

# HJR 46: Study of Election Laws

## Survey of County Election Administrators: Mail Ballot Pilot Project

January 7, 2008

County clerks and recorders were asked to respond to an online survey about the mail ballot pilot project during the last two weeks of December. Thirty-nine election officials responded to the survey, and the results were fairly evenly split:

- 15 counties indicated they would be interested in participating
- 16 counties were not interested
- eight counties indicated they may be interested, depending on how the pilot was structured

### **Counties Interested in Participating**

All 15 of the counties interested in participating in a pilot project said they would collect information on the 2010 elections as specified in legislation, and all but one said they would be willing to collect similar information in the 2008 elections. Five indicated they had discussed participation in the pilot project with the governing bodies of the counties and municipalities involved, while 10 had not. Although county election administrators can propose to hold elections by mail, the governing body of the affected jurisdiction can object, and by doing so, prevent the election from being conducted by mail.

Two of the counties expressing potential interest in participation indicated they had discussed the pilot with the governing bodies of the counties and municipalities involved.

The counties found it difficult to estimate the cost that might be involved in collecting additional data for the pilot project, although most did not seem to think the costs would be excessive. One of the higher-population counties estimated the costs at about \$5,000; estimates from other respondents -- when provided -- were lower than that amount.

The following tables show the geographic and demographic distribution of counties that indicated definite or potential interest in participating in a pilot project.

### **Geographic Distribution**

<b>Interested?</b>	<b>East</b>	<b>West</b>	<b>South</b>	<b>North</b>	<b>Central</b>
<b>Yes</b>	Rosebud Richland Carter Big Horn	Jefferson Lewis & Clark Ravalli Sanders Flathead	Carbon Sweet Grass Gallatin	Phillips (Flathead)	Petroleum Golden Valley
<b>Maybe</b>	Yellowstone Custer	Missoula Lake (Madison)	Madison	Blaine Pondera Toole	(Pondera)

## Demographic Distribution

Interested?	Rural	Urban	Tribal
<b>Yes</b>	Carbon Sweet Grass Richland Carter Sanders Petroleum Golden Valley Phillips Jefferson	Lewis & Clark Flathead Gallatin	Rosebud Big Horn
<b>Maybe</b>	Pondera Toole Custer Madison	Missoula Yellowstone	Blaine Lake

### Experience of Counties Interested in Participating

All of the counties expressing definite interest in participation have held mail ballot elections on at least some level. Only one of the counties expressing potential interest has not conducted a mail ballot election.

The following table shows the types of elections the various counties have conducted by mail.

Interested?	Special District/Bond/School	Municipal/Countywide
<b>Yes</b>	Carbon: very few Rosebud: 1 or 2 per year Jefferson Lewis & Clark Big Horn Ravalli: numerous Flathead: 3 to 5 per year Gallatin: several in recent years Phillips	Richland: first municipal, 2007 Jefferson Carter Lewis & Clark: Helena municipal, 2007 Big Horn: Lodge Grass and Hardin, 2007 Ravalli: three municipalities every odd year Gallatin: first municipal, 2007 Golden Valley Phillips: first municipals, 2007
<b>Maybe</b>	Missoula: 3 or 4 per year Yellowstone: numerous Pondera: since 1995 Toole Lake	Missoula: Missoula municipal, 2007 Blaine: municipal, 2005/2007 Yellowstone: Billings municipal, 2007 Pondera: since 1999 Toole: since 1996 Lake

### **Reservations Expressed by Undecided Counties**

Five of the eight election administrators who indicated uncertainty about participating in the pilot project said they would not be interested if the pilot counties also had to keep polling places open. They raised concerns about the additional costs of doing so and the likelihood that hundreds of ballots, if not thousands, would have to be handled as provisional ballots. Two other election administrators said they would need more details about the types of information that would have to be collected, so they could assess the time and staff resources that they may need to devote to data collection.

In addition, several respondents were concerned that if the pilot program does not lead to continued expanded use of mail ballot elections, they may have difficulty in recruiting election judges for future elections and in obtaining polling places after they had not been used for a period of time. They also said election judges may not feel confident taking on the job after a one- or two-year hiatus because of the complexities involved in overseeing polling places. And finally, they expressed some concern that switching back and forth between different types of elections may confuse voters.

### **Counties Not Interested in Participating**

Sixteen counties were not interested in participating in the pilot project, even though the majority of them do conduct at least some elections by mail. Nine counties listed time or staffing issues as reasons they were not interested in participating. Three election officials said they felt they had too little experience with conducting mail ballot elections to participate in the pilot project, while another felt the county had too few voters to provide the information needed to assess the effects of expanding mail ballot elections. And one county said it would not have sufficient staff resources if a polling place election had to be conducted simultaneously.

### **Conclusion**

From the survey responses, it appears enough counties are interested in the pilot project to provide a geographic and demographic mix among participating counties. In addition, the interested counties are willing to collect data and don't believe the costs would be excessive.

Although many counties have discussed the pilot project with the governing bodies of the cities, towns, and counties that would be affected, it may be prudent to include in the pilot project only those counties whose governing bodies have indicated, before the 2009 Legislature, that they are willing to hold elections by mail.