NASED Presidential Primer:
Surviving and Surprises

• **Human Interest, Keeping Your Sanity**
  - Brad Bryant, Kansas

• **Pre-Planning, Be Prepared**
  - Michelle Tassinari, Massachusetts

• **Results/Recounts/Presidential Electors**
  - Gary Poser, Minnesota
Human Interest, Keeping Your Sanity
Perfect Storm?

• 2012 will be an especially hectic election year requiring careful preparation to avoid disaster

• Contributing factors:
  o presidential year
  o redistricting year
  o new laws and programs
  o referenda
  o heightened interest from media and public
  o local election officials are on the ballot for re-election in some states

• Everyone has their “perfect storm” factors
Human Interest, Keeping Your Sanity

Surprises and Unusual Things

• Extraordinary and unusual things tend to happen in presidential years

• Examples:
  o Presidential candidates come out of the woodwork
  o Late national conventions
  o Uninformed/inactive voters want to participate
  o College students, transient voters

• Don’t let it eat up your time

• The unusual stuff keeps it interesting but can cause stress if we let it dominate

• Plan your procedures, anticipate the unusual if possible
Stress
• Election officials often cite stress in discussing their jobs (or their retirements)
• Demanding people create stress—candidates, parties, voters
• There are reasons—(1) they’re serious about their constitutional rights, and (2) we’re the only place they can get what they need
• These factors need managing, and we’re here to manage them
Management Techniques

• We’ve all heard about effective planning, preparation, communication, etc.

• Best advice:
  1. Be a list keeper
     • Includes election calendars
  2. Simplify
     • Bullet points and clear, numbered steps are best
Pre-Planning, Be Prepared & Election Day Issues
Pre-Planning, Be Prepared

- Key to survival is anticipating as much as possible
- Keeping the public informed:
  - Media/Press releases prepared early for voter registration deadlines, absentee ballot availability, Election day expectations at polls (EDR), turnout projections
- Voter registration deadlines:
  - Making sure forms are properly and timely processed
- Preparing local election officials for volume of registration
Pre-Planning, Be Prepared

• Training local election officials:
  o Coordination effects of higher turnouts.
    • Having multiple sessions so that all attend.
  o Backup equipment:
    • Computers, voting equipment.
  o Backup workers:
    • Election office staff and poll workers.

• Updating contact lists:
  o For local election officials
    • Cell phones, email addresses
  o Candidates
  o Parties
  o Voting rights groups
Pre-Planning, Be Prepared

- Meeting with other agencies (US Attorney and state Attorney General’s office) early to discuss possible issues and exchange contact information
  - Determining who enforces what
- Having sufficient supplies:
  - Ballots: Enough ballots for presidential turnout. Don’t base on 2010 gubernatorial...
- Re-evaluating polling places:
  - Do they have enough space for extra units but still remain accessible?
  - Is there enough parking?
Pre-Planning, Be Prepared

• Setting up a phone bank:
  o Adding phone lines to your offices;
  o Training non-elections staff to answer calls:
    • Eligibility
    • Registration
    • Absentee voting
    • Polling locations
    • Authorized persons in poll place
    • Exit polling
    • Campaign activities

• Complaints process (voter fraud, polling place, HAVA, state law)
Election Day Issues

• Communications:
  o Poll workers know when to contact local election officials and when local election officials should contact you
  o Identify ahead of time issues staff need to run up the chain of command

• Dealing with Election Day complaints
  o Who handles candidate and voter complaints about campaigns?
  o Polling place accessibility complaints
Election Day Issues

• Polling place staffing:
  o Make sure the polls are sufficiently staffed
  o Not like other elections—may want additional poll workers

• Make sure the ballots are delivered properly
  o The right ballots and enough of them...

• Presidential Election Only Voters:
  o Probably listed as inactive or moved since the last time they voted
  o Increased number of provisional voters
Election Day Issues

• Observers and Exit Polling:
  o Candidate observers vs. other “public interest groups”
    • Role of poll workers in enforcing laws and regulations

• Voter fraud/suppression complaints
Election Day Issues

- Unexpected Issues:
  - Weather: Ice storms, hurricanes; courts may delay closing polls
  - Power outages: Electricity goes out or someone kicks a plug
- Voting Equipment Issues:
  - How reported
  - Technical Support availability
  - Make sure voters continue voting
- Evacuation procedures—what if you need to leave polling place?
  - How long will polling place be unavailable?
  - What if you can’t go back?
  - Where to go (if relocation is possible)?
  - Who transports ballots and equipment?
  - How to notify voters?
Centralized results reporting

- Statewide reporting, or only through counties?
- Bandwidth for hits? If statewide race is close?
  - Make it easy to reach the most important races
  - Disable other links on web site if necessary
- Updated Election night contacts lists
  - Cell numbers? Office phone lines closed?
- Ventilation on? Air conditioning!
- Monitor results
  - Odd situations?
  - Contact counties early if questions
Prepare for Recount or Contest

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

Answering questions on the electoral college
- Only Maine & Nebraska apportion state’s votes
- Are electors committed to vote by election results, or possible to have “faithless electors”?
- In 2004, Minnesota had “faithless elector” mistakenly vote for John Edwards for President instead of John Kerry.
- MN Law changed in 2005 to:
  - Obligate electors to vote for the candidates
  - Shall speak aloud or affirm and confirm by written public ballot
  - If fail to, their vote/abstention is invalid & an alternate votes
  - Invalidation does not apply if candidate has released electors, has died or become mentally disabled
Electoral Count Act of 1887’s “Safe Harbor Provision”

- Is 5 weeks after election day (3 USC 5)
- Safe Harbor is Tuesday, Dec. 11, 2012
- Congress treat as “conclusive” any resolution of State disputes “at least six days before” the elector’s meeting when resolved by procedures in place prior to the election
- Electors meet on Monday, Dec. 17, 2012
  - First Monday after second Wednesday in December. (3 USC 5)
Electoral Count Act of 1887’s “Safe Harbor Provision”

- Hawaii in 1960, recount not concluded before safe harbor deadline.
  - Both slates of electors met and cast separate votes and forwarded results
  - The joint meeting accepted votes of recount winner’s slate, but explicitly wishing to set no precedent.

- Florida in 2000, Supreme Court interpreted Florida law to require completion of recount by safe harbor date.
  - Halted the recount when became impossible to meet
Presidential Electors meeting

- Formal meeting conduct by Governor, or Secretary of State?
  - Massachusetts is very formal - Tuxedos!
- Preparations, programs, music, honor guard, pledge of allegiance, photo ops, etc.
- Wisconsin in 1856, electors couldn’t meet on date because of snowstorm
  - In MN, elector must appear before 9 a.m., if fails to appear then individual chosen from the alternates by lot.
  - If all available alternates are used, the electors present, in the presence of the Governor, shall elect by ballot individuals to fill a vacancy
Results/Recounts/Presidential Electors

Presidential Electors meeting

- Electors make and sign six certificates with two distinct lists for Pres/VP and with list of electors (3 USC 9)
  - One certificate by registered mail to President of Senate
  - Two certificates to Secretary of State of the state
  - Two certificates to Archivist of the U.S.
  - One certificate to the Judge of the district in which the electors assembled

- 1872 joint meeting rejected Arkansas electoral votes because the submitted certificate wasn’t technically correct
Electoral College

• U.S. Senate and U.S. House meet on Sunday, Jan. 6, 2013
  ○ Votes of the Electors are announced
  ○ 538 total = 100 Senate + 435 House + 3 DC
  ○ Need 270 to win
  ○ Possibility of electoral tie of 269

• Presidential Inauguration on Sunday, January 20, 2013