 - v. Workers supporting retailers not listed above may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.
- p. **Residential/shelter facilities and services.** This category includes the residential/shelter facilities and services workers listed in the CISA Guidance (version 3.0), including workers supporting moving and relocation services, in addition to workers supporting emergency shelters, drop-in centers, and encampments, as well as outreach workers. Governmental and other entities are strongly urged to make 24-hour shelter available as soon as possible, to the maximum extent practicable, and in compliance with CDC guidance.

- q. **Laundry and hygiene products and services.** This category includes the hygiene products and services workers listed in the CISA Guidance (version 3.0) and the following:
 - i. Workers in laundromats and all laundry or dry-cleaning services.
 - ii. Workers cleaning common areas in apartment buildings and other similar common spaces.
 - iii. Workers providing housecleaning for individuals with disabilities.
 - iv. Workers doing ordinary residential housecleaning of individual homes are **not** exempt.
- r. **Tribal Governments.** Tribal officers and workers deemed essential by the relevant Tribal government, regardless of residence.
- s. **The Judicial Branch.** This category is limited to judicial officers and personnel deemed essential by the Chief Justice to ensure the continued operations of Minnesota's court system.
- t. **The Executive Branch.** This category is limited to personnel deemed necessary to continue priority services of executive branch agencies, offices, departments, divisions, boards, bureaus, councils, committees, institutions, authorities, and commissions, as well as the Minnesota State Colleges and Universities system, Minnesota State Retirement System, Public Employees Retirement Association, and Teacher's Retirement Association, as determined by the Commissioner of Management and Budget in consultation with those agencies and entities.
- u. **Executive Constitutional Offices.** This category is limited to Constitutional Officers and personnel deemed essential by the applicable Constitutional Officer to ensure the continued operations of the Constitutional Office.
- v. **The Legislative Branch.** This category is limited to personnel deemed essential by the presiding officers of each body.
- w. **Federal employees.** Nothing in this Executive Order will be construed to limit, prohibit, or restrict in any way the operations of the federal government or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial, legislative, and executive staff and personnel.
- x. **National Guard.** This category is limited to National Guard members that are on orders, to include state active duty, Title 32, or Title 10 orders and members in an Inactive Duty for Training status. At the discretion of the Adjutant General, this category also includes full-time staff of the Minnesota

National Guard or Department of Military Affairs that are necessary for the execution of the National Guard's mission.

- y. **Faith leaders and workers.** This category includes officials, workers, and leaders in houses of worship and other places of religious expression or fellowship, wherever their services may be needed. This category also includes workers necessary to plan, record, and distribute online or broadcast content to community members.
- z. **Education.** This category includes educators and other workers supporting public and private schools, as well as higher education (*e.g.*, colleges and universities). This category also includes educators and other workers providing care and food to children as provided by Executive Orders 20-19 and 20-41. Executive Orders 20-19 and 20-41 remain in effect.
- aa. **Construction and critical trades.** This category includes the following:
 - i. Workers in the skilled trades such as electricians, plumbers, HVAC and elevator technicians, and other workers supporting construction of all kind.
 - ii. Workers such as exterminators, cleaning and janitorial staff for commercial and governmental properties, moving and relocation services, security staff, operating engineers, and all other service providers who provide services that are necessary to maintain the safety, sanitation, and essential operation of homes and residences and the Critical Sectors listed in this Executive Order.
 - iii. Workers supporting major appliance sales, related parts sales, and service.
 - iv. Workers who construct, repair, and maintain decks and fences.
 - v. Workers cleaning and maintaining the exterior of residential dwellings, including power washing, exterior window cleaning, and gutter cleaning.
- bb. **Child care providers.** This category includes workers in child care centers, family child care, schools, and other facilities. Such providers are encouraged to remain open to provide child care services for workers in the Critical Sectors and Non-Critical Exempt Businesses listed in this Executive Order as possible and insofar as public health guidance can be followed. This category also applies to individuals providing child care for Critical Sector and Non-Critical Exempt Businesses workers in a personal home, such as family, friend, and neighbor care required for Critical Sector workers to continue to perform their duties.

- cc. **Hotels, residential facilities, and shelters.** This category includes workers supporting hotels and motels, facilities and shelters for adults, seniors, and children, including victims of domestic violence and people with developmental disabilities, intellectual disabilities, substance abuse disorders, or mental illness. Such facilities and shelters include halfway houses and residential treatment programs. This category also includes:
 - i. Workers needed to keep apartment complex buildings and other congregate residences or homes operational and sanitary.
 - ii. Workers supporting resorts in accordance with the Outdoor Recreation Guidance.
- dd. **Charitable and social services organizations.** This category is limited to workers supporting organizations that are engaged in hunger relief work, and those that provide food, shelter, prescription delivery, mental health and substance abuse treatments, and other social services, as well as other necessities of life for individuals in need of such services, older adults who live alone, people with disabilities, and those who need assistance as a result of this emergency.
- ee. **Legal services.** This category is limited to workers who are necessary to provide essential legal services. Essential legal services include:
 - i. Advice and representation needed to aid the delivery of all critical government services.
 - ii. Advice and representation required to ensure the immediate and critical health, safety, and liberties of Minnesotans, including but not limited to, end-of-life planning, immigration, essential services to elders and persons with disabilities, child support, child-protection and domestic abuse matters, protection of personal financial resources necessary to meet basic needs, prosecution or defense in ongoing criminal matters, or all matters in which individuals are held in custody pending a legal proceeding, and proceedings held in the district or appellate courts during the effective period of this order.
 - iii. Advice and representation related to the continuation of the Critical Sectors identified in this Executive Order, including ensuring compliance with this Executive Order, previous Executive Orders, and all applicable laws, rules, and regulations applying to Critical Sectors.
 - iv. Supporting housing and shelter-related efforts, including loan applications, loan processing, seeking temporary relief from residential and commercial loan or lease provisions, retention of gas, electric, or water utility services, and seeking temporary relief from residential evictions or foreclosures, or other actions intended to keep people in their homes.

- v. Process servers and legal couriers.
- ff. **Notaries.** This category is limited to notaries performing services that cannot be deferred and which cannot be accomplished via remote services under Minnesota Statutes 2019, section 358.645.
- gg. **Critical labor union functions.** This category includes labor union essential activities, including the administration of health and welfare funds and the monitoring of the wellbeing and safety of members.
- hh. **Animal care and veterinarians.** This category is limited to veterinarians and workers at animal care facilities or DNR workers who provide food, shelter, veterinary services, and other necessities of life for animals. Workers in this category are subject to the restrictions on elective surgeries and procedures as set forth in Executive Orders 20-09 and 20-17. This category also includes the following:
 - i. Workers providing care (*e.g.*, daycare or boarding) to pets in the following circumstances:
 - A. Caring for pets owned by other Critical Sector and Non-Critical Exempt Businesses workers during their shifts.
 - B. Caring for pets needing care because the owner is physically or otherwise unable to care for the animal.
 - C. Caring for pets owned by individuals who are ill or quarantined, provided that contact with the owner is limited to a one-time pick up until the illness or quarantine has passed.
 - D. Caring for pets currently boarded and circumstances prevent the owner from retrieving them.
 - ii. Workers supporting pet adoption and animal foster care are exempt, provided that (1) any paperwork and payment is done online, and (2) appropriate social distancing is observed during the adoption process.
 - iii. Workers at Class A licensed racetracks, which may open their facilities for the receiving, stabling, care and training of horses on their grounds and for preparing and providing housing for workers who care for the horses. In coordination with the Minnesota Racing Commission, the licensees must prepare and allow for the safe entry and exit of personnel necessary for the care, safety, and welfare of the horses and people. Racetracks must remain closed to members of the public.
 - iv. Workers supporting pet grooming businesses are not included in this category, but such workers may return to work if their employer

qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.

- ii. **Real estate transactions.** This category is limited to workers who facilitate and finance real estate transactions and real estate services, including appraisers and title services.
- jj. **Minimum basic operations.** This category includes workers supporting minimum basic operations in businesses and other organizations. Minimum basic operations include (i) minimum necessary activities to maintain the value of the business's inventory, preserve the condition of a business's or other organization's facilities, physical plant, or equipment, ensure security, process payroll and employee benefits, or related functions; and (ii) the minimum necessary activities to facilitate remote work by workers from their residences (*e.g.*, IT personnel who allow workers to operate remotely or personnel who support remote or distance learning).
- kk. **Outdoor recreational facilities.** This category is limited to workers supporting the below publicly and privately maintained or operated outdoor recreational facilities, provided that such facilities adhere to the Outdoor Recreation Guidelines. This category includes private, state and local government workers who perform activities necessary to facilitate outdoor recreation, as allowed under this Executive Order. This category **does not include** workers engaged in services for hire such as charter boats, launches, or fishing guides, or workers at facilities that involve gatherings or people in close proximity (*e.g.*, mini golf, pools, commercial outdoor racetracks, and concert venues). To the extent that any of the facilities listed below have been closed under Executive Orders 20-04, 20-18, and 20-33, those facilities are permitted to reopen, provided that they adhere to this Executive Order and the Outdoor Recreation Guidelines. In accordance with Executive Orders 20-04, 20-18, and 20-33, **all indoor facilities** associated with outdoor recreational facilities **must remain closed** except for (a) facilities used only by workers to the extent necessary to facilitate the outdoor recreation, (b) bathroom facilities cleaned and disinfected regularly in accordance with the Outdoor Recreation Guidelines, (c) sales and service facilities allowed under subparagraph vi below, (d) facilities that provide food and beverage for off-premises consumption, as allowed in Executive Order 20-04, paragraphs 2 and 4, and (e) facilities housing businesses covered by paragraph 8 of this Executive Order.
 - i. Minnesota State Parks, Trails, State Forests, State Recreation Areas, Wildlife Management Areas, Scientific and Natural Areas, and other State managed recreational lands.
 - ii. Locally, regionally, and privately managed parks and trails.
 - iii. State, regional, or local public water accesses.

- iv. Public and private marinas and docks that provide storage, docking, and mooring services to slip owners, seasonal renters, and the general public, as well as facilities that provide safety-related services including fueling, emergency dockage, and sanitary pump-out stations.
 - v. Public and private golf courses and outdoor driving ranges.
 - vi. Ski areas.
 - vii. Off-highway vehicles, snowmobiles, and watercraft repair shops, sales facilities, and showrooms by appointment only.
 - viii. Lake service providers to install, repair, and remove docks, boatlifts, and other water related equipment or deliver boats.
 - ix. Bait shops for sale of live bait. Sale of other goods must adhere to the requirements for retail businesses in paragraph 8 of this Executive Order.
 - x. Outdoor shooting ranges and game farms.
 - xi. Outdoor recreational equipment rental outlets, but only for purposes of renting out equipment that can be effectively sanitized between uses. Such outlets must implement clear check-in and check-out procedures that minimize contact between customers and workers. Any such rentals must be conducted in accordance with the Outdoor Recreation Guidelines.
 - xii. Any other outdoor recreation facilities that may be designated in the Outdoor Recreation Guidelines.
 - xiii. All work undertaken pursuant to this paragraph must be undertaken in accordance with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules.
 - xiv. All private and public campgrounds and dispersed camping sites must remain closed to recreational camping.
7. All exempted Activities and Critical Sector work activities should be conducted in a manner that adheres to Minnesota OSHA Standards and the MDH and CDC Guidelines related to COVID-19, including social distancing and hygiene. Under existing law and authority, DLI may issue citations, civil penalties, or closure orders to places of employment with unsafe or unhealthy conditions, and DLI may penalize employers that retaliate against employees who raise safety and health concerns.
8. **Non-Critical Exempt Businesses. All workers who can work from home must do so.** Workers in Non-Critical Exempt Businesses may return to their workplace upon the businesses' completion of the requirements set forth in this paragraph. These

exemptions apply only to travel to and from an individual's home or residence and place of work and an individual's performance of work duties that cannot be done at their home or residence. Travel may include transportation to and from child care or school settings as necessary to ensure the safe care of children. Non-Critical Exempt Businesses are those within the scope of subparagraph a of this paragraph 8 and that complete and comply with the requirements set forth in subparagraph b:

a. **Non-Critical Exempt Businesses** are limited to the following sectors:

- i. **Industrial and manufacturing businesses.** Businesses in this category include industrial or manufacturing businesses, to the extent that such businesses' employees are not exempt Critical Sector workers under paragraph 6 of this Executive Order. This category includes wholesale trade, warehousing, and places of employment in which goods are in the process of being created. This category does not include customer-facing retail environments associated with an industrial or manufacturing business in this category. DEED will provide additional guidance related to the businesses included in this category at <https://mn.gov/deed/safework/>
- ii. **Office-based businesses.** Businesses in this category include office-based businesses where workers do their work within an office space, at their desk, and their work is primarily not customer facing, to the extent that their employees are not exempt Critical Sector workers under paragraph 6 of this Executive Order. This category does not include customer-facing retail environments associated with office-based businesses in this category. DEED will provide additional guidance related to the businesses included in this category at <https://mn.gov/deed/safework/>
- iii. **Retail businesses.** Businesses in this category include retail stores and other businesses that sell, rent, maintain and repair goods that can be picked up outside, without entering the place of business, with limited interaction between employees and customers, to the extent that such businesses' employees are not exempt Critical Sector workers under paragraph 6 of this Executive Order. Businesses that provide services such as household goods rental, maintenance services, repair services, and pet grooming are included to the extent that they can adhere to the guidelines below. Salons and barbershops are included only to conduct retail product sales, excluding sales of service chemicals not intended for retail. Salons and barbershops may not provide any services. In addition to the other requirements set forth in paragraph 8.b of this Executive Order, businesses in this category must conduct sales only by outdoor pick-up or delivery, adhering to guidance provided by DEED at <https://mn.gov/deed/safework/>

- b. **Requirements for Non-Critical Exempt Businesses.** Before workers may return to work at a Non-Critical Exempt Business under this Executive Order, the Non-Critical Exempt Business must establish and implement a COVID-19 Preparedness Plan (“Plan”). Each Plan must provide for the business’s implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces. These requirements are set forth in guidance published by DEED and DLI (“Plan Guidance”) and available at <https://mn.gov/deed/safework/>
- i. **Required Plan content.** As set forth in the Plan Guidance, at a minimum, each Plan must adequately address the following areas:
 - A. **Require work from home whenever possible.** All Plans must ensure that all workers who can work from home continue to do so.
 - B. **Ensure that sick workers stay home.** All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.
 - C. **Social distancing.** All Plans must establish social distancing policies and procedures.
 - D. **Worker hygiene and source control.** All Plans must establish hygiene and source control policies for workers.
 - E. **Cleaning and disinfection protocols.** All Plans must establish cleaning and disinfection protocols for areas within the workplace.
 - ii. **Optional template.** A template COVID-19 Preparedness Plan, which covers the above requirements, is available as part of the Plan Guidance, available at <https://mn.gov/deed/safework/>
 - iii. **Certification and signature.** Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.
 - iv. **Dissemination and posting.** A Non-Critical Exempt Business must provide its Plan, in writing, to all workers, and the Plan must be posted at all of the business’s workplaces in locations that will allow for the Plan to be readily reviewed by all workers. Where physical posting is impracticable, the Plan can be posted electronically, provided that the Plan is received by all workers and remains available for their review.
 - v. **Training.** Non-Critical Exempt Businesses must ensure that training is provided to workers on the contents of their Plan and required procedures, so that all workers understand and are able to perform the

precautions necessary to protect themselves and their co-workers. This training should be easy to understand and available in the appropriate language and literacy level for all workers. Businesses should also take steps to supervise workers and ensure that workers understand and adhere to necessary precautions to prevent COVID-19 transmission. Documentation demonstrating compliance with this training requirement must be maintained and made available to regulatory authorities and public safety officers, including DLI, upon request.

- vi. **Compliance.** Workers and management must work together to ensure compliance with the Plan, implement all protocols, policies, and procedures, and create a safe and healthy work environment.
 - vii. **Availability to regulatory authorities and public safety officers.** Non-Critical Exempt Businesses do not need to submit their Plans for preapproval. Upon request, Non-Critical Exempt Businesses must make their Plans available to regulatory authorities and public safety officers, including DLI.
- c. In the event of a complaint or dispute related to a business's Plan, DLI is authorized to determine whether the Plan adequately implements Minnesota OSHA Standards and MDH and CDC Guidelines in its workplaces.
 - d. All work for Non-Critical Exempt Businesses must be conducted in a manner that adheres to Minnesota OSHA Standards and MDH and CDC Guidelines, including social distancing and hygiene practices. Under existing law and authority, DLI may issue citations, civil penalties, or closure orders to places of employment with unsafe or unhealthy conditions, and DLI may penalize businesses that retaliate against employees who raise safety and health concerns.
9. Except as necessary to seek medical care and obtain other necessities of life, people at high risk of severe illness from COVID-19 (*e.g.*, elderly people and those with underlying health conditions) are strongly urged to stay in their home or residence, even when the terms of this Executive Order would allow them to leave their home or residence.
 10. I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, a worker who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000 or by imprisonment for not more than 90 days. Any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed \$3,000 or by imprisonment for not more than a year. In addition to those criminal penalties, the Attorney General, as well as city and county attorneys, may seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for

violations of this Executive Order, including civil penalties up to \$25,000 per occurrence from businesses and injunctive relief. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights.

11. I direct the Commissioners of Health, Employment and Economic Development, Labor and Industry, and Natural Resources to continue planning on how to allow additional non-Critical Sector workers to return to work when it is safe to do so. Such a plan must include guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. I also direct other cabinet agencies to coordinate expeditiously to develop relevant guidance related to this Executive Order and to provide that guidance to the public.
12. I direct all state agencies to continue to coordinate expeditiously to develop plans to mitigate the economic effects of closures and restrictions necessitated by this peacetime emergency, including potential financial support, regulatory relief, and other executive actions.
13. The closure of bars, restaurants, and other public accommodations set forth in Executive Order 20-04, as amended by Executive Orders 20-08 and 20-18, is extended until May 17, 2020 at 11:59 pm. Barbershops and salons may conduct retail product sales in accordance with the requirements set forth in paragraph 8.
14. This Executive Order may be extended by a future Executive Order, with the approval of the Executive Council.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on April 30, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on May 1, 2020:



Alice Roberts-Davis
Secretary, Executive Council

**CISA**
CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW

Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 3.0 (April 17, 2020)

THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This advisory guidance and accompanying list are intended to support state, local, tribal, territorial and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives advisory guidance on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions. The term “workers” as used in this guidance is intended to apply to both employees and contractors performing the described functions.

CISA will continually solicit and accept feedback on the list and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. Feedback can be sent to CISA.CAT@CISA.DHS.GOV.

CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, state managed, and federally supported.
2. Everyone should follow guidance from the Centers for Disease Control and Prevention (CDC), as well as state and local government officials, regarding strategies to limit disease spread.
3. Employers must comply with applicable Occupational Safety and Health Administration (OSHA) requirements for protecting critical infrastructure workers who remain on or return to the job during the COVID-19 pandemic. As the nation relies on these workers to protect public health, safety, and community well-being, they must be protected from exposure to and infection with the virus so that they can continue to carry out

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their responsibilities. OSHA has guidance and enforcement information for workplaces at www.osha.gov/coronavirus.

4. Businesses and government agencies may continue to implement organization-specific measures, which protect the workforce while meeting mission needs.
5. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
6. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not limited to, physically separating staff, staggering work shift hours or days, and other social distancing measures. While the CDC recommends that everyone wear a cloth face cover to contain respiratory droplets when around others, critical infrastructure employers must consider how best to implement this public health recommendation for source control in the workplace. For example, employers may provide disposable facemasks (e.g., surgical masks) instead of cloth face coverings when workers would need to wear masks for extended periods of time (e.g., the duration of a work shift) or while performing tasks in which the face covering could become contaminated.
7. Consider the impact of workplace sick leave policies that may contribute to an employee decision to delay reporting medical symptoms. Sick employees should not return to the workplace until they meet the criteria to stop home isolation.
8. Critical infrastructure has an obligation to limit to the extent possible the reintegration of in-person workers who have experienced an exposure to COVID-19 but remain asymptomatic in ways that best protect the health of the worker, their co-workers, and the general public. An analysis of core job tasks and workforce availability at worksites can allow the employer to match core activities to other equally skilled and available in-person workers who have not experienced an exposure. CDC guidance on safety practices for critical infrastructure workers is maintained at <https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>
9. All organizations should implement their business continuity and pandemic plans or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the health and safety of the workers.
10. Reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions. The vast majority of our economy relies on technology and therefore information technology (IT) and operational technology (OT) workers for critical infrastructure operations are essential. This includes workers in many roles, including workers focusing on management systems, control systems, and Supervisory Control and Data Acquisition (SCADA) systems, and data centers; cybersecurity engineering; and cybersecurity risk management.
11. Government workers, such as emergency managers, and the business community need to establish and maintain lines of communication.
12. Essential critical infrastructure workers need continued and unimpeded access to sites, facilities, and equipment within quarantine zones, containment areas, or other areas where access or movement is limited to perform functions for community relief and stability; for public safety, security and health; for maintaining essential supply chains and preserving local, regional, and national economic well-being.
13. Essential critical infrastructure workers need sustained access to designated quarantine, containment, or

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restricted areas; and should be exempted from curfews, shelter-in-place orders, and transportation restrictions or restrictions on movement.

14. Whenever possible, local governments should consider adopting specific state guidance on essential workers to reduce potential complications of workers crossing jurisdictional boundaries. When this is not possible, local jurisdictions should consider aligning access and movement control policies with neighboring jurisdictions to reduce the burden of cross-jurisdictional movement of essential critical infrastructure workers.

IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of identified essential critical infrastructure workers is intended to be overly inclusive reflecting the diversity of industries across the United States.



HEALTHCARE / PUBLIC HEALTH

- Workers, including laboratory personnel, that perform critical clinical, biomedical and other research, development, and testing needed for COVID-19 or other diseases.
- Healthcare providers including, but not limited to, physicians; dentists; psychologists; mid-level practitioners; nurses; assistants and aids; infection control and quality assurance personnel; pharmacists; physical, respiratory, speech and occupational therapists and assistants; social workers; optometrists; speech pathologists; chiropractors; diagnostic and therapeutic technicians; and radiology technologists.
- Workers required for effective clinical, command, infrastructure, support service, administrative, security, and intelligence operations across the direct patient care and full healthcare and public health spectrum. Personnel examples may include, but are not limited, to accounting, administrative, admitting and discharge, engineering, accrediting, certification, licensing, credentialing, epidemiological, source plasma and blood donation, food service, environmental services, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.
 - Emergency medical services workers.
 - Prehospital workers included but not limited to urgent care workers.
 - Inpatient & hospital workers (e.g. hospitals, critical access hospitals, long-term acute care

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- hospitals, long-term care facilities, inpatient hospice, ambulatory surgical centers, etc.).
- Outpatient care workers (e.g. end-stage-renal disease, Federally Qualified Health Centers, Rural Health Clinics, community mental health clinics, organ transplant/procurement centers, and other ambulatory care settings/providers, comprehensive outpatient rehabilitation facilities, etc.).
- Home care workers (e.g. home health care, at-home hospice, home dialysis, home infusion, etc.).
- Workers at Long-term care facilities, residential and community-based providers (e.g. Programs of All-Inclusive Care for the Elderly (PACE), Intermediate Care Facilities for Individuals with Intellectual Disabilities, Psychiatric Residential Treatment Facilities, Religious Nonmedical Health Care Institutions, etc.).
- Workplace safety workers (i.e., workers who anticipate, recognize, evaluate, and control workplace conditions that may cause workers' illness or injury).
- Workers needed to support transportation to and from healthcare facility and provider appointments.
- Workers needed to provide laundry services, food services, reprocessing of medical equipment, and waste management.
- Workers that manage health plans, billing, and health information and who cannot work remotely.
- Workers performing cybersecurity functions at healthcare and public health facilities and who cannot work remotely.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Childcare, eldercare, and other service providers for essential healthcare personnel.
- Vendors and suppliers (e.g. imaging, pharmacy, oxygen services, durable medical equipment, etc.).
- Workers at manufacturers (including biotechnology companies and those companies that have shifted production to medical supplies), materials and parts suppliers, technicians, logistics and warehouse operators, printers, packagers, distributors of medical products and equipment (including third party logistics providers, and those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including materials used in radioactive drugs), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies (including dispensers), sanitary goods, personal care products, pest control products, and tissue and paper towel products.
- Donors of blood, bone marrow, blood stem cell, or plasma, and the workers of the organizations that operate and manage related activities.
- Pharmacy staff, including workers necessary to maintain uninterrupted prescription, and other workers for pharmacy operations.
- Workers in retail facilities specializing in medical good and supplies.
- Public health and environmental health workers, such as:
 - Workers specializing in environmental health that focus on implementing environmental controls, sanitary and infection control interventions, healthcare facility safety and emergency preparedness planning, engineered work practices, and developing guidance and protocols for appropriate PPE to prevent COVID-19 disease transmission.
 - Public health/ community health workers (including call center workers) who conduct community-based public health functions, conducting epidemiologic surveillance and compiling, analyzing, and communicating public health information, who cannot work remotely.
- Human services providers, especially for at risk populations such as:
 - Home delivered meal providers for older adults, people with disabilities, and others with chronic

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- health conditions.
- Home-maker services for frail, homebound, older adults.
- Personal assistance services providers to support activities of daily living for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
- Home health providers who deliver health care services for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
- Government entities, and contractors that work in support of local, state, and federal public health and medical mission sets, including but not limited to supporting access to healthcare and associated payment functions, conducting public health functions, providing medical care, supporting emergency management, or other services necessary for supporting the COVID-19 response.
- Mortuary service providers, such as:
 - Workers performing mortuary funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers.
 - Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental and behavioral health services to the family members, responders, and survivors of an incident.

LAW ENFORCEMENT, PUBLIC SAFETY, AND OTHER FIRST RESPONDERS

- Public, private, and voluntary personnel (front-line and management, civilian and sworn) in emergency management, law enforcement, fire and rescue services, emergency medical services (EMS), and security, public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel.
- Personnel involved in provisioning of access to emergency services, including the provisioning of real-time text, text-to-911, and dialing 911 via relay.
- Personnel that are involved in the emergency alert system (EAS) ((broadcasters, satellite radio and television, cable, and wireline video) and wireless emergency alerts (WEA).
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and technicians to manage the network or operate facilities.
- Workers at emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, and 911 call centers.
- Fusion Center workers.
- Workers, including contracted vendors, who maintain, manufacture, or supply equipment and services supporting law enforcement, fire, EMS, and response operations (to include electronic security and life safety security personnel).
- Workers and contracted vendors who maintain and provide services and supplies to public safety facilities, including emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, fire and emergency medical services stations, police and law enforcement stations and facilities.
- Workers supporting the manufacturing, distribution, and maintenance of necessary safety equipment and uniforms for law enforcement and all public safety personnel.

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- Workers supporting the operation of firearm, or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.
- Public agency workers responding to abuse and neglect of children, spouses, elders, and dependent adults.
- Workers who support weather disaster and natural hazard mitigation and prevention activities.
- Security staff to maintain building access control and physical security measures.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, and other retail (including unattended and vending) that sells human food, animal and pet food and pet supply, and beverage products, including retail customer support service and information technology support staff necessary for online orders, pickup, and delivery.
- Restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, carry-out, and delivery food workers.
- Food manufacturer workers and their supplier workers including those employed at food ingredient production and processing facilities; aquaculture and seafood harvesting facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.
- Farmers, farm and ranch workers, and agribusiness support services to include those employed in auction and sales; grain and oilseed handling, storage, processing, and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; and truck delivery and transport.
- Farmers, farm and ranch workers, and support service and supplier workers producing food supply domestically and for export, to include those engaged in raising, cultivating, harvesting, packing, storing, or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity for human consumption; agricultural inspection; fuel ethanol facilities; biodiesel and renewable diesel facilities; storage facilities; and other agricultural inputs.
- Workers and firms supporting the distribution of food, feed, and beverage and ingredients used in these products, including warehouse workers, vendor-managed inventory controllers, and blockchain managers.
- Workers supporting the sanitation and pest control of all food manufacturing processes and operations from wholesale to retail.
- Workers supporting the growth and distribution of plants and associated products for home gardens.
- Workers in cafeterias used to feed workers, particularly worker populations sheltered against COVID-19.
- Workers in animal diagnostic and food testing laboratories.
- Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.
- Workers of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
- Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising, caring for and management of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.

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- Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and materials, animal vaccines, animal drugs, feed ingredients, feed and bedding, live animals, animal by-products, and deceased animals for disposal.
- Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products, as well as manufacture and distribution of products using agricultural commodities.
- Workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for agricultural production and distribution.

ENERGY

- Workers supporting the energy sector, regardless of the energy source (including, but not limited to, nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, who are needed to construct, manufacture, repair, transport, permit, monitor, operate engineer, and maintain the reliability, safety, security, environmental health, and physical and cyber security of the energy system, including those who support construction, manufacturing, transportation, permitting, and logistics.
- Workers and contractors supporting energy facilities that provide steam, hot water or chilled water from central power plants to connected customers.
- Workers conducting energy/commodity trading/scheduling/marketing functions who can't perform their duties remotely.
- Workers supporting the energy sector through renewable energy infrastructure (including, but not limited to, wind, solar, biomass, hydrogen, ocean, geothermal, and hydroelectric) and microgrids, including those supporting construction, manufacturing, transportation, permitting, operation and maintenance, monitoring, and logistics.
- Workers and security staff involved in nuclear re-fueling operations.
- Workers providing services related to energy sector fuels (including, but not limited to, petroleum (crude oil), natural gas, propane, liquefied natural gas (LNG), compressed natural gas (CNG), natural gas liquids (NGL), other liquid fuels, nuclear, and coal) and supporting the mining, processing, manufacturing, construction, logistics, transportation, permitting, operation, maintenance, security, waste disposal, storage, and monitoring of support for resources.
- Workers providing environmental remediation and monitoring, limited to immediate critical needs technicians.
- Workers involved in the manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities across all energy sector segments.

Electricity Industry

- Workers who maintain, ensure, restore, or who are involved in the development, transportation, fuel procurement, expansion, or operation of, the generation, transmission, and distribution of electric power, including call centers, utility workers, engineers, retail electricity, construction, maintenance, utility telecommunications, relaying, and fleet maintenance technicians who cannot perform their duties remotely.
- Workers at coal mines, production facilities, and those involved in manufacturing, transportation,

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permitting, operation, maintenance, and monitoring at coal sites.

- Workers who produce, process, ship, and handle coal used for power generation and manufacturing.
- Workers in the electricity industry including but not limited to those supporting safety, construction, manufacturing, transportation, permitting, operation/maintenance, engineering, physical and cyber security, monitoring, and logistics
- Workers needed for safe and secure operations at nuclear generation including, but not limited to, those critical to the broader nuclear supply chain, the manufacture and delivery of parts needed to maintain nuclear equipment, the operations of fuel manufacturers, and the production and processing of fuel components used in the manufacturing of fuel.
- Workers at fossil fuel (including but not limited to natural gas, refined, distillate, and/or coal), nuclear, and renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, geothermal, and hydroelectric), and microgrids, including those supporting safety, construction, manufacturing, transportation, permitting, operation, maintenance, monitoring, and logistics.
- Workers at generation, transmission, and electric black start facilities.
- Workers at Reliability Coordinator, Balancing Authority, local distribution control centers, and primary and backup Control Centers, including, but not limited to, independent system operators, regional transmission organizations, and local distribution control centers.
- Workers that are mutual assistance/aid personnel, which may include workers from outside of the state or local jurisdiction.
- Vegetation management and traffic control for supporting those crews.
- Instrumentation, protection, and control technicians.
- Essential support personnel for electricity operations.
- Generator set support workers, such as diesel engineers used in power generation, including those providing fuel.

Petroleum Industry

- Workers who support onshore and offshore petroleum drilling operations; platform and drilling construction and maintenance; transportation (including helicopter operations), maritime transportation, supply, and dredging operations; maritime navigation; well stimulation, intervention, monitoring, automation and control, extraction, production; processing; waste disposal, and maintenance, construction, and operations.
- Workers in the petroleum industry including but not limited to those supporting safety, construction, manufacturing, transportation, permitting, operation/maintenance, engineering, physical and cyber security, monitoring, and logistics.
- Workers for crude oil, petroleum, and petroleum product storage and transportation, including pipeline, marine transport, terminals, rail transport, storage facilities, racks, and road transport for use as end-use fuels such as gasoline, diesel fuel, jet fuel, and heating fuels or feedstocks for chemical manufacturing.
- Petroleum and petroleum product security operations center workers and workers who support maintenance and emergency response services.
- Petroleum and petroleum product operations control rooms, centers, and refinery facilities.
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Manufacturing and distribution of equipment, supplies, and parts necessary for production, maintenance, restoration, and service of petroleum and petroleum product operations and use, including end-users.

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- Transmission and distribution pipeline workers, including but not limited to pump stations and any other required, operations maintenance, construction, and support for petroleum products.

Natural Gas, Natural Gas Liquids (NGL), Propane, and Other Liquid Fuels

- Workers who support onshore and offshore drilling operations, platform and drilling construction and maintenance; transportation (including helicopter operations); maritime transportation, supply, and dredging operations; maritime navigation; natural gas and natural gas liquid production, processing, extraction, storage and transportation; well intervention, monitoring, automation and control; waste disposal, and maintenance, construction, and operations.
- Workers in the natural gas, NGL, propane, and other liquid fuels industries including but not limited to those supporting safety, construction, manufacturing, transportation, permitting, operation/maintenance, engineering, physical and cyber security, monitoring, and logistics.
- Transmission and distribution pipeline workers, including compressor stations and any other required operations maintenance, construction, and support for natural gas, natural gas liquid, propane, and other liquid fuels.
- Workers at Liquefied Natural Gas (LNG) and Compressed Natural Gas (CNG) facilities.
- Workers at natural gas, propane, natural gas liquids, liquified natural gas, liquid fuel storage facilities, underground facilities, and processing plants and other related facilities, including construction, maintenance, and support operations personnel.
- Natural gas processing plants workers and those who deal with natural gas liquids.
- Workers who staff natural gas, propane, natural gas liquids, and other liquid fuel security operations centers, operations dispatch and control rooms and centers, and emergency response and customer emergencies (including leak calls) operations.
- Workers supporting drilling, production, processing, refining, and transporting natural gas, propane, natural gas liquids, and other liquid fuels for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation.
- Workers supporting propane gas service maintenance and restoration, including call centers.
- Workers supporting propane, natural gas liquids, and other liquid fuel distribution centers.
- Workers supporting propane gas storage, transmission, and distribution centers.
- Workers supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Workers supporting ethanol and biofuel production, refining, and distribution.
- Workers in fuel sectors (including, but not limited to nuclear, coal, and gas types and liquid fuels) supporting the mining, manufacturing, logistics, transportation, permitting, operation, maintenance, and monitoring of support for resources.
- Workers ensuring, monitoring, and engaging in the physical security of assets and locations associated with natural gas, propane, natural gas liquids, and other liquid fuels.
- Workers involved in the manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service of natural gas, propane, natural gas liquids, and other liquid fuels operations and use, including end-users.

WATER AND WASTEWATER

Workers needed to operate and maintain drinking water and wastewater and drainage infrastructure, including:

- Operational staff at water authorities.

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- Operational staff at community water systems.
- Operational staff at wastewater treatment facilities.
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff.
- Operational staff for water distribution and testing.
- Operational staff at wastewater collection facilities.
- Operational staff and technical support for SCADA Control systems.
- Chemical equipment and personal protection suppliers to water and wastewater system.
- Workers who maintain digital systems infrastructure supporting water and wastewater operations.

TRANSPORTATION AND LOGISTICS

- Workers supporting or enabling transportation and logistics functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, driver training and education centers, Department of Motor Vehicle (DMV) workers, enrollment agents for federal transportation worker vetting programs, towing and recovery services, roadside assistance workers, intermodal transportation personnel, and workers that construct, maintain, rehabilitate, and inspect infrastructure, including those that require cross-jurisdiction travel.).
- Workers supporting the distribution of food, fuels, pharmaceuticals and medical material (including materials used in radioactive drugs), and chemicals needed for water or water treatment and energy maintenance.
- Workers supporting operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
- Workers of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use, including cold- and frozen-chain logistics for food and critical biologic products.
- Mass transit workers providing critical transit services and performing critical or routine maintenance to mass transit infrastructure or equipment.
- Workers supporting personal and commercial transportation services including taxis, delivery services, vehicle rental services, bicycle maintenance and car-sharing services, and transportation network providers.
- Workers, including police, responsible for operating and dispatching passenger, commuter, and freight trains and maintaining rail infrastructure and equipment.
- Maritime transportation workers, including port authority and commercial facility personnel, dredgers, port workers, security personnel, mariners, ship crewmembers, ship pilots, tugboat operators, equipment operators (to include maintenance and repair, and maritime-specific medical providers), ship supply workers, chandlers, and repair company workers. Refer to the United States Coast Guard's Marine Safety Information Bulletin "Maintaining Maritime Commerce and Identification of Essential Maritime Critical Infrastructure Workers" for more information.
- Workers, including truck drivers, railroad employees, maintenance crews, and cleaners, supporting transportation of chemicals, hazardous, medical, and waste materials that support critical infrastructure, capabilities, functions, and services, including specialized carriers, crane and rigging industry workers.
- Bus drivers and workers who provide or support intercity, commuter, and charter bus service in support of other essential services or functions.

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- Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities (including those who repair and maintain electric vehicle charging stations).
- Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors.
- Manufacturers and distributors (to include service centers and related operations) of lighting and communication systems, specialized signage and structural systems, emergency response equipment and support materials, printers, printed materials, packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations, and other critical infrastructure needs.
- Postal Service, parcel, courier, last-mile delivery, and shipping and related workers, to include private companies, who accept, process, transport, and deliver information and goods.
- Workers who supply equipment and materials for maintenance of transportation equipment.
- Workers who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.
- Workers who support air transportation for cargo and passengers, including operation distribution, maintenance, and sanitation. This includes air traffic controllers, flight dispatchers, maintenance personnel, ramp workers, fueling agents, flight crews, airport safety inspectors and engineers, airport operations personnel, aviation and aerospace safety workers, security, commercial space personnel, operations personnel, accident investigators, flight instructors, and other on- and off-airport facilities workers.
- Workers supporting transportation via inland waterways, such as barge crew, dredging crew, and river port workers for essential goods.
- Workers critical to the manufacturing, distribution, sales, rental, leasing, repair, and maintenance of vehicles and other transportation equipment (including electric vehicle charging stations) and the supply chains that enable these operations to facilitate continuity of travel-related operations for essential workers.
- Warehouse operators, including vendors and support personnel critical for business continuity (including heating, ventilation, and air conditioning (HVAC) and electrical engineers, security personnel, and janitorial staff), e-commerce or online commerce, and customer service for essential functions.

PUBLIC WORKS AND INFRASTRUCTURE SUPPORT SERVICES

- Workers who support the construction, maintenance, or rehabilitation of critical infrastructure.
- Workers supporting construction materials production, testing laboratories, material delivery services, and construction inspection.
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
- Workers such as plumbers, electricians, exterminators, builders (including building and insulation), contractors, HVAC Technicians, landscapers, and other service providers who provide services, including temporary construction, that are necessary to maintaining the safety, sanitation, and essential operation

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of residences, businesses and buildings, such as hospitals and senior living facilities.

- Workers personnel, who support operations that ensure, the availability of and access to needed facilities, transportation, energy, and communications through activities such as road and line clearing.
- Workers who support the effective removal, storage, and disposal of residential, industrial, and commercial solid waste and hazardous waste, including at landfill operations.
- Workers who support the operation, inspection, and maintenance of essential dams, locks, and levees.
- Workers who support the inspection and maintenance of aids to navigation and other government-provided services that ensure continued maritime commerce.

COMMUNICATIONS AND INFORMATION TECHNOLOGY

Communications

- Maintenance of communications infrastructure, -- including privately owned and maintained communication systems, -- supported by technicians, operators, call centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Points of Presence, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
- Government and private sector workers, including government contractors, with work related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots, and submarine cable ship facilities.
- Government and private sector workers, including government contractors, supporting Department of Defense internet and communications facilities.
- Network Operations staff, engineers, and technicians to include IT managers and staff, HVAC and electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities.
- Workers responsible for infrastructure construction and restoration, including but not limited to engineers, technicians, and contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes permitting, construction of new facilities, and deployment of new technology as required to address congestion or customer usage due to unprecedented use of remote services.
- Installation, maintenance, and repair technicians that establish, support, or repair service as needed.
- Central office personnel to maintain and operate central office, data centers, and other network office facilities, including critical support personnel assisting front line workers.
- Customer service and support staff, including managed and professional services, as well as remote providers of support to transitioning workers to set up and maintain home offices, who interface with customers to manage or support service environments and security issues including payroll, billing, fraud, logistics, and troubleshooting.
- Workers providing electronic security, fire, monitoring, and life safety services, and who ensure physical security, cleanliness, and the safety of facilities and personnel, including those who provide temporary licensing waivers for security personnel to work in other States or Municipalities.
- Dispatchers involved with service repair and restoration.
- Retail customer service personnel at critical service center locations to address customer needs, including new customer processing, distributing and repairing equipment, and addressing customer issues, in order to support individuals' remote emergency communications needs

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- Supply chain and logistics personnel to ensure goods and products are available to provision these front-line workers.
- External Affairs personnel to assist in coordinating with local, state, and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.
- Workers responsible for ensuring that persons with disabilities have access to and the benefits of various communications platforms, including those involved in the provision of telecommunication relay services, closed captioning of broadcast television for the deaf, video relay services for deaf citizens who prefer communication via American Sign Language over text, and audio-description for television programming.

Information Technology

- Workers who support command centers, including, but not limited to, Network Operations Command Centers, Broadcast Operations Control Centers, and Security Operations Command Centers.
- Data center operators, including system administrators, HVAC and electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators for all industries, including financial services.
- Workers who support client service centers, field engineers, and other technicians and workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, information technology equipment (to include microelectronics and semiconductors), HVAC and electrical equipment for critical infrastructure, and test labs and certification agencies that qualify such equipment (to include microelectronics, optoelectronics, and semiconductors) for critical infrastructure, including data centers.
- Workers needed to preempt and respond to cyber incidents involving critical infrastructure, including medical facilities; state, local, tribal, and territorial (SLTT) governments and federal facilities; energy and utilities; banks and financial institutions; securities and other exchanges; other entities that support the functioning of capital markets, public works, critical manufacturing, food, and agricultural production; transportation; and other critical infrastructure categories and personnel, in addition to all cyber defense workers who can't perform their duties remotely.
- Suppliers, designers, transporters, and other workers supporting the manufacture, distribution, provision, and construction of essential global, national, and local infrastructure for computing services (including cloud computing services and telework capabilities), business infrastructure, financial transactions and services, web-based services, and critical manufacturing.
- Workers supporting communications systems, information technology, and work from home solutions used by law enforcement, public safety, medical, energy, public works, critical manufacturing, food and agricultural production, financial services, education, and other critical industries and businesses.
- Workers required in person to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

OTHER COMMUNITY- OR GOVERNMENT-BASED OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g., HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure.

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- Elections personnel to include both public and private sector elections support.
- Workers supporting the operations of the judicial system, including judges, lawyers, and others providing legal assistance.
- Workers who support administration and delivery of unemployment insurance programs, income maintenance, employment service, disaster assistance, workers' compensation insurance and benefits programs, and pandemic assistance.
- Federal, State, and Local, Tribal, and Territorial government workers who support Mission Essential Functions and communications networks.
- Trade Officials (FTA negotiators; international data flow administrators).
- Workers who support radio, print, internet and television news and media services, including, but not limited to front line news reporters, studio, and technicians for newsgathering, reporting, and publishing news.
- Workers supporting Census 2020.
- Weather forecasters.
- Clergy for essential support.
- Workers who maintain digital systems infrastructure supporting other critical government operations.
- Workers who support necessary permitting, credentialing, vetting, and licensing for essential critical infrastructure workers and their operations.
- Customs and immigration workers who are critical to facilitating trade in support of the national emergency response supply chain.
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions.
- Workers at testing centers for emergency medical services and other healthcare workers.
- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.
- Residential and commercial real estate services, including settlement services.
- Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, supply chain, and COVID-19 relief efforts.
- Workers performing services to animals in human care, including zoos and aquariums.

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains and for supply chains associated with transportation, aerospace, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
- Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and PPE.
- Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other

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infrastructure necessary for mining production and distribution.

- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce, including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or data centers.
- Workers manufacturing or providing parts and equipment that enable the maintenance and continued operation of essential businesses and facilities.

HAZARDOUS MATERIALS

- Workers who manage hazardous materials associated with any other essential activity, including but not limited to healthcare waste (medical, pharmaceuticals, medical material production, and testing operations from laboratories processing and testing kits) and energy (including nuclear facilities).
- Workers who support hazardous materials response and cleanup.
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations.

FINANCIAL SERVICES

- Workers who are needed to provide, process, and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; public accounting; and capital markets activities.
- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, lockbox banking, and to move currency, checks, securities, and payments (e.g., armored cash carriers).
- Workers who support financial operations and those staffing call centers, such as those staffing data and security operations centers, managing physical security, or providing accounting services.
- Workers supporting production and distribution of debit and credit cards.
- Workers providing electronic point of sale support personnel for essential businesses and workers.

CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, laboratories, distribution facilities, and workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, paintings and coatings, textiles, building materials, plumbing, electrical, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items.
- Workers supporting the production of protective cleaning and medical solutions, PPE, chemical consumer and institutional products, disinfectants, fragrances, and packaging that prevents the contamination of food, water, medicine, among others essential products.

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- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections.
- Workers (including those in glass container manufacturing) who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products.

DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military, including, but are not limited to, space and aerospace workers, nuclear matters workers, mechanical and software engineers (various disciplines), manufacturing and production workers, IT support, security staff, security personnel, intelligence support, aircraft and weapon system mechanics and maintainers, and sanitary workers who maintain the hygienic viability of necessary facilities.
- Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense (DoD) and the Department of Energy (DoE) (on nuclear matters), as well as personnel at government-owned/contractor operated facilities, and who provide materials and services to the DoD and DoE (on nuclear matters), including support for weapon systems, software systems and cybersecurity, defense and intelligence communications, surveillance, sale of U.S. defense articles and services for export to foreign allies and partners (as authorized by the U.S. government), and space systems and other activities in support of our military, intelligence, and space forces.

COMMERCIAL FACILITIES

- Workers who support the supply chain of building materials from production through application and installation, including cabinetry, fixtures, doors, cement, hardware, plumbing (including parts and services), electrical, heating and cooling, refrigeration, appliances, paint and coatings, and workers who provide services that enable repair materials and equipment for essential functions.
- Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions, that accept, store, and process goods, and that facilitate their transportation and delivery.
- Workers in hardware and building materials stores necessary to provide access to essential supplies, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors.
- Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.
- Workers supporting the operations of commercial buildings that are critical to safety, security, and the continuance of essential activities, such as on-site property managers, building engineers, security staff, fire safety directors, janitorial personnel, and service technicians (e.g., mechanical, HVAC, plumbers, electricians, and elevator).
- Management and staff at hotels and other temporary lodging facilities that provide for COVID-19 mitigation, containment, and treatment measures or provide accommodations for essential workers.

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RESIDENTIAL/SHELTER FACILITIES AND SERVICES

- Workers providing dependent care services, particularly those whose services ensure essential workers can continue to work.
- Workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, including in-need populations and COVID-19 responders including travelling medical staff.
- Workers in animal shelters.
- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
- Workers performing housing and commercial construction related activities, including those supporting government functions related to the building and development process, such as inspections, permitting, and plan review services that can be modified to protect the public health, but fundamentally should continue and enable the continuity of the construction industry (e.g., allow qualified private third-party inspections in case of federal government shutdown).
- Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
- Workers responsible for the movement of household goods.

HYGIENE PRODUCTS AND SERVICES

- Workers who produce hygiene products.
- Workers in laundromats, laundry services, and dry cleaners.
- Workers providing personal and household goods, repair, and maintenance.
- Workers providing disinfection services for all essential facilities and modes of transportation and who support the sanitation of all food manufacturing processes and operations from wholesale to retail.
- Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
- Support required for continuity of services, including commercial disinfectant services, janitorial and cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line workers.
- Workers supporting the production of home cleaning, pest control, and other essential products necessary to clean, disinfect, sanitize, and ensure the cleanliness of residential homes, shelters, and commercial facilities.
- Workers supporting agriculture irrigation infrastructure.
- Workers supporting the production of home cleaning and pest control products.

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RESOLUTION

RESOLVED, by the Executive Council of the State of Minnesota, at its emergency meeting on May 1, 2020, that it approves Emergency Executive Order 20-48 pursuant to Minnesota Statutes 12.31 and 12.32.

Extending and Modifying Stay at Home Order, Continuing Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation, and Allowing Additional Workers in Certain Non-Critical Sectors to Return to Safe Workplaces

Approved by Executive Council

DATE: 05.01.2020

BY: ARobertsDavis

EXHIBIT 10

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-56

Safely Reopening Minnesota's Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic continues to present an unprecedented and rapidly evolving challenge to our State. Since the World Health Organization ("WHO") characterized the COVID-19 outbreak as a pandemic on March 11, 2020, confirmed cases of COVID-19 in Minnesota have rapidly increased. On March 15, 2020, Minnesota detected the first confirmed cases caused by "community spread"—infections not epidemiologically linked to overseas travel. By March 17, 2020, all fifty states had reported a confirmed case of COVID-19, and on March 21, 2020, the Minnesota Department of Health ("MDH") announced the first confirmed fatality due to COVID-19 in Minnesota.

Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. After notifying the Legislature, on April 13, 2020 and again on May 13, 2020, I issued Executive Orders extending the peacetime emergency declared in Executive Order 20-01.

The need to slow the spread of the virus required the closure of certain non-critical businesses in our economy. Consistent with national trends, over 650,000 Minnesotans have applied for unemployment insurance since March 16, 2020. In Executive Order 20-33, seeking to balance public health needs and economic considerations, I directed the Commissioners of Health, Employment and Economic Development, and Labor and Industry to begin planning to allow more Minnesota workers to return to work when it is safe to do so. I explained that such a plan must include guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. Executive Order 20-38 expanded exemptions related to outdoor recreational activities and facilities. Executive Orders 20-40 and 20-48 allowed for certain non-critical businesses to reopen after they had planned for and provided a safe work environment.

In light of our increased preparedness to treat those most vulnerable to COVID-19 and mitigate these ongoing economic impacts, this Executive Order continues our plan to safely reopen our economy by allowing even more non-critical businesses to reopen, provided that they follow guidance from MDH, the Department of Employment and Economic Development (“DEED”), and the Department of Labor and Industry (“DLI”). In particular, such businesses must ensure compliance with the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 (“Minnesota OSHA Standards”), in addition to guidelines related to COVID-19 set forth by MDH and the Centers for Disease Control and Prevention (“MDH and CDC Guidelines”).

Despite the progress we have made since declaring the COVID-19 peacetime emergency, certain establishments—including those in which people gather and linger, those with communal facilities, and those in which close physical contact is expected—continue to pose a public health risk. We must continue to carefully consider and prepare for the reopening of such businesses.

Likewise, certain non-work activities outside of the home are conducive to social distancing and hygiene, while others raise significant public health risks. Large social and other gatherings of people for extended time periods raise the risk of COVID-19 transmission from household to household. The risks of such transmission are diminished in transitory settings, such as retail establishments, where individual interactions and contact are more limited in duration.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers “in order to (1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state.” Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state’s emergency management as well as carry out the provisions of Minnesota’s Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in “matters pertaining to the emergency management of the state and nation.” This includes “the direction or control of . . . the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and . . . public meetings or gatherings.” Pursuant to subdivision 3 of that same section, the Governor may “make, amend, and rescind the necessary orders and rules to carry out the provisions” of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

For these reasons, I order as follows:

1. Executive Order 20-48 is rescinded as of Sunday, May 17, 2020 at 11:59 pm.
2. Paragraphs 6 through 8 of this Executive Order are effective as of Sunday, May 17, 2020 at 11:59 pm and remain in effect through Sunday, May 31, 2020 at 11:59 pm.
3. **Masks and face coverings strongly encouraged.** I strongly encourage all Minnesotans to wear a manufactured or homemade cloth face covering when they

leave their homes and travel to any public setting where social distancing measures are difficult to maintain (*e.g.*, grocery stores and pharmacies) and to follow face covering guidelines issued by MDH and the CDC until this Executive Order is rescinded. Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others). They are not yet known to be protective of the wearer and therefore are not personal protective equipment.

4. **At-risk persons.** All persons currently living within the State of Minnesota who are at risk of severe illness from COVID-19, as defined by Executive Order 20-55, are strongly urged to stay at home or in their place of residence and follow the provisions of Executive Order 20-55.

5. **Definitions.**

- a. “Home” and “homes” and “residence” and “residences” are broadly defined to include mobile homes, hotels, motels, shared rental units, shelters, and similar facilities, to the extent they are used for lodging.
- b. “Worker” and “workers” are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.
- c. “Business” and “businesses” are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.
- d. “Critical Businesses” are all businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48.
- e. “Non-Critical Businesses” are all businesses that are not Critical Businesses and are not closed under Executive Orders 20-04, as amended by Executive Orders 20-08 and 20-18.

6. **Activities outside of the home.** Mindful that we must continue to limit social interactions to protect public health, individuals may leave their homes for activities, subject to the requirements and guidelines set forth below. These requirements may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications will be available for public review at the State’s COVID-19 website (<https://mn.gov/covid19/>).

- a. **Guidelines.** Individuals engaging in activities outside of the home must follow the requirements of this Executive Order and MDH and CDC Guidelines. Individuals engaging in outdoor activities must follow the Minnesota Department of Natural Resources (“DNR”) and MDH guidelines on outdoor recreation and guidelines for facilities and the public (“Outdoor Recreation Guidelines”) available at DNR’s website (<https://www.dnr.state.mn.us/covid-19.html>).

- b. **Unnecessary travel strongly discouraged.** Consistent with federal guidance and to protect our neighbors, Minnesotans are encouraged to stay close to home and are strongly discouraged from engaging in unnecessary travel.
- c. **Gatherings.** All gatherings of more than 10 people are prohibited. Gatherings are groups of individuals, who are not members of the same household, congregated together for a common or coordinated social, civic, community, faith-based, leisure, or recreational purpose—even if social distancing can be maintained. This prohibition includes planned and spontaneous gatherings, public and private gatherings, and indoor and outdoor gatherings. Examples of prohibited gatherings include, but are not limited to, social, civic, community, faith-based, or leisure events, sporting or athletic events, performances, concerts, conventions, fundraisers, parades, fairs, and festivals that bring together more than 10 people from more than one household. Prohibited gatherings do not include commercial activity by workers and customers of Critical and Non-Critical Businesses.
 - i. **Legislative and other governmental meetings.** The limits on gatherings in this Executive Order do not apply to legislative and other governmental meetings. Remote meetings are strongly encouraged whenever possible.
 - ii. **The Judicial Branch.** The limits on gatherings in this Executive Order do not apply to proceedings held by the Minnesota Judicial Branch. Proceedings held by the Judicial Branch are subject to the policies established by the chief justice and will occur as directed by court order. Individuals may appear as directed by a Minnesota state court, including to serve as a juror, appear as a party, as a witness, or as legal counsel on behalf of a party, or otherwise to comply as directed by a court order, subpoena, or summons.
 - iii. **Federal activities.** Nothing in this Executive Order will be construed to limit, prohibit, or restrict in any way the operations of the federal government or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial, legislative, and executive staff and personnel.
 - iv. **Drive-in gatherings.** To enable safe congregation of more than 10 people, drive-in gatherings are permitted, provided that all participants remain within their own vehicles and follow guidelines provided by MDH and available at MDH's website (<https://www.health.state.mn.us/diseases/coronavirus/>).

d. **Tribal Activities and Lands.**

- i. Activities by tribal members within the boundaries of their tribal reservations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.
- ii. Activities within the boundaries of federal land held in trust for one of the 11 Minnesota Tribal Nations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.
- iii. Activities by tribal members to exercise their federal treaty rights within the boundaries of their treaty territory (also known as “ceded territory”) are exempt from the restrictions in this Executive Order but may be subject to restrictions by applicable tribal authorities.
- iv. Tribal members may travel to and from their tribal reservations in accordance with applicable tribal law.

7. **Workers and businesses.** Workers and businesses are subject to the requirements set forth below.

- a. **Extension of temporary closure of bars, restaurants, and other places of public accommodation.** The closure of bars, restaurants, and other public accommodations set forth in Executive Order 20-04, as amended by Executive Orders 20-08 and 20-18, is extended until May 31, 2020 at 11:59 pm. Barbershops and salons may continue to conduct retail product sales in accordance with the requirements for Non-Critical Businesses set forth below.
- b. **Plan to reopen bars, restaurants, and other places of public accommodation.** The Commissioners of Health, Employment and Economic Development, and Labor and Industry are directed to develop a phased plan to achieve the limited and safe reopening of bars, restaurants, and other places of public accommodation beginning on June 1, 2020. This plan will be ready for presentation to the public no later than May 20, 2020.
- c. **Continue to work from home whenever possible.** Any worker who can work from home must do so.
- d. **Critical Businesses.** Businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48 may continue to operate in the same manner as provided in Executive Order 20-48.
 - i. **Child care businesses and youth programming.** Child care providers and other businesses providing care and programming to children and youth of Critical Businesses, including workers in child care centers, family child care, certified centers, youth summer programming (including day camps but not overnight camps), and

other activities and facilities, are Critical Businesses. These businesses are encouraged to prioritize enrollment for workers in Critical Businesses according to guidance provided by the Children's Cabinet and other agencies. This category continues to include workers in a personal home, such as family, friend, and neighbor care necessary for workers to continue to perform their duties. These settings must adhere to MDH and CDC Guidelines.

- e. **Non-Critical Businesses.** If it has not done so already, a Non-Critical Business choosing to open or remain open must establish and implement a COVID-19 Preparedness Plan ("Plan"). Each Plan must provide for the business's implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces. These requirements are set forth in guidance published by DEED and DLI ("Plan Guidance") available on DEED's website (<https://mn.gov/deed/safework/>).
- i. **Required Plan content.** As set forth in the Plan Guidance, at a minimum, each Plan must adequately address the following areas:
 - A. **Require work from home whenever possible.** All Plans must ensure that all workers who can work from home continue to do so.
 - B. **Ensure that sick workers stay home.** All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.
 - C. **Social distancing.** All Plans must establish social distancing policies and procedures.
 - D. **Worker hygiene and source control.** All Plans must establish hygiene and source control policies for workers.
 - E. **Cleaning, disinfection, and ventilation protocols.** All Plans must establish cleaning, disinfection, and ventilation protocols for areas within the workplace.
- ii. **Customer facing businesses.** All Non-Critical Businesses that are customer facing (*i.e.*, businesses that have in-person customer interactions) must include additional Plan provisions to keep the public and workers safe as set forth in the Plan Guidance available on DEED's website (<https://mn.gov/deed/safework/>). This includes requirements that workers and customers must maintain physical distancing of 6 feet and that store occupancy must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal. In customer facing businesses that share common areas, such as malls, all Plans must similarly include a facility occupancy that

must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards and MDH and CDC Guidelines for those common areas. All Plans must also include signage in common areas to discourage gathering.

- iii. **Household services businesses.** All Non-Critical Businesses that provide household services (*e.g.*, housecleaning, maid services, and piano tuners) must also develop Plan provisions intended to keep customers and workers safe as set forth in the Plan Guidance available on DEED's website (<https://mn.gov/deed/safework/>).
- iv. **Optional template.** A template COVID-19 Preparedness Plan, which covers the above requirements, is available as part of the Plan Guidance, available on DEED's website (<https://mn.gov/deed/safework/>).
- v. **Certification and signature.** Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.
- vi. **Dissemination and posting.** Each Non-Critical Business must provide its Plan, in writing, to all workers, and the Plan must be posted at all of the business's workplaces in locations that will allow for the Plan to be readily reviewed by all workers. Where physical posting is impracticable, the Plan can be posted electronically, provided that the Plan is received by all workers and remains available for their review.
- vii. **Training.** Each Non-Critical Business must ensure that training is provided to workers on the contents of its Plan and required procedures, so that all workers understand and are able to perform the precautions necessary to protect themselves and their co-workers. This training should be easy to understand and available in the appropriate language and literacy level for all workers. Businesses should also take steps to supervise workers and ensure that workers understand and adhere to necessary precautions to prevent COVID-19 transmission. Documentation demonstrating compliance with this training requirement must be maintained and made available to regulatory authorities and public safety officers, including DLI, upon request.
- viii. **Compliance.** Employees and management must work together to ensure compliance with the Plan, implement all protocols, policies, and procedures, and create a safe and healthy work environment.
- ix. **Availability to regulatory authorities and public safety officers.** Non-Critical Businesses do not need to submit their Plans for

preapproval. Upon request, Non-Critical Businesses must make their Plans available to regulatory authorities and public safety officers, including DLI.

- x. In the event of a complaint or dispute related to a Non-Critical Business's Plan, DLI is authorized to determine whether the Plan adequately implements Minnesota OSHA Standards and MDH and CDC Guidelines in its workplaces.

- f. Executive Order 20-54 remains in full force and effect. All work must be conducted in a manner that adheres to Minnesota OSHA Standards and MDH and CDC Guidelines, including social distancing and hygiene practices. Under existing law and authority, DLI may issue citations, civil penalties, or closure orders to places of employment with unsafe or unhealthy conditions, and DLI may penalize businesses that retaliate against employees who raise safety and health concerns.

8. **Outdoor recreational activities and associated facilities.** Notwithstanding Executive Orders 20-04, 20-08, and 20-18, the below facilities are permitted to be open and do business, provided that they adhere to paragraph 6 of this Executive Order and the Outdoor Recreation Guidelines available at DNR's website (<https://www.dnr.state.mn.us/covid-19.html>). This permission **does not extend to** charter boats, launches, or facilities that involve prohibited gatherings or people in groups or close proximity (*e.g.*, mini golf, pools, commercial outdoor racetracks, and concert venues). **Indoor facilities** associated with outdoor recreational facilities covered by Executive Orders 20-04, 20-08, and 20-18, must comply with those Executive Orders, and all indoor facilities associated with outdoor recreational facilities must also conform with the provisions of paragraph 7 of this Executive Order. I encourage public outdoor recreational facilities be open for families and children, and direct all individuals utilizing such facilities to follow the Outdoor Recreation Guidelines. All outdoor recreational activities and facilities must comply with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules.

- a. Minnesota State Parks, Trails, State Forests, State Recreation Areas, Wildlife Management Areas, Scientific and Natural Areas, and other State managed recreational lands.
- b. Locally, regionally, and privately managed parks and trails.
- c. State, regional, or local public water accesses.
- d. Public and private marinas and docks that provide storage, docking, and mooring services to slip owners, seasonal renters, and the general public, as well as facilities that provide safety-related services including fueling, emergency dockage, and sanitary pump-out stations.

- e. Public and private golf courses and outdoor driving ranges.
 - f. Ski areas.
 - g. Off-highway vehicles, snowmobiles, and watercraft repair shops, sales facilities, and showrooms.
 - h. Lake service providers to install, repair, and remove docks, boatlifts, and other water related equipment or deliver boats.
 - i. Bait and tackle shops.
 - j. Outdoor shooting ranges and game farms.
 - k. Outdoor recreational equipment rental outlets. Equipment may be rented but only if the equipment can be effectively sanitized between uses. Such outlets must implement clear check-in and check-out procedures that minimize contact between customers and workers. Any rentals must be conducted in accordance with the Outdoor Recreation Guidelines.
 - l. Dispersed and remote camping sites for single household use. A dispersed campsite is a single campsite, not in a developed campground, used for overnight camping. A remote campsite is a designated backpack or watercraft campsite, not in a developed campground, used for overnight camping. Both private and public developed campgrounds remain closed to recreational camping.
 - m. Outdoor tournaments, competitions, practices, and sports that allow for social distance, do not require group gatherings prohibited by paragraph 6.c, and that adhere to the Outdoor Recreation Guidelines.
 - n. Small one-on-one or one-on-two person guided and instructional activities such as guided fishing, birding, or outdoor fitness training. Guided and instructional activities must be conducted in accordance with the Outdoor Recreation Guidelines.
 - o. Any other outdoor recreation activities and facilities that may be designated in the Outdoor Recreation Guidelines.
9. Minnesotans must respect the efforts of employers or businesses to protect the safety of their workers and customers by complying with those businesses' social distancing and hygiene instructions. Employers must post social distancing and hygiene instructions at entrances and in locations that can be easily seen by customers and visitors.
10. I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by

a fine not to exceed \$1,000 or by imprisonment for not more than 90 days. Any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed \$3,000 or by imprisonment for not more than a year. In addition to those criminal penalties, the Attorney General, as well as city and county attorneys, may seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for violations of this Executive Order, including civil penalties up to \$25,000 per occurrence from businesses and injunctive relief. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 13, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on May 13, 2020:



Alice Roberts-Davis
Secretary, Executive Council

Filed May 13, 2020
Office of the Minnesota
Secretary of State,
Steve Simon

RESOLUTION

RESOLVED, by the Executive Council of the State of Minnesota, at its emergency meeting on May 13, 2020, that it approves Emergency Executive Order 20-56 pursuant to Minnesota Statutes 12.31 and 12.32.

Safely Reopening Minnesota's Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency.

Approved by Executive Council

DATE: May 13, 2020

BY: *A Roberts Davis*

Filed May 13, 2020
Office of the Minnesota
Secretary of State,
Steve Simon

EXHIBIT 11



April 7, 2020 Absentee Voting Report

May 15, 2020

Wisconsin Elections Commissioners

Dean Knudson, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

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I. Executive Summary

Absentee voting in the April 2020 election reached unprecedented levels but Wisconsin voters, local election officials and election administration systems largely adapted to the demand and managed the volume successfully. At a macro level, the processes to request, receive, return, and review absentee ballots proceeded normally and without inconsistencies. At a local level, the extraordinary volume placed enormous stress on election officials, elections systems, and the United States Postal Service (“USPS”).

Absentee voting remains a largely manual, labor-intensive process administered by each individual jurisdiction across the state. While voters can request a ballot and upload a photo ID on their smart phone in just a few minutes, behind the scenes clerks must still manually verify the IDs, stuff and seal envelopes by hand, apply postage, carry boxes of envelopes to the post office, and physically check off each request. These manual processes have worked well in the past, but they are not easy to scale up without advance warning or extensive preparation. When mail volume is up to ten times higher than anticipated, clerks must complete the same tasks without the benefit of having more staff, additional supplies or more hours to meet statutory deadlines.

Despite these challenges, clerks across the state did what was necessary to complete the task. Many jurisdictions hired and trained temporary staff, developed new procedures, and worked long nights and weekends to meet voter needs. The Wisconsin Elections Commission (“WEC” or “Commission”) likewise hired temporary staff, rapidly expanded technical systems, and worked around the clock to keep up with demand. The data in this report affirms that these efforts were successful, while still revealing opportunities for improvement and important lessons learned.

WEC staff, Wisconsin clerks, and the USPS are working together to make improvements to the absentee voting process and prepare for continued high vote-by-mail volume for the remainder of 2020 and beyond. Process improvements in development will revise the absentee ballot request application, ballot mailing, ballot tracking, and overall quality control. Every step in the process, from the application form, to the envelope, to the tracking tools, is under examination and being evaluated for potential improvements. The tools now in development will provide voters, clerks, and WEC staff with a simpler process and improved communication.

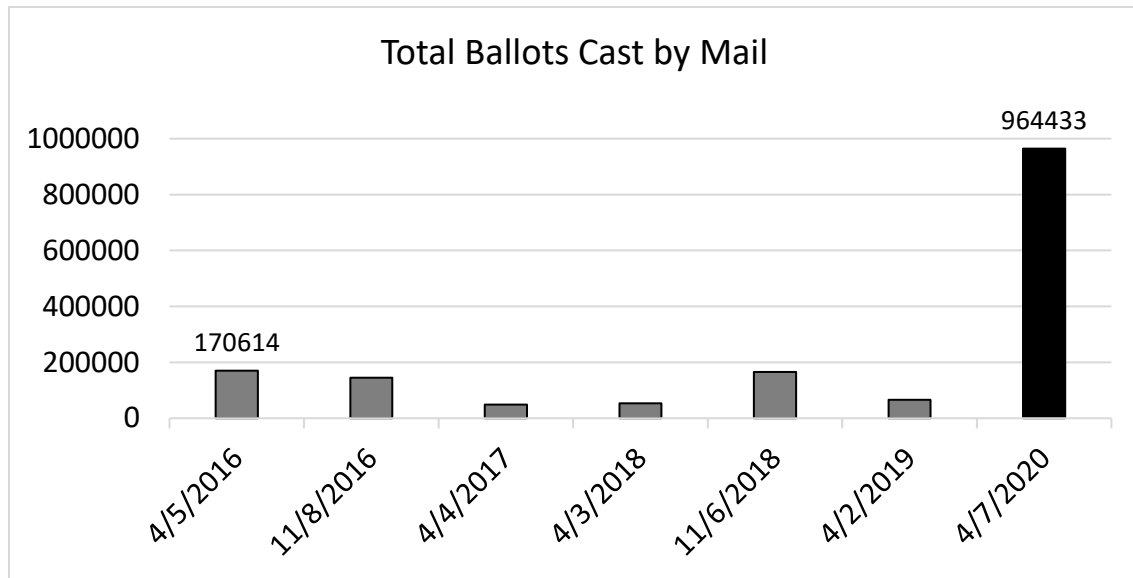
II. Facts: Absentee Voting Data

The April 2020 election broke absentee voting records in Wisconsin while maintaining relatively high turnout for a spring election. Indeed, the April 2020 election produced several state records, including:

- Most by mail ballots ever cast in any Wisconsin election
- Most absentee ballots ever cast in any Wisconsin election
- Second most total ballots ever cast in a Wisconsin Spring Election
- Most in-person absentee ballots in a Wisconsin Spring Election.

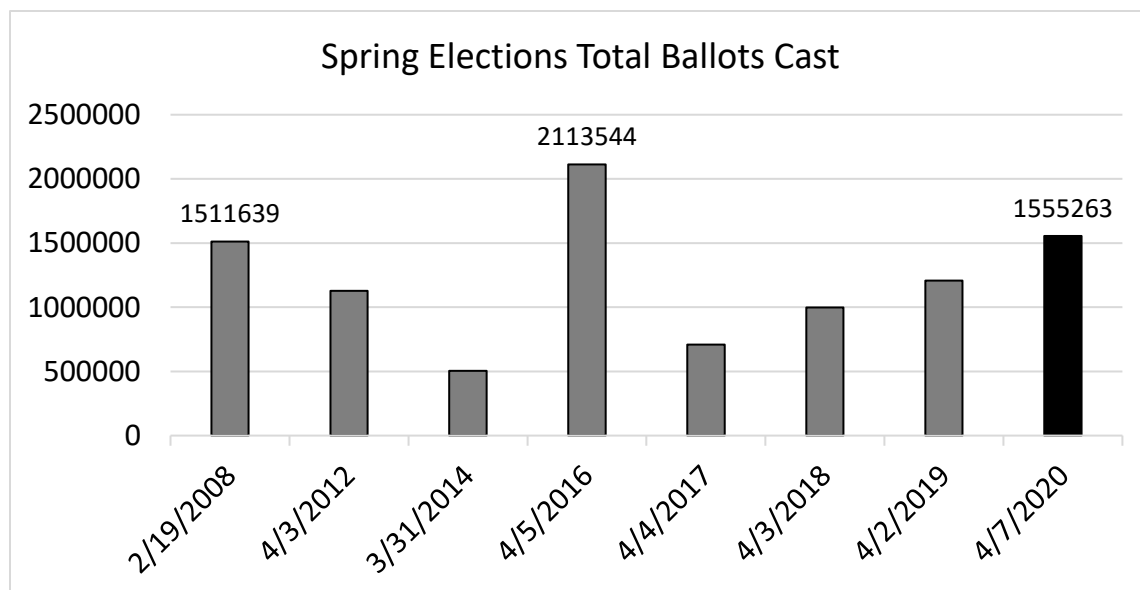
The total number of absentee ballots cast by mail easily surpassed the previous record set in April 2016.

Table 1.



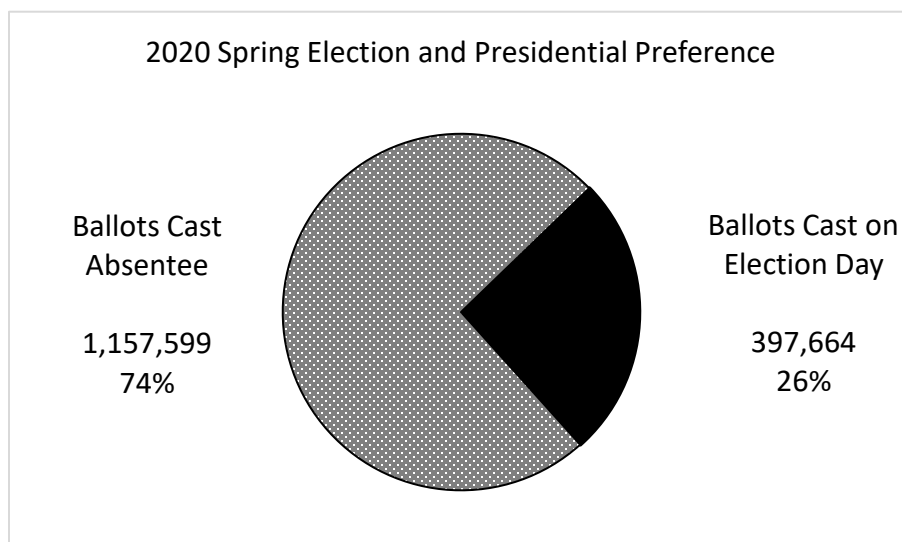
While the COVID-19 pandemic produced an exceptional shift to vote-by-mail, it is not clear that the crisis influenced overall participation. The total ballots cast in the Spring Election and Presidential Preference Vote were not markedly different from previous spring elections. While voter participation for this election was consistent with historic turnout numbers for similar elections, it is also impossible to determine how many voters were unable to cast a ballot for this election due to concerns and complications related to the COVID-19 pandemic. As demonstrated by the chart below, total ballots cast for this election were comparable to the 2008 Spring Election and Presidential Preference Vote and trailed only the same election in 2016 where both major political parties had competitive presidential primaries on the ballot in Wisconsin.

Table 2.



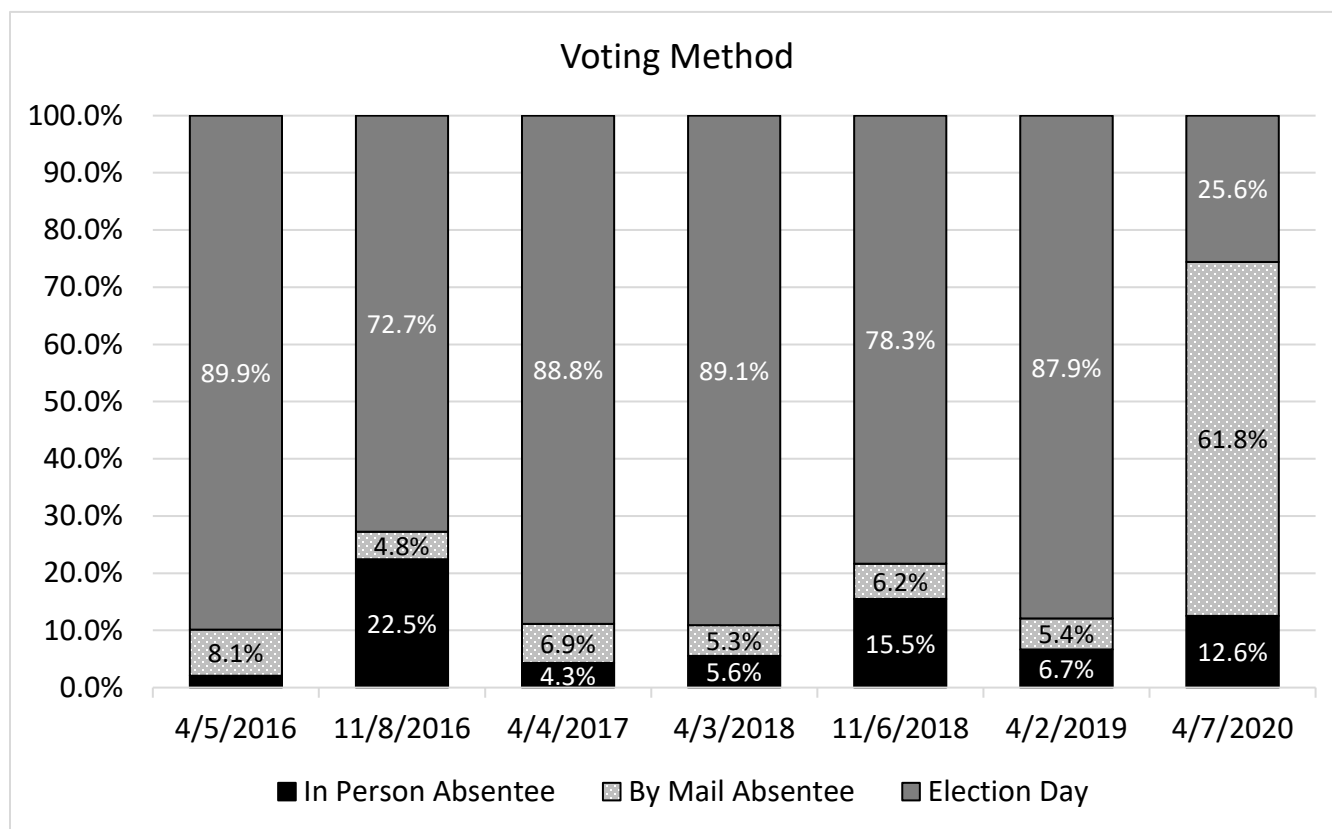
Absentee ballots cast for the April 2020 election also represented a far greater percentage of the ballots cast than is typical. More than three-quarters of the ballots cast were absentee and more than 60% were delivered by mail. Historically, over 80% of ballots in Wisconsin are cast in person on election day and only 6% are cast as by mail absentee ballots. Wisconsin has seen a steady rise in absentee voting percentages in recent years, but those gains could be attributed to an increase in in-person absentee voting, commonly referred to as early voting. For this election, almost 75% of all ballots cast were by absentee voters with over 60% issued and returned by mail. For this election, Wisconsin local election officials saw increases in both in-person absentee voting and absentee by mail, which created resource issues for a system primarily designed to support polling place voting on election day. Some smaller staffs were nearly overwhelmed by the demand and many had to recruit assistance from other municipal departments or secure temporary staff.

Table 3.



As compared with earlier elections, the 2020 shift to voting by mail is distinct, with barely one quarter of voters choosing to cast a ballot on election day. In person voting on election day was still required for this election and each municipality had to dedicate resources to securing, staffing and supplying polling places, while also processing the increased volume of absentee voting. Almost 400,000 voters cast their ballot at a Wisconsin polling place on election day and each municipality operated at least one polling place. The combination of increased by mail absentee voting and continued support of in person voting has resulted in many local election officials reporting that their 2020 municipal postal budgets have already been exhausted or are on pace for shortages.

Table 4.



Nearly 1.3 million absentee ballots were delivered to voters for the April election, either by mail or in person at local clerks' offices. While almost 90 percent of ballots were returned and counted, approximately 1 in 10 ballots were either not returned to the clerk or were returned but rejected. Almost 121,000 absentee ballots were issued by local election officials, but not returned by voters. This report will provide information about several factors that contributed to the number of unreturned ballots.

Table 5.

April 7, 2020 - Absentee Ballots	Absentee Ballot Count	% of Ballots
Total Absentee Ballots Sent ¹	1,303,985	100.00%
Absentee Ballots Returned and Counted	1,159,800	88.94%
Absentee Ballots Returned and Rejected – After 4/13	2,659	0.20%
Absentee Ballots Returned and Rejected - Other	20,537	1.57%
Absentee Ballots Not Returned	120,989	9.28%

¹ An additional 21,301 absentee ballot records were created by clerks but deactivated for administrative reasons (e.g. clerk error, voter error, voter request, ineligible voter, etc.). This represents approximately 1.6% of the total absentee ballot records. Since 2016, the median rate of administrative cancellations is approximately 2.3% of the total absentee ballot records created, with a range of 1.1% (November 2018) to 4.0% (April 2016).

The figures above are largely consistent with the percentage of ballots rejected or not returned in recent April elections. Both the ballot rejection and unreturned ballot rates were consistent with or lower than the previous rates. This comparison does not seek to downplay the concerns and experiences reported by voters who had difficulty receiving or returning their ballot or voters who could not meet the witness requirement due to COVID-19 concerns. It does demonstrate the Wisconsin vote by mail system for the April 7, 2020 election performed consistently with its performance in previous comparable elections, but there are still several opportunities for improvements. The State is currently pursuing multiple initiatives that will improve the by mail absentee process prior to the fall 2020 elections.

Table 6.

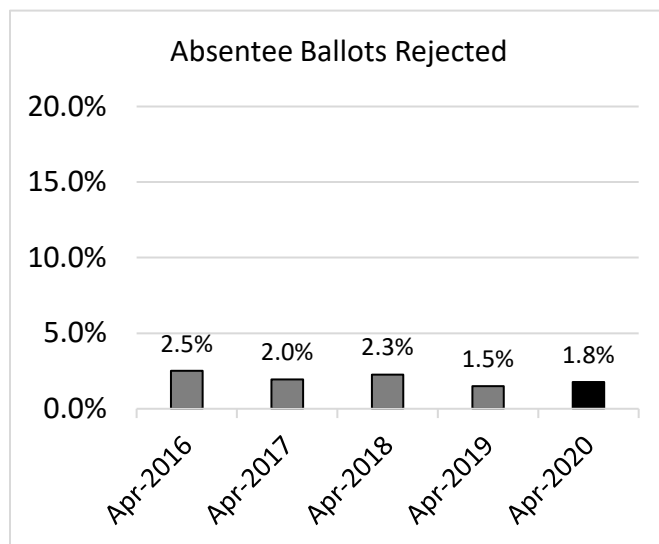
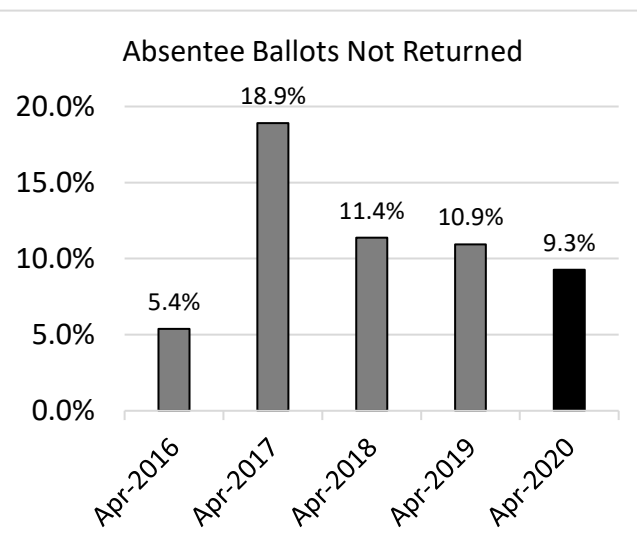


Table 7.



Likewise, most ballots were returned prior to Election Day, but nearly 7% arrived in the window between Election Day and the court ordered deadline of 4:00 p.m. on 4/13/2020. Over 1.1 million of the absentee ballots that were issued for this election were returned in accordance with current Wisconsin state law that requires ballots to be received by 8:00 PM on Election Day in order to be counted. Judge Conley's extension of the ballot return deadline to 4:00 PM on April 13, 2020 resulted in an additional 79,054 ballots being counted for this election. Local election officials have also reported 2,659 ballots that were returned after the April 13 deadline that were not counted due to their late arrival.

Table 8.

April 2020 Absentee Ballot Return Dates	Absentee Ballot Count	% of Ballots
Total Absentee Ballots Returned	1,182,996	100.00%
Ballots returned before 4/8/2020	1,101,324	93.09%
Ballots returned between 4/8/2020 and 4/13/2020	79,054	6.68%
Ballots returned after 4/13/2020	2,659	0.22%

Additional historical data is attached to this report as Exhibit A - Absentee Voting Data.

III. Findings: Absentee Performance During the April 2020 Primary

A. General Assessment

Wisconsin voters demonstrated an unprecedented commitment to the democratic process in the April 2020 election. In the midst of a COVID-19 pandemic and rapidly changing voting rules and protocols, nearly 1.2 million voters cast an absentee ballot in the Spring Election and Presidential Preference Primary. This section assesses the performance of the absentee voting process during the April 2020 election and examines the experiences of voters, election officials, and election systems. The assessment will consider both a broad overview and examine specific case studies from across the state.

1. The Absentee Process in Wisconsin

The Wisconsin Legislature has determined that the vigorous exercise of our constitutional right to vote should be strongly encouraged. The Legislature also recognizes that it is difficult for some individuals to get to their polling place on Election Day. In order to meet this need, the Legislature has established the privilege of absentee voting as an extension of the right to vote on Election Day. The Legislature recognized that the privilege of voting absentee is exercised wholly outside the traditional safeguards of the polling place. It has determined that the privilege of absentee voting must be carefully regulated to prevent the potential for fraud or abuse, overzealous solicitation of absent electors who may prefer not to participate in an election, and undue influence on an absentee elector to vote for or against a candidate or referendum. Wis. Stat. § 6.84(1).

Any qualified elector who is unable or unwilling to appear at the polling place on Election Day may vote by absentee ballot. Wis. Stat. § 6.85. Registered electors wishing to vote absentee must submit an absentee ballot request in writing to the municipal clerk. The request is made to the municipal clerk in writing or electronically using the Application for Absentee Ballot (EL-121), or a letter requesting an absentee ballot which provides the information required on the application form. The written request should include the elector's: 1. Name 2. Residential address 3. Mailing address, if different than residential address 4. Signature 5. Proof of identification, if necessary. Military and Overseas electors may also use the Federal Postcard Application (FPCA), which is a combination registration form and absentee ballot request. Voters may also apply for and vote an absentee ballot in person at the municipal clerk's office. Wis. Stat. § 6.86.

Municipal clerks prepare official absentee ballots for delivery to electors requesting them. An absentee ballot must be sent to any voter with an absentee application on file, no later than 47 days before a federal election, and no later than 21 days before a primary or other election. Otherwise, the municipal clerk shall send or transmit an official absentee ballot within one business day of the time the elector's request for such a ballot is received. Wis. Stat. § 7.15(1)(cm).

The municipal clerk or the clerk's designee is required to enter absentee applications and ballot information into the WisVote system maintained by the Commission within 48 hours after mailing or receiving an in-person absentee ballot application. Wis. Stat. § 6.33(5). Or, in the case where the

municipality relies on the county or another municipality, the clerk shall submit the information to the clerk's WisVote provider, and the provider shall enter the absentee information into the WisVote system within 24 hours. Wis. Stat. § 6.33(5).

2015 Wisconsin Act 261 charged the Government Accountability Board (G.A.B.), and later the Wisconsin Elections Commission, with developing a subscription service that would allow the public to access absentee ballot data that is tracked in WisVote. Given the implementation of the absentee subscription service available in BADGER Voters as well as increase in absentee voting and the growing public interest in obtaining absentee ballot data, it is important that clerks are able to timely and accurately enter absentee ballot data into WisVote including entry of absentee applications, issuance of ballots, and recording ballot statuses. The WEC staff plays an important role in assisting clerks with entering and tracking absentee ballots in the WisVote system.

a. Support Provided by the WEC

Commission staff do not process or send absentee ballots to voters in Wisconsin; all requests are required to be fulfilled by a local municipal clerk. However, Commission staff provide a range of both technical and direct support to municipalities for the absentee request process. The Commission provides access to and maintains the WisVote system and the MyVote website, along with technical support and training related to these products.

The WisVote system is the primary administrative means of tracking and supporting the absentee process in Wisconsin. Along with voter registration records, WisVote allows clerks to track absentee requests for single and multiple elections, create records for issued ballots, and record the final disposition of ballots. Centralized absentee tracking allows Commission staff to monitor and support clerk compliance with Federal and State UOCAVA requirements. It also allows Commission staff to gather and submit federally required absentee information to the U.S. Elections Administration Commission on behalf of all Wisconsin clerks.

WisVote has several built-in reports and report-building functions to further support clerks in the entering and tracking of absentee applications and ballot records. Commission development will also create new reports based on clerk feedback and needs, such as the recent Photo ID Not on File report created to assist clerks in finding and entering any absentee applications missed due to the large influx of requests. This report was created, tested, and deployed in less than one week.

The MyVote Wisconsin website is another integral piece of the absentee voting process. MyVote is a public-facing website that provides a central location for voters to submit an absentee ballot request regardless of where they reside in the state. All requests submitted via MyVote are then transmitted to the municipal clerk via an email notification that includes a copy of the photo ID file, if required, and a PDF version of the absentee request that includes election information, delivery method, and separate mailing address, if provided. MyVote reduces the number of misdirected absentee requests and speeds the absentee process by providing a standard email to assist in organizing emailed requests and

automatically assigning them to the correct jurisdiction based on the voter's address. When a photo ID is not required, the MyVote site will create the tracking record in WisVote automatically while still sending the notification, removing the data-entry requirement for these requests. Voters who do not use the MyVote site may send absentee requests to the incorrect jurisdiction, or even the Elections Commission directly, which leads to requests being delayed or even unfulfilled if the misdirected request is received after a statutory deadline.

Commission staff maintains and develops extensive training materials to update clerks on changes to WisVote and MyVote while also allowing new clerks to obtain the necessary training to use these systems effectively. All clerks and their support staff are given access to an elections training site referred to as The Learning Center ("TLC"). The site includes interactive training modules covering the various functions of WisVote and links to all training webinars produced by Commission training staff. Commission staff also publish and update a user manual for WisVote which includes detailed instructions on using the various functions and features of WisVote. Along with these existing materials, Commission training staff produce and record several training webinars during each election cycle to review topics of concern, preview/review recent updates to WisVote and solicit clerk feedback.

b. Processes at Individual Communities

The absentee request and fulfillment process will include many of the same processes regardless of municipal size or circumstances. Requests must be reviewed to determine type and period of request, if the voter is currently registered, within the jurisdiction, and if an acceptable photo ID was required/provided. All municipalities must mail/email/fax any ballot requests themselves and have a supply of envelopes and ballots to do so. Based on request volume and municipality size, clerks may use WisVote to generate mailing labels while other municipalities will opt for hand-written labels. If a clerk is a self-provider, has WisVote access and tracks their own information, they would also enter the necessary information into WisVote. In municipalities where the clerk is not a WisVote user, they will contract with another municipality or county to enter this information on their behalf while reviewing and fulfilling any absentee requests directly.

For a more detailed accounting of how various municipalities handled the absentee process, please see the Case Studies section below.

2. Voting for April 2020

The April 7 Spring Election and Presidential Preference Vote was by all definitions unprecedented. Wisconsin was the only state thus far to conduct a statewide election during a COVID-19 pandemic stay at home order. Wisconsin is also the most decentralized state for election administration, meaning that 1,850 municipal election officials and 72 county election officials had to adapt to significant changes from court rulings, public health guidance and voter behavior shifts towards vote by mail.

The surge in absentee voting was first felt on the MyVote Wisconsin website. On the MyVote website, voters can request an absentee ballot, track when their ballot was sent and received by their clerk,

register to vote online, find their polling place, view a sample ballot, view their voting history, and more. The site was built and updated regularly by WEC staff with extensive usability studies conducted with hundreds of voters to learn how they use the site.

Based on historical data, most voters went to MyVote to find their polling place or to view a sample ballot. Site analytics show this to be true in February 2020, where traffic to the polling place look up tool reached a new record high. Features like requesting an absentee ballot were previously used by voters, but never at the rate they were utilized in the lead up to the April 2020 election. As a result, the look up tools garnered more attention from developers prior to the COVID-19 pandemic.

To accommodate the rapidly evolving environment, WEC staff were required to make more than a dozen changes to the MyVote system in the 60 days prior to the election. Deadlines for online voter registration and for absentee requests were extended multiple times by court actions prior to this election and deadlines for ballots to be returned and witness requirements were also changed initially, but then changed back. Because this information is hardcoded in the MyVote system, each change required extensive reprogramming and testing to avoid unintended consequences.

The other statewide system supporting the absentee process is WisVote. The WisVote database is the system used by almost 3,000 local election officials to administer elections. While WisVote and the WEC do not issue ballots, the clerks use WisVote to record when they send and receive absentee ballots, generate an absentee ballot log, enter voter registrations, and record voter participation. The system was built by the WEC team and launched in 2016.

WisVote was built based on the way Wisconsin conducts elections, which involves mostly voting in-person at the polls and registering to vote at the polls on election day. By mail voting and registration options are accounted for in the system, but most municipalities had never received a large volume of absentee requests for a specific election prior to this election. Clerk activity in WisVote prior to the election was much higher than any prior election because clerks were all entering and issuing record numbers of absentee requests at the same time. The system performed very well but required around the clock monitoring and auditing to handle this unique and unprecedented user behavior and traffic.

Like MyVote, WisVote required several updates to accommodate extended deadlines for absentee requests and online voter registration. These extensions meant changing automation in the system to assign voter records and allow requests to new deadlines and elections. WEC staff also monitored capacity of the system to ensure adequate memory space. Multiple increases of memory were needed to keep pace with absentee requests and attached copies of photo ID's. WEC staff also created two significant new processes to assist local election officials with the new volume of absentee requests.

One change was to create an absentee ballot request report that documents when a voter submits a request that includes a photo ID. This change was significant because it allowed WisVote to view photo ID files within the system. This process is usually completed by email. Photo files are very large, therefore the storage and capacity in WisVote had to be significantly adjusted.

WEC staff also created “poll book” reports or pages so that jurisdictions with consolidated polling places could use the WisVote system to check in voters, produce and print an individual poll book page for them, and record new registrations and participation in real time on election day. These were not processes that had been conceptualized previously and required significant development and testing completed in one week.

As the enormous quantity of absentee ballots began entering the mail system, voters began asking more questions and expressing concerns about ballot deliveries. With nearly six times more ballots in circulation, the number of complaints and concerns increased by a similar amount. Some voters also reported not receiving their absentee ballots while others reported that their completed ballots were not returned to the clerk in a timely fashion. Starting on April 8, municipalities began reporting irregular or illegible postmarks on ballot return envelopes. WEC staff asked clerks to report their postmark and mailing issues to the USPS and the WEC for investigation. Findings from that research is discussed in the Case Studies section below.

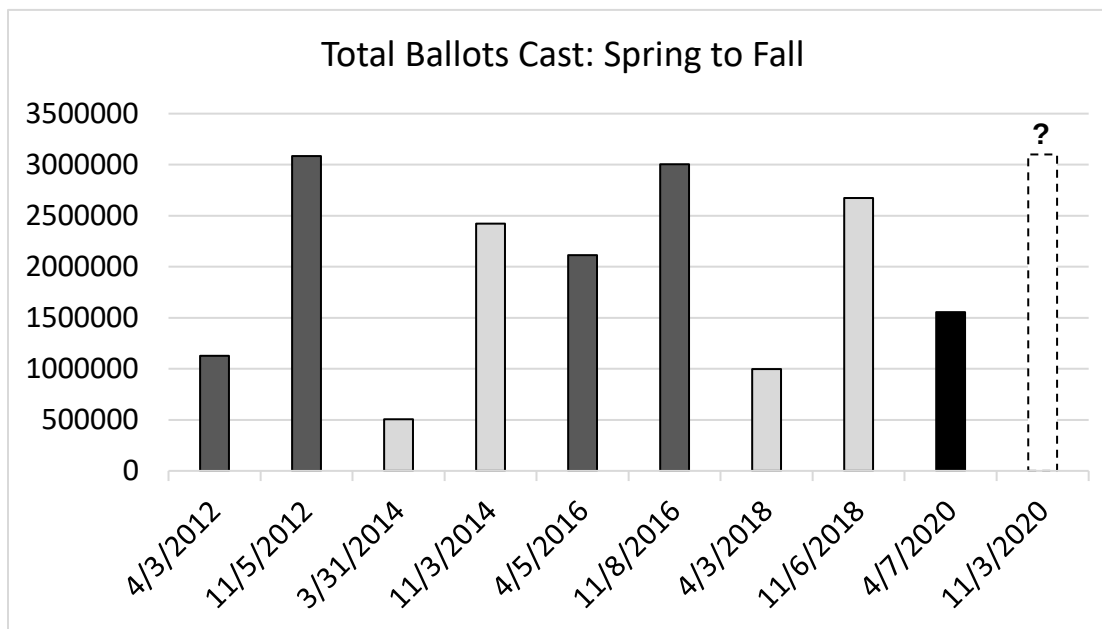
WEC staff also worked with local election officials to understand and collect postmark examples and postal issues. WEC then worked with USPS personnel at the local, state, regional, and national level to get information about the postmark process. Ultimately, USPS provided information that each postal branch made best attempts to postmark ballots on election day, but in the case of missing or illegible postmarks there was no way to determine what date the ballot was marked. WEC staff also sent a letter to local, state, regional, and national USPS representatives asking for them to provide additional information on ballots that were not received and on outgoing ballots that were returned to municipalities without explanation. A response has not yet been received.

Finally, any report on the April 2020 election must include mention of the tremendous support received from partners not typically involved in the elections process. In addition to our regular law enforcement partners, the WEC received exceptional support from the State Emergency Operations Center, Wisconsin Emergency Management, the Wisconsin National Guard, the Wisconsin Department of Health Services, and the federal Cybersecurity and Infrastructure Security Agency. These agencies, working closely with Wisconsin’s 72 county clerks, played a key role in distributing personal protective equipment, sanitization supplies, and even poll workers to more than 2,000 polling places across the State.

3. Other 2020 Elections

Looking ahead to the remainder of 2020, the WEC staff anticipate continued high demand for by mail absentee voting, even if the COVID-19 pandemic begins to subside. November elections generally see high turnout, particularly in presidential election years. The last three presidential general elections all saw more than 3 million ballots cast. If voting patterns from April hold true, the state could see more than 1.8 million requests for absentee ballots by mail. This kind of volume would present terrific challenges for Wisconsin election officials at all levels.

Table 9.



November presidential elections also tend to see a greater proportion of inexperienced voters. That is, voters who vote infrequently or are voting for the first time. These less-experienced voters are more likely to have difficulty navigating the absentee voting process. As a result, the clarification of the process may help voters in November.

B. Specific Case Studies

The absentee voting experiences of voters and election officials were as varied as the 1,850 jurisdictions in the state. Nearly every community experienced unprecedented absentee request volume, and many hired temporary staff to cope with demand. Many small and medium size jurisdictions learned to use WisVote absentee batch processing tools for the first time, having never previously needed any automation assistance to manage their workload. Larger cities, while used to higher volumes, were forced to work around the clock and conduct much larger batch mailings than previously experienced. For all jurisdictions, the statutory requirement to mail ballots within 24 hours of receiving a request presented a significant challenge.

This section examines specific challenges, problems, complaints, and solutions reported by municipal, county, and state election staff.

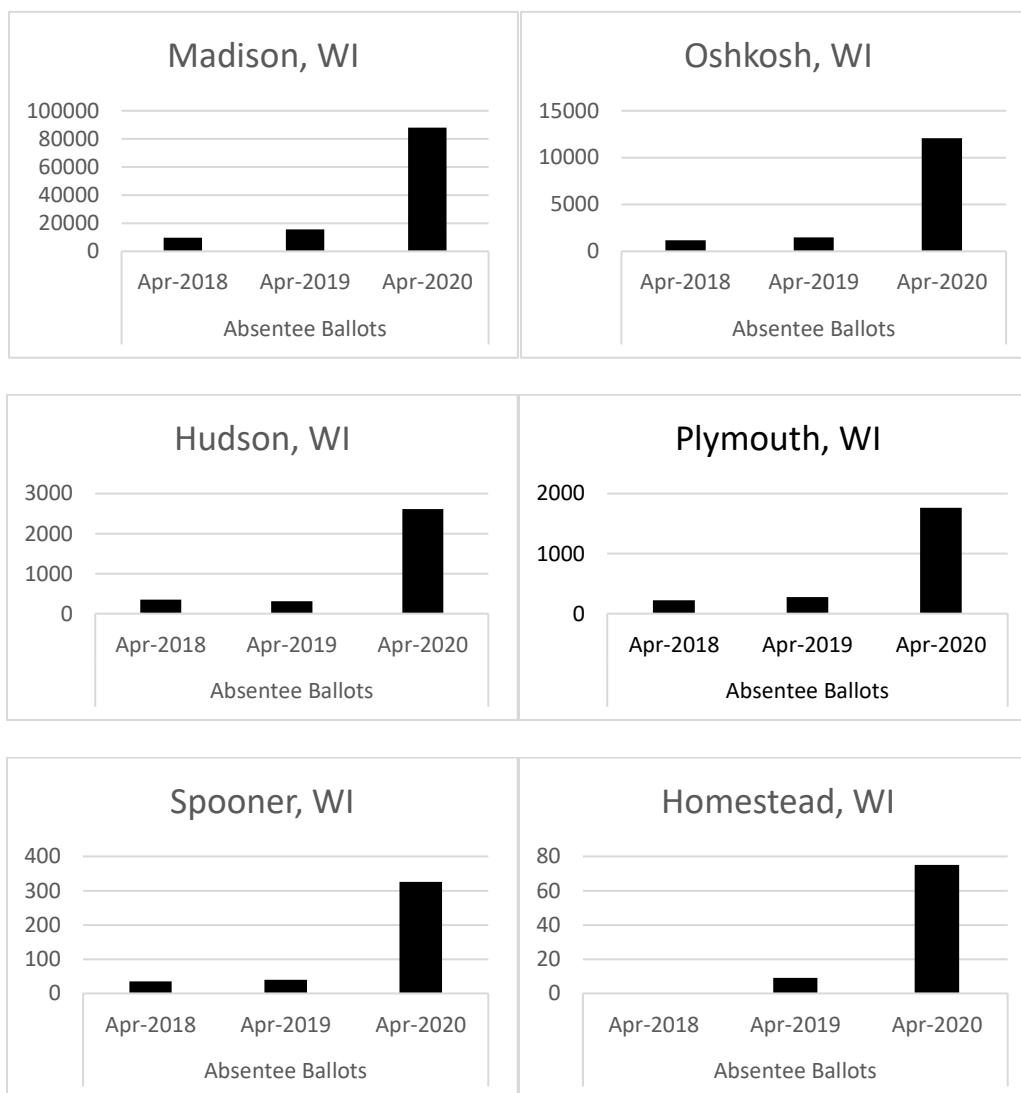
1. Meeting Overwhelming Demand

The most fundamental challenge faced by election officials was simply meeting the unprecedented demand. In addition to keeping up with the requests for mailed absentee ballots, clerks continued to service voters in their office wishing to participate through in-person absentee voting. On top of that, clerks were tasked with providing polling places with equipment on election day to meet appropriate

CDC guidelines, not to mention the challenge of recruiting and training new election inspectors taking the place of long-serving election inspectors, many of whom chose not serve due to their risk category to COVID-19. While meeting the requirements above, clerks had to remain in communication with the WEC on updates and changes applied by all levels of the legal system. Most critically, hundreds of Wisconsin clerks had to complete all the tasks above while working alone and part time.

The increase in demand appeared consistent across the state, with large, medium and small jurisdictions all showing similar patterns.

Table 10.



Rapidly changing guidance further complicated the environment for clerks. Multiple decisions in the weeks leading up to election day required clerks to communicate new deadlines and requirements impacting voters who may have received conflicting information made no longer relevant by late hour court decisions. No city, village, or town was able to avoid these extraordinary challenges presented in

addition to the increased demand for absentee voting – and their efforts navigating all the situations presented by the pandemic should not be overlooked.

For elections prior to the April 7 election, the City of Racine managed ballot requests received by email with just one election staffer who printed and distributed the requests to four additional staff members for entry into WisVote and for the records to be filed according to public records statutes. Once the pandemic hit and absentee request volume grew exponentially, the city quickly adapted by recruiting 20-30 additional city staff members to process absentee ballot requests from printing the request to sending the ballot out the door. Staff are still catching up on filing these documents appropriately.

Some communities, like the Village of Cottage Grove (Dane County), were fortunate to have hired and trained new elections staff just before the pandemic crisis began. Staff were able to manage the demand for absentee ballots by printing off every email notification of an absentee ballot request, whether it required photo ID or not. A staff of three processed each request individually, ensuring the steps of entering the request, issuing the ballot, printing the label, and applying it to the ballot occurred for every printed email. High school students were brought in to assist with the manual work of stuffing envelopes with ballots, while the clerk staff managed work in the voter registration system and fielded calls from voters with limited experience with absentee voting and navigating MyVote. Clerk staff found some success when directing voters to using smartphones (when available) to upload a copy of their photo to complete the absentee ballot request process.

Even the smallest of jurisdictions were not immune from the increased demand. While they did not have to contend with thousands of requests, individual town clerks often worked alone and with limited resources. In the Town of Washington in Shawano County, a part-time clerk went from managing eight absentee ballot requests in February to processing 312 in April. Many clerks were in a similar position of putting in extra hours to scale up their election's operations with no additional compensation, all while balancing a separate full-time job.

To provide clerks adequate time to complete all their election responsibilities, WEC is committed to reducing the administrative burden of data entry required by the current absentee ballot request process. Proposed adjustments to the system include generating a pending absentee request in WisVote that can be approved or denied once photo ID is reviewed. Additionally, WEC hopes to assist clerks with common issues with absentee ballot requests, such as “selfies” submitted as photo ID, by communicating that information back to the voter through MyVote or available email or phone contact information. Finally, the staff recommends conducting voter outreach programs as described in the CARES Grant memorandum associated with this Commission meeting.

2. Concerns about Mail Service

Clerks in some parts of the state encountered issues with absentee ballots reaching voters or being returned to their offices. In some cases, voters expected to receive a ballot when a request was not submitted or not completed. These issues are discussed further under Voter Experience & Education below. After ruling out cases of voter error, there remained cases that could not be explained or could

not be explained definitively. For example, the City of Oshkosh and other Fox Valley communities all reported voters complaining that their ballots were arriving late or not arriving at all. WEC staff investigated each complaint received where enough information was available to identify the voter.

On the morning of April 8, 2020, WEC staff received a telephone call from a Political and Election Mail Coordinator at the Great Lakes Regional office of the USPS in Chicago. The USPS official reported that the post office had located “three tubs” of absentee ballots for the Appleton/Oshkosh area and that the ballots were being processed. The official was unable to confirm how many ballots were in the three tubs but stated that “it could be quite a lot” as they were large two-handled tubs. In a follow up communication, the USPS indicated that there were approximately 1,600 ballots in the batch.

WEC staff attempted to follow up with the USPS to further identify the ballots and determine what happened but did not receive any further information about these ballots. Written inquiries to the USPS did not produce any specific information about these ballots. Wisconsin’s two U.S. Senators have asked the USPS Inspector General to investigate, but WEC staff have been unable to learn anything about the status of the inquiry.

The WEC also investigated reports from the City of Oshkosh suggesting that ballot requests were received but not fulfilled. While many of the cases involved incomplete requests (e.g. no photo ID provided) other records appeared complete. WEC staff researched several dozen Oshkosh area ballot requests that were entirely valid, including those of Assembly Representative Gordon Hintz (D – Oshkosh) and his spouse. The ballot records in question were generated as part of a batch on March 24, and analysis of the ballots associated with it showed that a large part of the batch was not returned by voters. Of the first quarter of records generated, more than 90% were returned. Of the remaining three-quarters of records, less than 1% were returned. This suggests that something happened to the ballots in the latter portion of the batch.

WEC and Oshkosh staff could find no evidence of a technical failure. The Oshkosh batch was produced very quickly by the system (two minutes and seven seconds), did not include any unexpected applications, and occurred during normal operating hours when no system maintenance was underway. Furthermore, the City of Oshkosh Clerk reports with confidence that the ballots were mailed to voters. Thus, in this case, there is no evidence of a system error and no evidence of a printing problem. Instead, one of two events are possible: either a user did not apply the mailing labels to ballot envelopes, or these ballots were bundled together and collectively encountered an issue in the mailing process.

As with the larger cities, smaller municipalities also reported issues with ballots reaching residents or being returned to the clerk in a timely fashion. The Village of Fox Point was among them and experienced an unusual chain of events that garnered some media attention. For two weeks, absentee ballots that were supposed to be mailed to Fox Point residents were repeatedly returned to the Fox Point Village Hall by the post office before reaching voters.

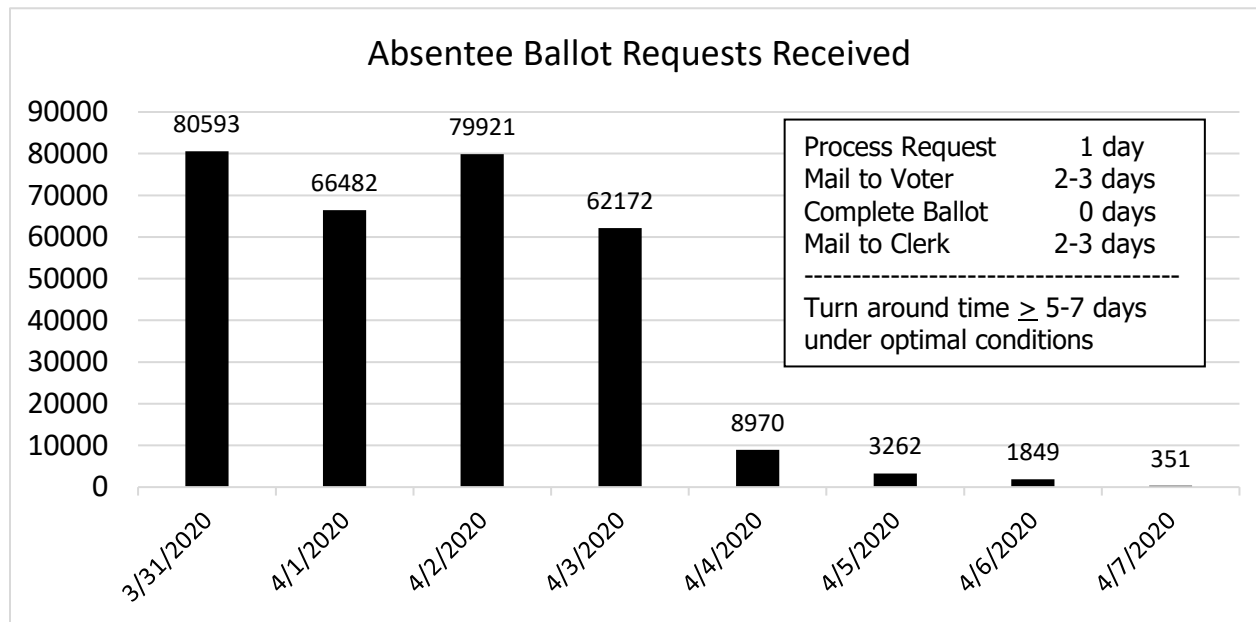
The village reported receiving anywhere from 20 to 50 of these returned absentee ballots per day two weeks ahead of the election. The problem continued to grow as election day neared. In the week prior

to the election, 100 to 150 ballots per day were returned to the village. On the morning of Election Day, Fox Point Village Hall received a plastic mail bin with 175 ballots. In each case, the returned ballots were unopened, unmarked and had not been received by voters. The postage was not cancelled, and no explanation was provided.

Each time they received a batch of absentee ballots, village officials immediately drove the ballots back to the nearest post office. They asked post office supervisors what was wrong with the ballots, but they did not receive any explanation. Fox Point Village Clerk Kelly Meyer reports it is unclear how many voters were affected by the undelivered ballots. Residents who did not receive an absentee ballot in the mail were advised to vote in person at their polling place on Election Day. Residents who called village hall inquiring about their absentee ballot on Election Day could retrieve their ballot from village hall if the ballot still un-sent and the resident could confirm their identity with a photo ID.

Statewide, the volume of absentee requests received remained high in the week prior to April 7th. Clerks received over 60,000 requests alone on the Friday before election day. Even if all these requests were mailed on Saturday, it is unknown how long those ballots took to reach voters. Current capabilities do not permit election officials to monitor the movement of ballots in the mail system. Thus, the next data point available to election officials is the date the completed ballot is returned to them.

Table 11.



The absence of information about ballots in the mail system is a significant concern for voters, clerks, and Commission staff. To improve visibility of these ballots, WEC staff are working to incorporate Intelligent Mail Bar Codes (IMBs) as a tracking tool for future absentee mailings. The IMB is a 65-bar USPS barcode that allows internal tracking information to be shared with the mailer and or recipient.

Although still dependent on the postal service, the IMB allows greater visibility of individual pieces in the mail stream. IMBs and tracking tools are discussed further in the Recommendations section below.

3. Process Improvements

The enormous volume of absentee requests for the April 2020 election magnified the effect of typically small concerns that ordinarily presented minor issues. Complex process flows that were a minor annoyance in prior elections became major headaches for April. Counties faced a particularly difficult challenge of attempting to complete the data entry for multiple relier communities where the absentee voting rates had previously been low. This data entry provides these voters with the opportunity to track their ballot on MyVote.

For example, in Shawano County, the clerk's office typically has three staffers but operated with just two as a result of the pandemic. This reduced staff of just two people was responsible for entering the absentee information for 25 municipalities. The Shawano County staff encountered problems working in the voter registration system, including the inability to pull reports at the county level. Additionally, the ballot count associated to an absentee application does not always immediately update due to allocation of system resources, creating confusion for users looking for confirmation a ballot was created and slowing the processing of information.

Grant County, located in southwest Wisconsin, also provides absentee processing support for its municipalities. Grant County is made up of 52 municipalities, 41 of which rely on the county to enter and update the status of their absentee ballots in WisVote. Previously the volume of absentee ballots was manageable through a simple absentee ballot log passed between the municipality and county. The county clerk's office revamped this absentee ballot log and asked all 41 reliers to stick with the standard format in the weeks leading up to April 7. The log asks for the necessary information to enter it correctly and efficiently in the voter registration system. The county also asks the reliers to highlight any changes from the last time the absentee ballot log had been sent so they could focus on the work to be completed.

Another contributor to processing time is the requirement to individually validate the photo identification of each voter. While validating any one request is quick, the manual nature of the process proved challenging when contending with high volume and simultaneously responding to hundreds of voter inquiries. Compounding the problem was the fact that MyVote shows only complete, accepted requests. Voters with a request pending ID approval are given no indication that their request is on file. Improving feedback to voters, and tools available to clerks, is therefore a top agency priority before the August 2020 election.

4. Technical Problems.

Some voters and clerks have questioned if technical failures caused absentee requests or ballots to be lost. As a result, WEC technical staff spent considerable time researching this possibility both before and after election day. Detailed auditing were performed on individual complaints and no technical problems were detected prior to election day. WisVote and its associated systems maintain meticulous

details of each and every transaction occurring in the system, precisely when it occurs to the fraction of a second, and who or what executed the transaction. These highly detailed records allow staff to retrace events, locate errors, and validate system operations. The records enabled staff to review tens of thousands of transactions from hundreds of jurisdictions. This research revealed one isolated and unique incident where technology and volume combined to create an error. Staff found no evidence of any technical error that could have caused an absentee ballot request or a completed ballot to be lost.

The single failure identified came to light after the City of Milwaukee's Election Commission (MEC) conducted a post election review that could only be identified after election participation was entered. Upon investigation, MEC staff discovered that the WisVote record for tracking this voter's ballot had been created in the middle of the night, at a time when MEC staff would not have been creating ballot records. They further determined that the ballot record was associated with a batch. A batch is a WisVote entity that allows clerks to select broad categories of absentee application records and request the system create ballot tracking records and subsequently generate mailing labels for each of those absentee applications. Many of the absentee ballots associated with this batch had been created in the middle of the night, and many of them had not been returned. MEC referred the issue to the WEC for further investigation during the post-election data reconciliation process.

Upon initial analysis of the batch, WEC staff identified trends that appeared similar to the Oshkosh case. As in Oshkosh, there was a sharp decline in ballot return rates for a specific subset of ballots. Of the 5,913 ballot records created on or before 10:42:32 p.m. on March 22, 5,237 were recorded as having returned in some way to the clerk's office. This is an 88.5% return rate. Of the 2,693 ballots generated after 10:42:32 p.m., only one was recorded as returned.

Further investigation disclosed several factors unique to Milwaukee. In particular:

- It was the largest batch processed by WisVote; ultimately including 8,607 absentee ballot request records. The median batch size for the same day was 32 records.
- It started at 5:16 p.m. on March 22 and did not complete until 1:31 a.m. on March 23. Typically, batches complete within a few minutes.
- Of the absentee application records associated with the batch, many were created **after** the batch was generated. Since the first thing the batch does is select the absentee application records that match its criteria, this should not be possible.

Upon review, it was determined that the timeframe of this particular batch overlapped with maintenance on a known server issue. On March 22, WEC staff observed high utilization rates in some WisVote servers that could potentially cause user interface degradation, such as slow page loads or poor performance of some tasks. In consultation with Microsoft, plans were made to implement server improvements to prevent further issues. In the interim, system resources were freed by restarting the servers that process background jobs, called asynchronous servers. Background jobs are intended to be short-running, and by restarting one server at a time during a period when few users would be interacting with the system, staff believed that WisVote's load balancing would shuffle background jobs as needed and there would be no impact. That has been staff's experience in past server restarts, and in

testing no impact was observed. However on subsequent code review it was determined that it is possible, if a batch workflow is restarted, for that workflow to select applicable ballot requests a second time, which would generate ballot tracking records for absentee applications not originally associated with the batch.

It is staff's belief that an extraordinary confluence of events resulted in additional ballot records being generated after MEC staff printed their mailing labels, leading MEC to believe those ballots had already been sent when in fact they had not. First, Milwaukee's extraordinarily large batch of more than 8,000 ballots, exacerbated by the high user load on the system in the run up to the April election, resulted in the processing of this batch taking several hours, instead of a few minutes. Second, unbeknownst to MEC, Commission staff conducted an unscheduled restart of the asynchronous servers to address an unrelated issue, interrupting this long-running job. Third, an oversight in the development of this process meant that the system failed to handle the restart gracefully, selecting an entirely new collection of absentee applications instead of continuing from where it had been interrupted.

Since the database contained detailed information tracking batch creation, staff could develop precise criteria to determine the impact and review transactions across the state. As a result, staff can conclusively determine that this restart issue only impacted this one batch in the City of Milwaukee. As a result of this issue, staff believes that 2,693 requested ballots were never sent to City of Milwaukee residents. Of the affected voters, 52.5% voted in the election either on a replacement absentee ballot or at the polls on election day.

Ensuring the voting rights of Wisconsin citizens is a hugely complex task without room for error. It requires, at a minimum, the ability to immediately identify and remedy errors before they affect the voting process. In this instance, detailed records enabled agency staff to retrace these events, they did not provide information in a proactive manner allowing a system problem to be identified in real time. Neither clerks nor the state would have been able to identify this issue in real-time or based on single voter reports. Staff are now adopting real-time performance tracking tools for IT professionals and building user-friendly audit tools for clerks and other election officials. Measures to identify and avoid technical failures like this one are discussed in the Recommendations section below.

5. Voter Experience & Education

The April 2020 election introduced hundreds of thousands of voters to the absentee process for the first time. Naturally, many were unfamiliar with the process and did not understand the requirements. Common errors included:

- providing a written request (letter or e-mail) with insufficient information
- submitting a personal photograph instead of an acceptable form of photo ID
- not completing the on-line application process

An additional complication resulted from third parties mailing absentee application request forms that did not adequately highlight the photo ID requirement. In these cases, the clerk was unable to fulfill the

request until they could follow up with the voter to obtain a valid photo ID. Most voters do not provide a phone number or email, so the clerk must rely on a mailed notification to the voter that their request is not yet valid. Clerks in these situations were often unfairly blamed for not fulfilling a request that was not valid in the first place.

WEC staff believes that the creation of voter outreach programs to explain the absentee voting process will be beneficial, particularly if demand for absentee ballots remains high.

IV. Recommendations: Proposed Courses of Action

A. Assessment Resources.

WEC staff is working with various partners to assess and improve the absentee voting experience. Changes to the voter registration system, public facing websites, paper forms, and envelopes will largely impact individuals outside of the agency, and the Commission should provide opportunities to receive and incorporate feedback from our core users.

In addition to the existing Clerk Advisory Committees, a new Clerk Advisory Committee dedicated to Vote by Mail revisions has been created and is meeting on a weekly basis to provide direction and feedback on staff proposals. The committee is composed of clerks from jurisdictions of various sizes and resources. A separate committee dedicated to “reliers” -- clerks who rely on the county or another municipality to complete some or all of their WisVote work -- will also be convened so that new workflows meet their unique needs.

Staff is also working with non-profits in the elections space who are stepping up their efforts to support the nationwide increase in absentee voting. Staff reached out to the Center for Civic Design for guidance on holding and recruiting inexperienced and first-time voters for remote, video conference usability sessions. The Center for Civic Design has previously trained staff on making user-centered design decisions through holding usability sessions, where voters are asked to test-drive new or updated products such as the absentee ballot request form. Staff is in the process of holding remote video conference sessions with voters.

WEC staff is also working with Democracy Works - a nonprofit that builds software applications to assist voters and election officials. WEC has been working with Democracy Works since 2011 in providing our Voting Information Project data feed, which serves as our alternate means for voters to locate Election Day polling places. Ballot Scout is another Democracy Works product that tracks absentee ballots using information from USPS via their Intelligent Barcode and Informed Visibility mail tracking system. Ballot Scout can be inserted as a “widget” or feature into a website like MyVote, allowing voters and clerks to track a ballot as it travels through the USPS mail system.

Since April 23, USPS Election Mail and Business Mail integration experts and WEC staff have been meeting weekly. The focus of these meetings is to provide WEC staff with guidance on the implementation of intelligent mail barcodes and support in absentee ballot envelope revisions. USPS is

committed to building a relationship with our agency with the goal of improving the experience of voting by mail in Wisconsin.

B. Ballot Request Process

Staff, clerks, and voters have provided ample observations on how to improve the absentee ballot request process. Voters are required to submit a written request to their municipal clerk to receive an absentee ballot. Requests can be submitted in a standard format when requested through MyVote and when using the Absentee Ballot Request form (EL-122) or can be submitted in an unstandardized format through an email or mail correspondence. No matter how the voter submits it, any request that gets to the clerk must be entered by hand into the voter registration system. Many first-time absentee voters visited MyVote in the weeks up to the April 7 election to request their ballots where they had to navigate unfamiliar language and requirements such as uploading a photo ID.

In response, WEC staff will focus on three specific improvements to the process of requesting an absentee ballot. First, we recognize that technology and internet is not accessible to all voters. WEC staff is revising the paper Absentee Ballot Request form (EL-122) to be more user friendly and is exploring the opportunity to mail this form to every registered voter without a current absentee ballot request on file for 2020. Additional directions on how to provide a copy of a valid photo ID will be required for this mailing. Second, while hundreds of thousands of voters successfully navigated the absentee ballot request process on MyVote, the process can be improved, particularly in the areas of photo ID upload and confirmation of submission. Finally, information submitted to clerks through MyVote should not require manual data entry into the voter registration system or rely on an email-based process for most users. WEC staff will work with clerks and voters to review new designs before implementation of these three improvements ahead of the 2020 Fall elections.

C. Mailing Process and Ballot Tracking

In its current state, the mailing process for absentee ballot requests allows each jurisdiction flexibility to approach the process in the manner that best meets their needs. As a result, there are situations that lead to less visibility of the ballot's mailing status that may not be ideal. One potential direction for improvements in WisVote is integration of USPS Intelligent Mail Barcodes. Integrating Intelligent Mail Barcodes would allow those who use the Absentee Ballot mailing label features within WisVote to track the delivery status of the absentee ballot.

The USPS has the ability to allow WEC to generate a unique serial number from within WisVote; once the unique serial number is generated, the Absentee Ballot mailing label can be printed using a font that translates the unique number into a bar code used to identify a mail piece as election mail. The bar code also enables scanning and tracking the mail piece as it progresses through USPS facilities. For those who choose to use this function within WisVote once it is developed, clerks will be able to generate and print a label with a barcode that the USPS would then scan once the mail pieces is received at a Postal Service location. Once the mail piece is received, tracking information can be updated as frequently as every hour to track the current location and projected arrival of the mail piece.

With tracking information provided by USPS, WEC can provide specific updates and enhanced transparency into the vote by mail process to clerks and voters. The hope is that with this addition, the number of calls and emails to clerks will be greatly reduced as voters will be able to track their ballot by accessing MyVote or receiving push notifications to an email or phone number. WEC staff is currently evaluating options for integrating this data and evaluating the effects this may have on existing clerk workflows as well as feasibility and timelines.

While evaluating these options and potential for tracking ballots and their return, we are also very cognizant of WisVote relier clerk access to this information and how reliers may be able to obtain the barcode for their mail pieces. This specific topic requires quite a bit more consideration and input from relier community clerks. WEC staff is actively pursuing input from those clerks in order to carefully assess their current workflow and any potential assistance that could be provided by the intelligent mail barcode tracking as well as any potential unintended workflow requirements that may be imposed on those reliers. Integration of tracking via the intelligent mail barcode will increase the transparency of the mailing process for absentee ballots as they are delivered to voters and as they are returned to their municipal clerk.

D. Reports and Audit Tools

Wisconsin's voter registration system serves many purposes for clerks and voters. It maintains the list of registered voters, the set of candidates and contests assigned to specific districts, tracks absentee ballot requests and ballots, houses the data displayed to voters on MyVote, and generally facilitates the administration of elections in Wisconsin. Due to the current pandemic environment, the administration of elections is changing to occur increasingly by mail and the voter registration system must be adjusted to support that shift.

The voter registration system currently offers multiple methods to manage absentee ballot request and ballot records, originally meant to meet the needs of all sizes of communities in Wisconsin. While meant to be helpful, multiple methods can create confusion among clerk staff using different methods within an office and require WEC staff to adequately train and support all methods. As utilization of absentee voting by mail increases all across the state, WEC staff will work with clerks to identify which method to process absentee ballot requests, ballot records, and absentee address labels is best in managing high volumes of absentees and then popularize and train clerk staff on this method.

Staff intends to implement additional tracing procedures and tools to enable early detection of issues such as the batch that restarted in Milwaukee. This will give technical staff greater insight into the internal processes of WisVote beyond what is presently visible in logs and reports and give near-real-time data on system performance in a more meaningful way. In addition, some tools under WEC evaluation can provide certainty that workflows and system processes are behaving as expected after system deployment and provide staff instant notifications if a change is detected.

In response to clerk and voter feedback, WEC staff is investigating numerous methods to improve the immediacy and accuracy of user feedback. In addition to increasing user satisfaction, improved

feedback should reduce the number of incomplete absentee applications from voters and increase confidence from both clerks and voters that requests are being correctly processed, and ballots are sent out timely.

Additionally, WEC staff will create reports to help clerks manage and audit absentee ballot requests and ballots coming into and leaving their office so that they identify issues, anomalies, and ensure all requests are successfully fulfilled and tracked. WEC staff hopes to provide clerk staff the tools to monitor their data so that they can identify and resolve issues. Maintaining and verifying data in the voter registration system database enables our critical role in providing accurate information to voters.

V. Conclusions

The April 7, 2020 election introduced countless challenges that Wisconsin clerks successfully overcame, enabling a record number of voters to cast their ballots through the absentee process. Moreover, the final election data conclusively indicates that the election did not produce an unusual number unreturned or rejected ballots. Despite the overwhelming success of absentee voting as a whole, the experiences leading up to election day were not trouble-free and illuminated several critical areas for improvement. The absentee voting process in Wisconsin can be complex for some users and the current system favors the technically savvy. Voters and clerks would benefit from more information about the status of their absentee ballots, particularly once they enter the mail system. Finally, clerks and WEC staff need more powerful but easy-to-use tools that will enable them to quickly identify and correct problems. The 2020 CARES Act affords Wisconsin the necessary resources to implement many of these improvements, but long-term sustainment will require additional support. With adequate backing, the challenges of April 2020 should ultimately yield voters, clerks, and WEC staff a much-improved absentee voting process.

EXHIBIT 12

https://madison.com/wsj/news/local/health-med-fit/71-people-who-went-to-the-polls-on-april-7-got-covid-19-tie-to/article_ef5ab183-8e29-579a-a52b-1de069c320c7.html

TOPICAL ALERT

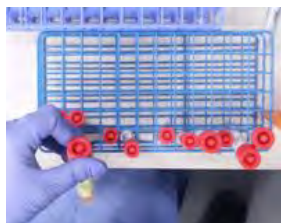
71 people who went to the polls on April 7 got COVID-19; tie to election uncertain

David Wahlberg | Wisconsin State Journal
May 16, 2020



Town of Dunn resident Robert Wilson prepares to vote at the town's highway garage in the April 7 election. Voters and poll workers were encouraged to wear masks and take other precautions after efforts to delay the vote amid the COVID-19 pandemic failed.

JOHN HART, STATE JOURNAL ARCHIVES



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A total of 71 people got COVID-19 after voting in person or working at the polls during Wisconsin's April 7 election, a state official said Friday, as two new studies present a mixed picture on whether the election contributed to the spread of the coronavirus.

The 71 figure is the "final number," state Department of Health Services spokeswoman Jennifer Miller said. As DHS indicated earlier with previous tallies, it's not clear how many of the infections may have been caused by the spring election because many of

the people had other exposures, Miller said.

A new **study by researchers at UW-Oshkosh and Ball State University**, using mobile device location data from San Francisco-based SafeGraph, found that counties with more in-person voters per voting location had significantly higher rates of COVID-19 transmission after the election than counties with lower voter density.

On average, an additional 100 people per polling station doubled a county's COVID-19 positive case test rate two to three weeks following the election, the study found. The consolidation of voting locations may have contributed to the increase in positive testing rates by increasing voter density in polling locations, the researchers said.

Counties with higher absentee voting participation had lower rates of detecting COVID-19 two to three weeks after the election, the researchers said. After removing two counties from their analysis — Brown County, which had an outbreak at a meatpacking plant in Green Bay, and Milwaukee County, where there were long lines to vote in the city of Milwaukee on Election Day — they still had the same conclusions.

“Our hypothesis suggests that in-person voting is most associated with the incidence of new COVID-19 cases through higher numbers of voters in each polling location,” the researchers wrote. “However, it is also likely that the simple number of in-person votes

in a county matters as well.”

Given the results, “it may be prudent, to the extent possible, that policy makers and election clerks take steps to either expand the number of polling locations or encourage absentee voting for future elections held during the COVID-19 pandemic,” they wrote.

Different take

Another study, by researchers at the University of Hong Kong and Stanford University, **found “no detectable surge” in COVID-19** from the election.

It involved an analysis to “reconstruct” the state’s coronavirus epidemic curve to look at dates of infection instead of when cases were reported. The researchers also said hospitalizations for COVID-19 in Wisconsin declined after the election.

They wrote that “there is no evidence to date that there was a surge of infections” from the election.

‘Preprint’ studies

Both studies, like another one the Wisconsin State Journal **reported on last month**, are “preprint” studies that have been submitted for publication in a scientific journal but not published yet. That means the methods may not have been scrutinized as much as with published studies. Preprint studies, while controversial among scientists, have become more common, especially in research involving COVID-19.



67 got COVID-19 after visiting polls in state's April 7 election but tie to voting unclear

David Wahlberg | Wisconsin State Journal

The **earlier study, led by a Milwaukee doctor**, found rates of new confirmed COVID-19 cases didn't increase in Wisconsin compared with the rest of the country after the April 7 election, though some individual cases could be tied to voting.

More than 400,000 state residents voted in person April 7, with 1.1 million more casting absentee ballots.

Prior to the election, Democratic Gov. Tony Evers and Republican legislative leaders initially agreed in-person voting should go on. But Evers the day before the election pushed the vote back to June, a move the Supreme Court struck down hours later.



No bump in COVID-19 rates after Wisconsin's April 7 election, study says

David Wahlberg | Wisconsin State Journal

Many have wondered whether in-person voting increased the spread of the coronavirus, especially in Green Bay and Milwaukee, which had few polling stations that drew long lines of people.

In another election Tuesday in northern Wisconsin's 7th Congressional district, 48% voted absentee, down from 56% who voted absentee in the district April 7, according to the Associated Press. Republican state Sen. Tom Tiffany won the race.

State health officials haven't tracked whether COVID-19 cases may have resulted from an April 24 protest at the state Capitol against Gov. Tony Evers' extended "safer at home" order, which the Supreme Court struck down this week. The gathering **drew an estimated 1,500 people.**

Of nearly 2,000 cases of COVID-19 with an onset or diagnosis after April 26, 72 involved people who said they had attended a large gathering, which may have included the protest, DHS said last week.

Election Day with COVID-19



Town of Dunn resident Robert Wilson reviews his selections on his ballot while voting at the town's highway garage Tuesday. Voters and poll workers were encouraged to wear masks and take other precautions after efforts to delay the vote amid the COVID-19 pandemic failed.

JOHN HART, STATE JOURNAL

Election Day with COVID-19