

NOTES

1. There is some evidence that election day registration (EDR) increases turnout. For example, Curtis Gans in his 2005 report writes, “The six states with election day registration had, as they have had for every close election since this reform was adopted, a better performance than the other states in the aggregate and this reform benefited the Democrats in 2004. The overall increase in turnout in election day registration states was an aggregate average 7.5 percentage points as opposed to 6.4 percentage points for states without it.” Curtis Gans, “Turnout Exceeds Optimistic Predictions,” press release, Committee for the Study of the American Electorate, Washington, D.C., January 14, 2005, available online at http://election04.ssrc.org/research/csae_2004_final_report.pdf.

According to Demos, 73.8 percent of all eligible voters in EDR states voted, compared with 60.2 percent of eligible voters in states without EDR—a difference of 13.6 percentage points; turnout in four of the six states with EDR led the nation: Minnesota (78 percent), Wisconsin (74.9 percent), Maine (72.6 percent), and New Hampshire (70.5 percent); Oregon, which employs a vote-by-mail system, had a turnout of 70.9 percent, making it the only non-EDR state to place in the top five. Turnout in “safe” states with EDR averaged 66.9 percent, compared with 58.5 percent in other “safe” states—a difference of 8.4 percentage points; “battleground” states with EDR averaged a 75.7 percent turnout, compared with 65.2 percent in other “battleground” states—a difference of 10.5 percentage points. The 13.6 percentage point turnout advantage for EDR states was significantly larger than the 8.2 point difference in turnout between “battleground” and “safe” states. See “High 2004 Turnout for States with Election Day Registration,” Demos, New York, January 10, 2005, available online at <http://www.demos-usa.org/pubs/EDR%20-%2004%20Election%20info%20sheet%20011005.doc>.

According to the U.S. Census Bureau, the six states with EDR had an average turnout of 68 percent in the 2000 election, nearly 10 points higher than the national average. See “Election Day Registration Helps America Vote,” Tools for Advocates, Demos, New York, Winter 2004, available online at http://www.demos-usa.org/pubs/EDR_-_Toolkit.lr.pdf.

2. See General Assembly of the State of New Jersey, no. 45, 211th Legislature, introduced March 7, 2005, Section 1 b. (5), available online at http://www.njleg.state.nj.us/2004/Bills/A0500/45_I1.PDF.

3. Recently enacted election reform legislation in New Mexico, originally Senate of the State of New Mexico, Bill no. 678, 47th Legislature, effective July 1, 2005, available online at <http://legis.state.nm.us/Sessions/05%20Regular/final/SB0678.pdf>, provides: “1-4-5. METHOD OF REGISTRATION—UNLAWFUL USE OF INFORMATION—PENALTY.—

A. A qualified elector may apply to a registration officer or agent for registration.

B. The registration officer or agent or qualified elector shall fill out each of the blanks on [the original and the voter’s copy of] the certificate of registration by typing or printing in ink. [Carbon paper may be used between the original and the voter’s copy.] The voter shall be given a receipt, which may be a carbon copy, for the original, and the registration agent shall receive a copy that omits the voter’s social security number and date of birth and which shall contain a number traceable to the registration agent or officer.” Pending legislation in Nevada, Assembly of the State of Nevada, Bill no. 455, 73rd Session, enrolled June 3, 2005, available online at http://www.leg.state.nv.us/73rd/bills/AB/AB455_EN.pdf, has a similar provision: “Sec. 33. NRS 293.507 is hereby amended to read as follows: 7 293.507.. 3. [A] Each form for an application to register to vote must include a [duplicate copy or receipt to]:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting a voter in completing the form to enter his name; and

(2) May be retained by the applicant upon completion of the form.

4. “Urgent Alert: Elections Officials Reportedly Destroying Voter Registration Forms—Tips for Voter Registration Groups on Maintaining

Proof that Applications Were Turned in to Election Officials,” Advancement Project, Washington, D.C., n.d., available online at <http://www.advancementproject.org/votertips.pdf>.

5. Written testimony of Cherie Poucher, director of elections, Wake County, North Carolina, “Implementation and Use of Provisional Voting,” presented at a public hearing of the United States Election Assistance Commission, Columbus, Ohio, February 23, 2005, available online at <http://www.eac.gov/docs/columbus/Testimony%20-%20Ms.%20Cherie%20Poucher.pdf>.

6. “Electronic Poll Book Pilot Project Evaluation,” State Public Policy Group, Des Moines, December 2004, p. 9.

7. The trier of fact must be persuaded by the evidence that it is highly probable that the claim is true. The clear and convincing evidence standard is a heavier burden than the preponderance of the evidence standard but less than beyond a reasonable doubt.

8. Under Title 18 of the U.S. Criminal Code, chapter 9, section 1621, “Whoever—

(1)having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2)in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.”

9. “Solution or Problem? Provisional Ballots in 2004,” Election Reform Briefing no. 10, Electionline.org, Washington, D.C., April 2005, available online at <http://electionline.org/site/docs/pdf/ERIP10Apr05.pdf>.

10. Ibid.

11. Many argue, nonetheless, that HAVA should be read in conformance with the National Voter Registration Act. Since the NVRA says jurisdiction

means the geographic area responsible for voter registration (usually the county), not the precinct or polling site, if the voter casts the ballot in the correct jurisdiction (the county) the vote should count for those races in which the voter was eligible to vote (e.g., president, senator). This was the view advocated by the National Commission on Federal Election Reform (the Carter/Ford Commission) before HAVA was passed.

12. “Solution or Problem? Provisional Ballots in 2004.”

13. “Report from the Voters: A First Look at 2004 Election Data/Common Cause Agenda for Reform,” Common Cause, Washington, D.C., December 2004, p. 3, available online at http://www.common-cause.org/atf/cf/{FB3C17E2-CDD1-4DF6-92BE-BD4429893665}/Report_to_Nation2.pdf

14. *Panio v. Sunderland*, 4 N.Y. 3rd 123, 791 N.Y.S. 2nd 57, 824 N.E. 2nd 488 (2005).

15. Testimony of the New York State Citizens’ Coalition on HAVA Implementation on implementation of the Help America Vote Act before the Governmental Operations Committee, New York City Council, October 18, 2004.

16. “Continuing Failures in ‘Fail-Safe’ Voting: A Preliminary Analysis of Provisional Voting Problems in the 2004 Election,” Demos, New York, December 7, 2004, pp. 2, 5, available online at <http://www.demos-usa.org/pubs/December%20PB%20Report%20Draft%2015.pdf>.

17. See, for example, Gabrielle Crist, “Unregistered Voters Tallied: Of Provisional Ballots Rejected, 55% Didn’t Show Up on Records,” *Rocky Mountain News*, November 19, 2004: “Pete Maysmith, executive director of Colorado Common Cause, expressed concern that some voters didn’t show up on the registration rolls because of errors by election officials. ‘Were those people really unregistered?’ Maysmith asked. Jefferson County Clerk and Recorder Faye Griffin acknowledged that there might have been a small percentage of errors when the applications were input. ‘There very well could have been some typographical errors,’ Griffin said. However, she said, it was more likely election officials couldn’t read the applicant’s writing or that the applicant used a nickname instead of a legal name when filling out the form.”; Diane Solov, “System to Blame for Ballot Debacle: Focus Shifts to Finding Solutions,” *Cleveland Plain Dealer*, December 24, 2004, reporting that, in discussing the number of provisional ballots cast because voters did not appear on the registration list, the Cuyahoga County elections director said, “We know there is going to be clerical error in there that we can’t account for. The question is, what is the acceptable level?”; Jeff Testerman, “Nearly 500 Provisional Ballots Don’t Make Cut,” *St. Petersburg*

Times, November 5, 2004, describing the case of a woman erroneously listed by the Board of Elections as deceased; William C. Hidlay, “A Precious Vote Denied (Almost) by a Typo,” *Asbury Park Press*, November 3, 2004; John Strauss, Tom Spalding, and Jason Thomas, “‘Dead’ Voters Mistakenly Removed from Poll Lists,” *Indianapolis Star*, November 3, 2004: “Marion County election workers mistakenly deleted more than 3,300 names from the list of registered voters this summer, thinking those people were deceased. Some were, but not all. And when ‘dead’ voters like 76-year-old Robert Glenn Johnson showed up at the polls Tuesday, they weren’t happy. . . . The county Election Board heard from about 40 people in the same position Tuesday, Marion County Clerk Doris Anne Sadler said. They were allowed to vote after election workers realized they had been wrongly listed as deceased. . . . Besides the dead-voter mix-up, hundreds of other Marion County residents were left off the voter list because the registration forms used to sign them up were outdated. The Voter Registration Board later decided to accept the registrations, but not in time to include the names in the poll books sent to the precincts. Voters who were left off the list could finally vote after election workers consulted a separate list to make sure they were registered. ‘We regret the error. It was an honest mistake,’” said LaDonna M. Freeman, the Voter Registration Board chief deputy.

18. See Colorado Statutes, Title 1, Article 9, part 3, 1-9-301, available online at <http://198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm&2.0>.

19. The actual deadline was January 1, 2004, with an option for a waiver, of which most states availed themselves, until 2006.

20. *Voting: What Is, What Could Be*, report of the Caltech/MIT Voting Technology Project, California Institute of Technology and Massachusetts Institute of Technology, July 2001, p. 32, available online at http://www.vote.caltech.edu/media/documents/july01/July01_VTP_Voting_Report_Entire.pdf, cited Michigan’s QVF as a best practice. *To Assure Pride and Confidence in the Electoral Process: Task Force Reports to Accompany the Report of the National Commission on Election Reform*, Miller Center of Public Affairs, University of Virginia, and The Century Foundation, New York, August 2001, p. 38, available online at http://millercenter.virginia.edu/programs/natl_commissions/commission_final_report/task_force_report/complete.pdf; Lori Minnite and David Callahan, “Securing the Vote: An Analysis of Election Fraud,” Demos, New York, 2003, p. 33, available online at http://www.demos-usa.org/pubs/EDR_-_Securing_the_Vote.pdf, cites both Kentucky and Michigan as model states.

21. John Y. Brown III, “Commonwealth of Kentucky State Plan,” May 2003, pp. 8–11, available online at <http://sos.ky.gov/NR/rdonlyres/86ACE421-4864-46DC-9260-F149011ED78E/0/HAVASTateplanpdf.pdf>. All Kentucky information is taken from the state’s HAVA plan and e-mail correspondence with Sarah Ball Johnson, Kentucky elections director.

22. Terry Lynn Land, “Help America Vote Act: Michigan’s State Plan,” December 19, 2003, p. 4, available online at http://michigan.gov/documents/121903_Final_State_Plan_HAVA_for_Web_80959_7.pdf. Unless otherwise noted, all Michigan information is from the state’s HAVA plan or from “The Michigan Qualified Voter File: A Brief Introduction,” Department of State, State of Michigan, n.d., available online at http://www.michigan.gov/sos/0,1607,7-127-1633_11976_12001-27157--,00.html.

23. “Michigan Qualified Voter File (QVF) Presentation,” Florida Task Force on Election Reform, December 9, 2002, available online at <http://www.aamva.org/Documents/legMichiganQualifiedVoterFilePresentation122002.pdf>.

24. Phone interview with Timothy Hanson, director, Election Liaison Division, State of Michigan, April 2005.

25. Testimony of Wendy R. Weiser, associate counsel, Brennan Center for Justice at New York University School of Law, before the United States Election Assistance Commission, Boston, April 26, 2005, available online at <http://www.eac.gov/docs/boston/Weiser%20EAC%20testimony%2004-26-05%20v.2.pdf>.

26. *Ibid.*

27. Ford Fessenden, “Florida List for Purge of Voters Proves Flawed,” *New York Times*, July 10, 2004.

28. “Purged! How a Patchwork of Flawed and Inconsistent Voting Systems Could Deprive Millions of Americans of the Right to Vote,” American Civil Liberties Union, Right to Vote, and Demos, New York, October 2004, available online at <http://www.aclu.org/Files/OpenFile.cfm?id=16844>.

29. “Legislative Changes on Felony Disenfranchisement, 1996–2003,” Sentencing Project, Washington, D.C., September 2003, p. 9, available online at <http://www.sentencingproject.org/pdfs/legchanges-report.pdf>.

30. “Purged!”

31. *Ibid.* See also New York State Election Law, sec. 5-402 (2) (3).

32. In the early 1990s, the U.S. Department of Transportation estimated that 87 percent of the voting-age population had a driver’s license, and another 4 percent had a nondriver ID from their state department of motor vehicles. A Gallup poll in October 2000 found that 93 percent of Americans

have a driver's license. Therefore, between 6 and 10 percent of the voting age population do not have state-issued identification. "We have not been able to locate information about the characteristics of adults who lack driver's licenses but they probably parallel the characteristics of people who do not own automobiles: they are poorer . . . or urban" (*To Assure Pride and Confidence in the Electoral Process*). A 1994 Department of Justice study found that blacks in Louisiana were four to five times less likely than whites to have photo IDs. Spencer Overton, "Voter ID Supporters Lack Hard Evidence," *Atlanta Journal-Constitution*, April 8, 2005.

33. "Voter Identification," Election Reform Briefing no. 3, Electionline.org, Washington, D.C., April 2002, available online at <http://www.electionline.org/Portals/1/Publications/Voter%20Identification.pdf>.

34. Nancy Badertscher and Carlos Campos, "Picture ID Debate Gets Heated," *Atlanta Journal-Constitution*, March 13, 2005. Georgia has since passed this bill, and the governor has signed it.

35. Professor Lorraine Minnite of Barnard College, who has studied voter fraud extensively, says, "There are no reliable, officially compiled national or even statewide statistics available on voter fraud. Researchers working on voter fraud must construct their own datasets by culling information about allegations, investigations, evidence, charges, trials, convictions, acquittals and pleas from local election boards and local D.A.'s, county by county and sometimes town by town across the U.S. The task is painstaking which explains in part why nobody has done it yet. Such a dataset is desirable because hard data are persuasive, at least with reasonable people. On the other hand, I do not think the lack of such data means we can't observe patterns from the available non-statistical data and draw reasonable conclusions about the low incidence of voter fraud in U.S. elections today. Moreover, if fraud is such a persistent concern of those who run elections and a widespread cause for concern among a large number of voters who believe there is a great deal of fraud in elections, why don't government agencies responsible for election administration collect statistics on voter fraud? Some ID proponents argue law enforcement officials don't bother with voter fraud, they don't have the resources to do the investigations, they are under much more pressure to find the murderers, rapists and thieves who commit more serious crimes. I've interviewed elections officials and law enforcement people for my work on voter fraud who adamantly do not agree with this argument." E-mail correspondence with Lorraine Minnite, April 23, 2005.

36. Letter from Georgia secretary of state Cathy Cox to Governor Sonny Perdue, Atlanta, April 8, 2005, cited in a statement by Laughlin McDonald,

“Georgia House Bill 244: Why It Is Objectionable,” ACLU Voting Rights Project, Atlanta, April 26, 2005.

37. Some proposals in the states include the following: Alaska lawmakers are considering a bill that would specify mail ballots could not be forwarded (House of Representatives of the State of Alaska, Bill no. 94, 24th Legislature, enrolled May 15, 2005, available online at <http://www.legis.state.ak.us/PDF/24/Bills/HB0094Z.PDF>); Connecticut lawmakers are considering “greater accountability of campaigns to prevent violations of absentee voting laws” (General Assembly of the State of Connecticut, Bill no. 6669, 2005 Session, introduced February 9, 2005, available online at <http://www.cga.ct.gov/2005/fc/2005HB-06669-R000841-FC.htm>) and requiring anyone who assists a person in completing an absentee ballot application to sign the application as well (Senate of the State of Connecticut, Bill no. 1131, 2005 Session, introduced February 17, 2005, available online at <http://www.cga.ct.gov/2005/TOB/s/pdf/2005SB-01131-R00-SB.pdf>); in Illinois, a bill (General Assembly of the State of Illinois, Bill no. 2474, 94th General Assembly, introduced February 17, 2005, available online at <http://www.ilga.gov/legislation/94/HB/PDF/09400HB2474lv.pdf>) would require an election authority’s list of people who have received and returned absentee ballots to include the voter’s address; in Indiana, a bill (General Assembly of the State of Indiana, Senate Bill no. 15, 114th General Assembly, effective July 1, 2005, available online at <http://www.in.gov/legislative/bills/2005/PDF/SE/SE0015.1.pdf>) includes a number of absentee ballot security provisions, including affidavits for those who file absentee ballot applications for another individual, allows for challenges of applications, and requires those who deliver absentee ballots to voters to affirm “certain facts under penalty of perjury” along with new criminal penalties; Mississippi lawmakers rejected a bill (Legislature of the State of Mississippi, House Bill no. 390, 2005 session, introduced January 13, 2005, available online at <http://index.ls.state.ms.us/isysnative/UzpcRG9jdW1lbnRzXDIwMDVccGRmXGhiXDAzMDAtMDM5OVxoYjAzOTBpbj5wZGY=/hb0390in.pdf#xml=http://10.240.72.35/isysquery/irl3817/71/hilite>) that would have increased the penalties for some absentee ballot violations; New York lawmakers will decide on a bill that regulates the use of absentee ballots in nursing homes (Assembly of the State of New York, Bill no. 5847, 2005 Session, introduced March 1, 2005, available online at <http://assembly.state.ny.us/leg/?bn=A05847&sh=t>); Virginia lawmakers rejected a similar bill (General Assembly of the State of Virginia, House Bill no. 1351, 2004 Session, introduced January 22, 2004, available online at <http://leg1.state.va.us/cgi-bin/legp504.exe?051+ful+HB1351>); a bill in Washington’s legislature details what aspects of handwriting represent a signature match, including details

such as “letters tail off alike; letter spacing is the same; the space between the signature and the line is the same; the beginning and ending of the signature and the slant are consistent,” etc. (Legislature of the State of Washington, House Bill no. 1752/Senate Bill no. 5740, 59th Legislature, introduced February 3, 2005, available online at <http://www.leg.wa.gov/pub/billinfo/2005-06/Pdf/Bills/House%20Bills/1752-S2.pdf> and <http://www.leg.wa.gov/pub/billinfo/2005-06/Htm/Bills/Senate%20Bills/5740.htm>).

38. “Vote by Mail Voter’s Guide,” Office of the Secretary of State, State of Oregon, 2000.

39. “Statement of Principles on Electronic Voting,” Leadership Conference on Civil Rights, Washington, D.C., February 17, 2004, available online at http://www.civilrights.org/issues/voting/electronic_voting_principles.pdf.

40. Testimony of Michael I. Shamos, Distinguished Career Professor, School of Computer Science, Carnegie Mellon University, at a hearing before the Subcommittee on Environment, Technology, and Standards, “Testing and Certification for Voting Equipment: How Can These Processes Be Improved?” U.S. Congress, House, Committee on Science, 108th Cong., 2nd sess., June 24, 2004, available online at <http://www.house.gov/science/hearings/ets04/jun24/shamos.pdf>.

41. “Securing the Vote,” Election Reform Briefing no. 7, Electionline.org, Washington, D.C., April 2004, available online at <http://www.electionline.org/Portals/1/Publications/Securing%20the%20Vote.pdf>.

42. Information provided by Thomas Wilkey, former executive director, New York State Board of Elections.

43. “Voting System Certification,” Web site of the Office of the Secretary of State, State of California, available online at http://www.ss.ca.gov/elections/elections_w.htm.

44. “Parallel Monitoring Program, California General Election, Tuesday, November 2, 2004: Report of Findings,” report prepared by R&G Associates LLC, Carmichael, Calif., for the Office of the Secretary of State, State of California, November 30, 2004, p. 1, available online at http://www.ss.ca.gov/elections/november2004_pmp_report.pdf.

45. *Ibid.*, p. 6.

46. Douglas W. Jones, “Testing Voting Systems,” Web-based tutorial, Department of Computer Science, University of Iowa, available online at <http://www.cs.uiowa.edu/~jones/voting/testing.shtml>.

47. “Recommendations of the Brennan Center for Justice and the Leadership Conference on Civil Rights for Improving Reliability of Direct Recording Electronic Voting Systems,” Leadership Conference on Civil Rights, Washington, D.C., and the Brennan Center for Justice, New York

University School of Law, June 29, 2004, available online at http://www.civilrights.org/issues/voting/lccr_brennan_report.pdf.

48. Jones, "Testing Voting Systems."

49. *Ibid.*

50. Testimony of Daniel P. Tokaji, assistant professor, Moritz College of Law, The Ohio State University, before the Committee on House Administration, U.S. Congress, House, 109th Cong., 1st sess., March 21, 2005, available online at <http://moritzlaw.osu.edu/electionlaw/analysis/050321a.htm>.

51. Nancy Benac, "Voters Quickly Cast Slew of Early Ballots," Associated Press, October 27, 2004.

52. "Early Voting Reaches Record Levels in 2004, National Annenberg Election Survey Shows," press release, Annenberg Public Policy Center of the University of Pennsylvania, March 24, 2005, available online at http://www.annenbergpublicpolicycenter.org/naes/2204_03_early%20voting%203_23_05_pr.pdf.

53. Jim Drinkard, "Long Lines on Election Day Enhance Appeal of Early Voting," *USA Today*, November 18, 2004.

54. Note, however, that those states that intend to employ in-person early voting sites should establish standards for distribution of the polling places and voting machines, taking into account the types of considerations detailed in the voting systems section; as well, they should ensure equitable geographic placement of sites. The need for this precaution became abundantly clear in Florida in 2004, where originally there were disproportionately fewer early voting sites in heavily African-American counties. See, for example, Manuel Roig-Franzia, "In Florida, It Begins Anew: Early Voting Starts amid Shadow Left by 2000 Chaos," *Washington Post*, October 19, 2004.

55. Although the academic literature frequently treats in-person early voting and liberalized absentee ballot rules distinctly, many of the arguments for and against early voting apply to both.

56. However, this does not control for the battleground nature of the states, where more activity to mobilize pre-election day voters occurred.

57. Gans, "Turnout Exceeds Optimistic Predictions."

58. André Blais, Louis Massicotte, and Agnieszka Dobrzynska, "Why Is Turnout Higher in Some Countries than in Others?" Elections Canada, March 2003, p. 14, available online at <http://www.elections.ca/loi/tur/tuh/TurnoutHigher.pdf>.

59. Miles S. Rapoport, "The Democracy We Deserve," *American Prospect*, January 2005, available online at <http://www.prospect.org/web/page.wv?section=root&name=ViewPrint&articleId=8963>.

60. *To Assure Pride and Confidence in the Electoral Process.*
61. Tim Hrenchir and Liz Montano, "Mail Ballot Mix-Up Illustrates Potential Flaws," *Topeka Capital-Journal*, March 31, 2005.
62. Ariel Hart, "Georgia Lawmakers Pass Demand for Voter Photo ID," *New York Times*, April 1, 2005.
63. Michael Moss, "Absentee Votes Worry Officials as Nov. 2 Nears," *New York Times*, September 13, 2004.
64. David Melmer, "Voting Problems Resurface in S.D." *Indian Country Today*, October 25, 2004.
65. "St. Clair Prosecutors Join Feds in Investigating Voter Fraud," Associated Press, January 6, 2005.
66. Bob Ivry, "Absentee Ballot Abuse Is Difficult to Forestall," *Bergen County Record*, October 4, 2004.
67. Susan Greene and Karen E. Crummy, "Voter Fraud Probed in State: Double Dippers, Felons Targeted," *Denver Post*, March 24, 2005.
68. Moss, "Absentee Votes Worry Officials."
69. Minnite and Callahan, "Securing the Vote: An Analysis of Election Fraud," p. 26.
70. See Robert Stein, Chris Owens, and Jan Leighley, "The Role of Candidates and Parties in Linking Electoral Reforms with Voter Participation," paper presented at the 61st Annual National Conference of the Midwest Political Science Association, Chicago, April 3–6, 2003.
71. Martha Kropf et al., "Pursuing the Early Voter: Does the Early Bird Get the Worm?" paper presented at the 2003 Northeastern Political Science Conference, Philadelphia, November 6–8, 2003. In fact, the evidence suggests it is likely that early voters are those who would vote anyway. That is, early voting has a convenience effect rather than a mobilization effect. Research finds those who are more highly educated and older actually vote early at higher rates (John Mark Hansen, "Early Voting, Unrestricted Absentee Voting, and Voting by Mail," in *To Assure Pride and Confidence in the Electoral Process*), as do strong partisans (Grant W. Neeley and Lilliard E. Richardson, Jr., "Who Is Early Voting? An Individual Level Examination," *Social Science Journal* 38, no. 3 [Autumn 2001]: 381–92; Robert M. Stein, "Early Voting," *Public Opinion Quarterly* 62, no. 1 [Spring 1998]: 57–69). However, some studies find very few other demographic differences between the groups (Neeley and Richardson, "Who Is Early Voting?").
72. Norman Ornstein, "Early Voting Necessary, but Toxic in Large Doses," *Roll Call*, September 22, 2004.