Exhibit E
To Assure Pride and Confidence
*in the Electoral Process*

August 2001

*The National Commission on Federal Election Reform*

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The Commission

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Citizen Participation
The Carter Center
Atlanta, Georgia

April 12, 2001
Election Administration
The Ronald Reagan Presidential Library
Simi Valley, California

May 24, 2001
What Does the Law Require?
Lyndon B. Johnson Library and Museum
Austin, Texas

June 5, 2001
The American and International Experience
Gerald R. Ford Library
Ann Arbor, Michigan
Summary

of Principal Recommendations

The Goals of Federal Election Reform

When they choose the president, the vice president, and members of Congress, the American people should expect all levels of government to provide a democratic process that:

- Maintains an accurate list of citizens who are qualified to vote;
- Encourages every eligible voter to participate effectively;
- Uses equipment that reliably counts and records the voter's choices;
- Handles close elections in a foreseeable and fair way;
- Operates with equal effectiveness for every citizen and every community;
- and
- Reflects limited but responsible federal participation.

For Americans, democracy is a precious birthright. But each generation must nourish and improve the processes of democracy for its successors. In the near-term, the next three to five years for instance, we envision a country where each state maintains accurate, computerized lists of who can vote, networked with local administrators. Using that system, qualified voters in our mobile society would be able to vote throughout their state without being turned away because of the vagaries of local administration. Using the system we recommend here, millions of military and other overseas voters would find it easier to get and return their ballots. Election Day would be held on a national holiday, freeing up more people to serve as poll workers and making polling places more accessible. Voting machines would meet a common standard of excellent performance. Each state would have its uniform, objective definitions of what constitutes a vote. News organizations would exert necessary restraint in predicting election outcomes. Every jurisdiction and every official would obey the Voting Rights Act and other statutes that secure the franchise and prohibit discrimination. In all of this there would be a delicate balance of shared responsibilities between levels of government, and between officials and the voters they serve.

This report sets forth our recommendations for the next immediate steps on the road to attainment of these goals.
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**Policy Recommendation**

Every state should adopt a system of statewide voter registration.

1. The statewide computerized voter file should be networked with and accessible to every election jurisdiction in the state so that any level can initiate registrations and updates with prompt notification to the others. It should include provisions for sharing data with other states.

2. When a citizen applies for a driver’s license or registers to vote, each state should obtain residential address and other information, such as a digitized signature, in a form that is equally usable for both the motor vehicle and voter databases. The address information can then be linked to a statewide street index.

3. Each state’s driver’s license and voter registration applications should require applicants to provide at least the last four digits of their Social Security number. States should also ask applicants if they are registered in another state, so that that state can be notified of the new registration.

4. Each state’s voter registration applications should require a separate and specific affirmation that the applicant is a U.S. citizen.

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**Policy Recommendation**

Every state should permit provisional voting by any voter who claims to be qualified to vote in that state.

1. Provisional voting authorizes any person whose name does not appear on the list of registered voters but who wishes to vote, to be issued a ballot. The ballot shall be counted only upon verification by election officials that the provisional voter is eligible and qualified to vote within the state and only for the offices for which the voter was qualified to vote.

2. Another option, for states with statewide computerized voting lists, would be to let a voter who is not on the list submit proof of identification and swear to or affirm an appropriate affidavit of eligibility to vote in that jurisdiction. This information could then be used as an application for voter registration and the voter list would be amended accordingly. If qualified, the voter could either be issued a regular ballot or, if the state prefers, be allowed to vote provisionally pending confirmation of the voter’s eligibility.

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National Commission on Federal Election Reform
III. A Democratic Process

that Maintains an Accurate List of Citizens Who Are Qualified to Vote

One of the most serious problems in America's elections is also one of the most basic: identifying who can vote. For some this is a problem of disenfranchisement. For others it is a problem of the integrity of the voting system. The controversial effort to clean up voter rolls in Florida was itself a reaction to prior scandals, especially the 1997 election for mayor of Miami, an election invalidated by the courts due to widespread vote fraud.

The issue of voter lists now has well-drawn battle lines. Some argue that the "purging" of voter lists has been used to push minority voters off the rolls. Others maintain that "list maintenance" is essential to preventing fraud. A major development in this political struggle was the passage of the National Voter Registration Act of 1993, the "motor voter" law often referred to by its acronym, NVRA. This act strictly regulated the procedures that had to be followed before voters could be removed from lists and made such removals more difficult.

The Problem of Accurate Voter Lists

State and local election administrators have testified to the Commission that they are generally comfortable with the NVRA and the Commission does not advocate making any changes to it. But, as a result of the law, administrators agree that their voter lists are now swollen with larger numbers of named voters who have moved, or died, or are no longer eligible to vote in the local jurisdiction where they are registered. Duplicate registration is also common. In Oklahoma, which gathers statewide data in its unitary election system, the number of inactive voters had averaged about 15% of the list. After NVRA that percentage grew to 25%. As might be expected, a number of jurisdictions have compared their voter lists to census numbers and observed that they have thousands, sometimes tens of thousands, more registered voters than people.

The issue of voter lists now has well-drawn battle lines.
Some contend that precise voter rolls are harmless, since the individuals have moved or died and therefore do not vote, and since poll workers scrutiny and signature verification can prevent fraud. We disagree:

- Significantly inaccurate voter lists add millions of dollars in unnecessary costs to already underfunded election administrators and undermine public confidence in the integrity of the election system and the quality of public administration.
- Significantly inaccurate voter lists invite schemes that use "empty" names on voter lists for ballot box stuffing, ghost voting, or to solicit "repeaters" to vote using such available names. For generations these practices have been among the oldest and most frequently practiced forms of vote fraud. One of our Commissioners (President Jimmy Carter) has written a book mentioning his encounter with such practices early in his political career. The opportunities to commit such frauds are actually growing because of the trend toward more permissive absentee voting.14
- Significantly inaccurate voter lists often penalize poor or ill-educated voters. Among the most mobile citizens in the country, these voters find that even modest residential changes, within a state or county, will keep them from appearing on the list of eligible voters at their new residence.

Although we recognize the problem of accurately establishing who is eligible to vote, we do not simply endorse more aggressive measures to prune voter lists within the existing system. Rather than take a side in the ongoing partisan arguments, we think the problem needs to be recast in terms that can break away from the old controversies over "purging." Instead we should look toward the more positive objective of accurately registering every eligible voter on lists that people can trust. To do that we need to step back for a moment and take a broader perspective of what has happened to voter registration in America.

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Voter Registration,
Past and Present

The U.S. Constitution does not provide a right to vote. It provides that state
governments shall determine who is eligible to vote in either state or federal elections,
and that subsequent amendments offer guards against discrimination in the grant or
denial of the franchise. In the first half of the twentieth century state governments
established that they, not municipal governments, were the final arbiters of who
could vote in the state.13

The registration of voters before Election Day was a more modern innovation, adopted
by most states as a good government reform, especially for the growing cities. In the
years after the Civil War. With most voter registration systems tied to local residence
and set up for locally run elections, practically all these systems relied on local
administration. Further, new registrations of voters were usually conducted every two
or four years, requiring every voter to register anew at least that often—and more
often if they had changed their address. What followed was a wave of reorganization
of power to determine the eligibility of voters, devolving from state governments down
to the local and county governments that managed this process and maintained the
rolls. These governments, in turn, often delegated the work directly to precinct
cashiers. The results were various but, too often, dismally predictable. By the 1920s,
voter turnout in the United States had reached an all-time low.14

The next wave of reform in voter registration concentrated on replacing periodic registration
with permanent registration, to reduce costs and the opportunity for fraud. In subsequent decades,
almost every state adopted permanent registration. Meanwhile, voting rights laws and litigation
of the 1960s reduced residency requirements and did away with some of the other more elaborate
devices that were used by local officials to thwart registration and were used, in particular, against
black Americans. The NVRA effectively forced every state to
offer voter registration in combination with the single state act performed almost universally by American adults—obtaining a driver's license.

Thus we have created a system where voter registration is relatively easy and permanent but is still usually recorded and maintained in the separate files of the nearly 13,000 local election jurisdictions of the United States. There is no authoritative list of American citizens maintained by the federal government. Passport records cover only a fraction of the citizen population. Federal tax and social security records, whatever their value, are also insulated by law against inquiries from, or data sharing with, state and local election officials.

At the same time Americans have become a remarkably mobile society. About one-sixth of the population moves every year. The more local the database of permanently registered voters, the more likely it is that the voter will have moved in and out of it.16

A Better Way:
Statewide Voter Registration Systems

Our preference for permanent voter registration and our observation of constant voter mobility prompt this conclusion:

* * * Policy Recommendation  * * *

Every state should adopt a system of statewide voter registration,

1. The statewide computerized voter file should be networked with and accessible to every election jurisdiction in the state so that any level can facilitate registrations and updates with prompt notification to the others. It should include provisions for sharing data with other states.

2. When a citizen either applies for a driver's license or registers to vote, each state should obtain residential address and other information, such as a digitized signature, in a form that is equally usable for both the motor vehicle and voter databases. The address information can then be linked to a statewide street index.

3. Each state's driver's license and voter registration applications should require applicants to provide at least the last four digits of their Social Security number. States should also ask applicants if they are registered in another state so that that state can be notified of the new registration.

4. Each state’s voter registration applications should require a separate and specific affirmation that the applicant is a U.S. citizen.
Eleven states and the District of Columbia have already implemented statewide registration systems that cover all their jurisdictions. Seven more states have adopted them and are in the process of implementing them; three more are close to adoption. A statewide registration system was part of the reform program adopted earlier this year in Florida. These 21 states and D.C. include 39.2% of the voting-age population in the United States. In its June 2001 report to Congress, the bipartisan Federal Election Commission, after consulting with state and local election officials, recommended that states: 1) develop and implement a statewide computerized voter registration database; 2) ensure that all local registration offices are computerized; and 3) link their statewide computerized systems, where feasible, with the computerized systems of the collateral public agencies relevant to the NVRA (motor vehicle offices, public assistance offices, etc.)

With a sense of how voter registration has evolved over the past century, we believe four factors weigh heavily in favor of placing the core responsibilities for voter registration in the hands of state governments.

The constitutional allocation of responsibilities. Under the U.S. Constitution, voter qualifications are defined primarily by state governments. So it makes sense to center registration responsibility at this same level of government. Local issues and ballots may vary, but a resident of a given state, voting in a state or presidential election, will find the same voter eligibility rules and the same candidates at the top of the ballot anywhere within the state.

The nature of the data. The most important source of applications for new voter registration has become the application for a driver’s license. This is already a statewide database, and it is estimated that 92% of all registered voters also have a driver’s license. The most effective systems have made DMV (Department of Motor Vehicles) information congruent, and thus interoperable, with the voter information carried for by the state’s election code. When people move within a state, they are still in the database even if they are slow to get a new license. When they move from one state to another, one of the first—and perhaps the only—tasks they must accomplish is to get a driver’s license valid for that state. DMV change-of-address information is thus considered even more comprehensive and reliable than the useful National Change of Address database maintained by the U.S. Postal Service.

Accuracy can mean a lot. People are mobile, but more than three-quarters of all moves are within the same state. An effective statewide database can therefore be quite useful, including its capacity to address such common issues as the registration of in-state college students and people with second homes within a state. But perhaps the most important beneficiaries of statewide registration systems will be members of lower-income groups, who are more likely to move than higher-income groups.
and, when they do move, are much more likely to move from one place to another within the same state. They are thus more likely to fall off local voter rolls and bear the burden of re-registration.

**Accountability.** A clear statewide registration system will be more transparent and accountable to outside scrutiny. Some advocates for disadvantaged groups are uneasy about statewide registration proposals, fearing that these will turn into still more powerful tools for "purging." Yet one of the clearest findings from the U.S. Civil Rights Commission's investigation in Florida is that, with purely local administration of list maintenance, local variations on statewide guidelines can be critical yet difficult to track.

Beyond the general recommendation in favor of statewide registration systems, several specific policy issues deserve mention. One is the question of whether to require voters to display some proof of identification at the polls.

All states hope that precinct officials and poll watchers will have at least some familiarity with the residents of their precincts. Seven states, all but one of them rural, do nothing more. In the rest, the most common practice now is to require voters to sign their names in an official registry or on a ballot application. About a third of the states require poll workers to check signatures against those provided at registration.

Fourteen states insist that voters produce some form of identification.41 Most states that have histories of strong party rivalry or election fraud require signature verification or voter identification at the polls. Signature verification puts an extra burden upon administrators, and especially on often ill-trained poll workers: a very subjective, often impossible, task while voter lines lengthen. Also, many polling places lack the means to provide poll workers with accurate copies of the voter's actual signature. (The one the voter used in order to register) and a signature may change over time.

One alternative, favored by several Commissioners, is to require those who are registering to vote and those who are casting their ballot to provide some form of official identification, such as a photo ID issued by a government agency (e.g., a driver's license). A photo ID is already required in many other transactions, such as check cashing and using airline tickets. These Commissioners point out that those who register and vote should expect to identify themselves. If they do not have photo identification then they should be issued such cards from the government or have available alternative forms of official ID. They believe this burden is reasonable, that voters will understand it, and that most democratic nations recognize this as a valid means of protecting the sanctity of the franchise.
A small percentage of adults, perhaps about 5 to 7%, do not possess a driver’s license or other photo identification. They are disproportionately poor and urban (since they may use public transit rather than drive a car). Some Commissioners also object to requiring voters to produce a photo ID or some alternative form to verify their identity because some members of minority groups believe such a process can be used to intimidate voters or turn them away in a racially discriminatory fashion.

We believe that an assessment of how to strike the right balance between administrative burden and voter responsibility turns too much on the assessment of local conditions to be assumable to any categorical recommendation by this Commission. We do believe, however, that states should be able to verify a voter’s identity.

In recommending the adoption of statewide voter registration systems, we looked to the experience of those states that have adopted them. The outstanding models appear to be Michigan and Kentucky. Michigan deserves particular scrutiny because it is the most populous state to have fully implemented such a system and it is also a state with a larger number of separate electoral jurisdictions, more than 1,800, than any other. The Michigan system is new, having been put in place just in the last few years, and it passed the test of the 2000 election with flying colors. The software solution developed in Michigan has been inexpensive and is not exclusive to a particular vendor. Any state can adopt it. A more complete description of the Michigan voter registration system is attached in Appendix B to this report.

Any state adopting a statewide voter registration system will confront the problem of uniquely identifying voters, figuring which Joseph Smith is the same as that Joe Smith. That is why, following the Michigan example, we recommend obtaining residential addresses, with the DMV and voter registration address required in identical form.
An added identifier is desirable, given the various spellings and the clerical errors that frustrate reliance only on a given name and address. For this purpose some numeric identifier can be useful. Given the danger from abuses of entire Social Security Numbers as an individual identifier we suggest that states obtain the last 4 digits of this number as an added identifier. The Federal Election Commission has made the same recommendation.

Some states also seek added identifiers, such as information on the place of birth and prior residential address. We take no position on the value of having this added information, but we do believe that federal law and regulations should be amended over time where state experience provides evidence that a change is needed. Used cumulatively, this information could improve the accurate exchange of information affecting voter eligibility and help avoid mistaken voter removals like those that occurred in Florida.

Our policy recommendation need not require any immediate amendment of the NVRA. The NVRA specifies how voters can be registered. In general, those provisions will benefit from and work much more effectively with a statewide registration system. The NVRA also specifies how voter lists should be maintained. We believe those provisions do not take adequate account of the kinds of statewide voter registration systems we recommend. But we see no need to amend the list of maintenance provisions of the NVRA either to add more safeguards or pare them back until more and wider experience with new systems can give us more evidence about just what is needed.

All states require voters to declare, by their signature, that they are U.S. citizens and meet other criteria for eligibility to vote. Twelve states require applicants at least to check a box specifically affirming they are a citizen, though most of these accept the national mail-in and NVRA forms that do not have such a box. Inability to verify citizenship is a weakness in every state’s voter registration system. This problem is not hypothetical. Non-citizens do vote, albeit illegally. We therefore recommend that a specific enforceable affirmation of citizenship be included in all voter registration applications. Combined with enforcement of the relevant state and federal vote fraud laws, this should be sufficient to contain this potential problem.
IV. A Democratic Process
that Encourages Every Eligible Voter
to Participate Effectively

An especially infuriating barrier eligible voters face is to show up on Election Day, believing (perhaps rightly) that they are qualified to vote, and then be turned away because the poll worker cannot find their name on the list of qualified voters. In every recent national election there are certainly hundreds of thousands, and possibly millions, of such frustrating encounters.

Sometimes it is the voter's fault. Americans change their residences often, and often they forget to re-register or do not know they need to do it. This mobility has the effect of taking much of the population back to the requirements of temporary, periodic registration that were so widespread early in the 20th century. A reform movement starting in the 1920s and 1930s eventually led to adoption of permanent voter registration in every state. That reform now needs to be adapted to our still more mobile society. A statewide voter registration system can capture most of this social mobility.

Sometimes voters are turned away because of administrative errors. Poll workers may overlook their names or not match them up with a different spelling. The poll workers usually still work from printed lists of voters produced for each precinct—a process that must begin weeks before Election Day. Staff in the offices that produce these lists can make clerical errors. Motor vehicle departments or social service agencies that receive registration applications may fail to get them, get them in the wrong form, or fail to forward them quickly enough.

The NVRA has also had the unanticipated effect of causing the disfranchisement of many thousands of the very people it sought to bring into the political process. Although the act does not require it, most states allow practically anyone to go out and register voters by taking and transmitting their mail-in applications. These people thus act as deputy registrars.

Election administrators we have encountered in every part of the country tell us of numerous cases where these unofficial registrars, often meaning well, mishandle or lose such applications. The applicants, of course, rightly believe they have registered. Then they show up on Election Day and find out they are not on the list.
Provisional Voting

The NVRA tried to tackle the problem of frustrated voters who are not found on voter lists with a set of measures on "fail-safe" voting. Though these provisions are complicated enough to confuse experts, our best summary of what the NVRA requires is this: let us suppose a voter does not show up on a voter list because the voter has moved, or perhaps the registrar erroneously thinks the voter had moved. The state must still let the voter cast some sort of ballot if the voter is registered in that jurisdiction and claims to have stayed in the same registrar's jurisdiction (usually a county). Such a fail-safe ballot must be made available whether or not the registrar has sent a mailing to confirm the voter's new address and whether or not the voter has replied to such a mailing, if the voter is willing to swear to or (in special circumstances) present evidence to verify the claim. States can decide whether the person should vote at their old or new polling place.27

State practice follows no set pattern. Some states have very broad provision for fail-safe voting. A provisional ballot was pioneered more than ten years ago by California and Washington state (where it is called a special ballot). Nineteen states use provisional ballots to comply with NVRA. Florida has just adopted the provisional ballot in its new election law. These states include a majority of the voting-age population of the United States. Other states have a wide variety of procedures to comply with NVRA. Several states do not appear to comply with the "fail-safe" provisions of the Act at all.28

The NVRA's fail-safe provisions are oriented to voter files held by counties and cities. We have recommended adoption of statewide voter registration systems that are networked to local election jurisdictions. Our vision of provisional ballots is connected to this different world in which there are more accurate state voter files. In both we are motivated by a consistent goal: No American qualified to vote anywhere in her or his state should be turned away from a polling place in that state.
**Policy Recommendation**

Every state should permit provisional voting by any voter who claims to be qualified to vote in that state.

1. Provisional voting authorizes any person whose name does not appear on the list of registered voters, but who wishes to vote, to be issued a ballot. The ballot shall be counted only upon verification by election officials that the provisional voter is eligible and qualified to vote within the state and only for the offices for which the voter is qualified to vote.

2. Another option, for states with statewide computerized voting lists, would be to let a voter who is not on the list submit proof of identification and swear to or affirm an appropriate affidavit of eligibility to vote in that jurisdiction. This information could then be used as an application for voter registration and the voter list would be amended accordingly. If qualified, the voter could either be issued a regular ballot or, if the state preferred, be allowed to vote provisionally pending confirmation of the voter’s eligibility.

The model for this recommendation is the provisional voting system used in the state of Washington. A provisional ballot is offered to defer resolution of arguments about eligibility, whether because people have moved, or claim they have no criminal record, or claim not to have received their absentee ballot, or because of other disputes. Washington also issues a "special ballot" to voters who have moved into a new county or have moved from another state. After the election, officials research the eligibility issue. If the voter is eligible to vote in another jurisdiction within the state, they mail the ballot there to be tallied. We think such an effort to relay ballots may not be possible in every state. That is why, instead, we have suggested counting such ballots as limited ballots, valid only for those races in which the voter was qualified to vote. California applies a similar law, but does so only within the counties.

In Washington’s King County (with the city of Seattle) about 17,000 such special ballots were cast, about 2% of the total, and 78% were eventually found valid and tallied. In California’s Los Angeles County more than 100,000 provisional ballots were cast, about 4% of the total, of which 81% were ultimately tallied either fully or in part (depending on the contests in which the voter was entitled to vote).

Provisional voting has three key advantages:

- Eligible voters are no longer turned away at the polls.
- Election administration is easier and more efficient. Poll workers have an easier option to handle angry, frustrated voters. These often ill-trained and low-paid temporary workers do not have to research or resolve cases on the spot, while other voters impatiently wait in line. Nor are more senior election officials tied down in resolving such questions during Election Day.
- Voter registration becomes more accurate. The process becomes another way to amend registrations for people who evidently wish to vote. Officials can catch and correct mistakes and the research process, by helping senior administrators notice which problems are causing the mistakes, thus can help many other current and potential voters.
Appendix B

The Michigan Qualified Voter File:
A Brief Introduction

A new era in the administration of elections has been opened in Michigan through the implementation of the state's Qualified Voter File (QVF) project. While the QVF project was originally conceived as a response to the inefficiencies of the state's highly decentralized voter registration system, Michigan's voter registration files are managed by nearly 1,700 local officials, the implementation of the National Voter Registration Act (NVRA) greatly heightened the need for such an initiative. Mandated under Public Act 61 of 1994 and put into operation for the 1998 election cycle, the QVF links election officials throughout the state to a fully automated, interactive statewide voter registration database to achieve a wide variety of significant advantages including:

- The elimination of duplicate voter registration records in the system.
- The streamlining of the state's voter registration cancellation process.
- The elimination of time consuming record maintenance activities.
- The elimination of registration forwarding errors and duplicative tasks.
- Stable cost savings on the local level.

The QVF was implemented with every registered voter appearing in the voter registration files held by the state's city and township clerks. The local voter registration files were subsequently matched with the Department of State's driver license/personal identification card file. This process allowed driver license numbers to voter registration files. The system then removed the older record whenever duplicate registration records were found. It is important to note that a voter does NOT have to have a Michigan driver license or personal identification card. When a voter registration record does not match any driver license, record, the system generates an identification number. For voter registration purposes, the identical number is for internal use and is not issued to the voter. Data on the voters is maintained on a UNIX-based computer located in Lansing.

Beyond the voter registration file management functions of the QVF, the system offers Michigan's election officials a full array of election management features including components created to assist with absentee voter ballot processing; petition and candidate tracking; election planning; and election inspector tracking. The election management components, designed in consultation with a special task force of county and local officials, have introduced a new level of convenience to the administration of elections in Michigan. The election management components have also worked to standardize many of the election related forms and procedures employed throughout the state.

All counties, cities, and townships play a role in the QVF program and all will enjoy ongoing benefits through the project's implementation. Michigan's 83 county clerks and the clerks of all local jurisdictions with a voting age population over 5,000 were provided with the hardware and software needed to establish a direct link with the QVF. Smaller cities and townships (i.e., those with a voting age population under 5,000) have either purchased the hardware and software needed for a direct link with the QVF or access the QVF through the local county clerk's office. In addition, jurisdictions with a voting age population under 5,000 were reimbursed for their assistance with the data validation process. (Each jurisdiction eligible for the reimbursement program received $.45 multiplied by the jurisdiction’s voting age population).