

CHAPTER 10

SPECIFIC REFORMS FOR THE FIVE STATES

AS PART II DEMONSTRATES, the election ecosystems of Illinois, Michigan, Minnesota, Ohio, and Wisconsin vary widely in certain features, while having substantial similarities in others. Some of their similarities may reflect common historical roots, while others are the result of more recent innovations and approaches. The Help America Vote Act (“HAVA”) obviously also has forced a certain similarity on these and other states. Yet important variations exist even with respect to how each state is meeting key HAVA requirements, such as the statewide voter database requirement and the demand for new voting technology. In some instances, these and other state-by-state variations reflect deliberate choices. In other cases, they are largely the result of historical circumstance.

In all five states, certain aspects of their election ecosystems seem quite stable, and other aspects remain quite fluid. Some matters of election administration are fluid today in part because they remain under intense pressure and scrutiny, even to the point that some reformers might be accused of promoting change merely for its own sake. As previously suggested, however, we believe that continuity also is critical to sound election administration. At the same time, some changes in election administration are inevitable, and often warranted.

Recognizing both the unique characteristics of each state, as well as the importance of maintaining continuity wherever appropriate, this final chapter recommends reforms tailored to

the existing election ecosystems of each of the five states in this study. We have favored reforms that are practical and, we believe, politically feasible. We have also kept our list of recommendations short, presenting for each state only what we view as the three most important priorities, both to maximize the ability of policymakers to focus on a few critical goals and to reduce the prospects of destabilizing change.

We discuss the states in the same order that we presented our description of their election ecosystems in Chapters 3 through 7, starting with Ohio and then proceeding through Illinois, Michigan, Wisconsin, and Minnesota. Our specification of three priority reforms for each state should not be understood as a suggestion that policymakers ignore the other issues identified in the preceding chapter. Rather, the recommendations in Chapter 9 and the ones that follow in this chapter should be seen as complementary.

OHIO REFORMS

Our priority reforms for Ohio all involve steps to take partisan politics out of election administration. This is not to denigrate the efforts of current Ohio Secretary of State Jennifer Brunner, which if successful are likely to bring improvements to Ohio’s statewide registration database, poll worker recruitment and training, voting technology, and other areas. Accordingly, our three proposed reforms – improving bipartisan cooperation, changing the method

by which the state's chief elections official is selected, and creating a specialized neutral tribunal for the resolution of election contests – are far from the only possible improvements the state could make to its election ecosystem. They are, however, major systemic reforms with the potential to influence a number of more particular needs.

1. Develop bipartisan leadership over election administration.

What Ohio's election ecosystem needs more than anything else is a sense of shared stewardship. Consider Cuyahoga County, a thorn in Secretary Blackwell's side in 2004 and 2006, which Secretary Brunner addressed by removing the prior board of elections. When something next goes wrong in an election there, Secretary Brunner now owns the problem. This may have been a necessary step, but it would be better if there were bipartisan, joint ownership of Cuyahoga County's challenges, so that the Republicans no longer have the same incentive to claim there is a problem that the Democrats did in 2004 and 2006, and instead all are genuinely concerned about minimizing the risks and promoting sound election administration.

A useful model is the bipartisan advisory committee composed of county elections officials that Ohio recently created to verify the reliability of its voting machines.¹ Ohio should develop a similar bipartisan approach to prepare to handle the variety of election administration issues that can be expected to arise in the 2008 election and beyond. An election reform summit between Secretary Brunner, other key Democrats, and key Republicans, would be one method of doing so. Such an approach could establish bipartisan buy-in concerning both

Cuyahoga County and the rest of the state and promote a joint commitment to identifying and solving the key issues. This type of bipartisan planning and leadership ought to be within easy reach of Ohio's many thoughtful and genuinely concerned political leaders. Absent such shared stewardship, election administration problems all too often will continue to serve as fodder for partisan attacks, rather than promoting real improvements.

2. Replace the elected chief election officer with a nonpartisan appointee.

A related reform would be to take election administration entirely out of the hands of a partisan elected official and instead place it in the hands of an appointed professional. Without detracting from either Secretary Brunner's or Secretary Blackwell's knowledge and understanding of election administration matters, the fact that they became the state's chief election officer only by winning a partisan election inevitably compromises their effectiveness. A promising alternative would be to transfer responsibility for state election administration to a nonpartisan official with significant election administration experience.

In reflecting on the value of having a nonpartisan professional serve as a state's chief election officer, we have considered as an analogy the role of the chairman of the Federal Reserve in guiding and influencing the national economy. Although Alan Greenspan, recently retired, perhaps best exemplifies the substantial contributions that nonpartisan professionals can make in this position, his successor and his numerous predecessors also make the case that in certain matters of public administration appointed experts can provide highly effective leadership. We see no reason, other than po-

litical inertia and partisan interests, that matters of election administration should not be overseen by officials selected through a mechanism that will promote nonpartisanship and professionalism.

One possible model is that which Wisconsin has recently adopted (discussed in Chapter 6), in which a board nominated by former judges and appointed with bipartisan consensus is responsible for selecting a chief elections administrator. Another is that which Professor Rick Hasen has proposed, in which the state's chief election official would be nominated by the governor and confirmed by a supermajority of the state legislature.² Still another possibility is to have the governor appoint a chief election officer from three nominees submitted jointly by the majority and minority leaders in the state legislature. In any event, the chief election officer should be given substantial stature, akin to that of the secretary of state or the attorney general, and a term of at least four years.

3. Create nonpartisan tribunals to resolve election disputes.

When matters of election administration become the subject of a legal dispute, candidates and the public need a tribunal, whether within the state's regular judiciary or elsewhere, that all sides are prepared to trust. This is especially true in post-election proceedings, which traditional courts are not well-suited to handle, both in terms of how rapidly these proceedings should be resolved and in terms of the awkwardness of having the judicial branch of government determining the membership of another branch of government. Indeed, historically courts lacked jurisdiction over election contests, until state legislatures charged the courts with resolving them.³

As discussed in Chapter 9, one option would be to structure in advance an impartial administrative tribunal to handle election administration disputes, with members selected through bipartisan consensus. Having such a tribunal ready obviously would provide some advantages, in terms of both the speed with which it could resolve a contest and the preparation and insight it could bring to the task. But to the extent that empaneling such a tribunal as a form of contingency planning is too costly, another alternative would be to place responsibility for adjudicating certain election disputes in a special tribunal to be constituted only in response to the commencement of an election contest. The panel might be constituted like some arbitration panels, with both sides to the contest picking one member of the tribunal, and those members in turn agreeing upon a third person to serve with them in hearing the contest.⁴

Yet another alternative would be to leave election contests to the state's judiciary, but change the manner in which judges are chosen from election to merit selection. Such a reform obviously has ramifications well beyond election disputes, and may not be politically feasible. But an elected judiciary inevitably has the problem of an appearance of bias in its resolution of the elections of other officials. Letting judges who have been appointed on merit adjudicate election contests would reduce, but not necessarily eliminate, this problem.

ILLINOIS REFORMS

For somewhat different reasons, our top priority reforms for the election ecosystem of Illinois also involve steps that would reduce partisan influences on the system. More than in Ohio, however, these reforms also can be

thought of as efforts to enhance the professionalism with which Illinois elections are administered. They are: replace the relatively toothless State Board of Elections with a single state elections director, make local election administrators more accountable for following proper procedures, and resolve election disputes before special tribunals, instead of leaving such matters to elected judges.

1. Replace the state board of elections with a statewide elections director.

Of the five states in this study, Illinois stands in the greatest need of sweeping change to the administrative structure of its election ecosystem. Compared to its counterparts in other states, the current state board of elections provides far less value to Illinois' local election jurisdictions, both as a result of its general disengagement from the practical difficulties facing local election officials, and in terms of its almost complete failure to promulgate administrative regulations and guidelines to help enhance statewide consistency. The state board of elections should be scrapped in favor of a single nonpartisan statewide chief election officer.

We recognize that this is a dramatic reform, one that will be politically difficult to implement. Still, it is desperately needed, and it will be unfortunate if its realization must come in response to a critical election failure that might otherwise have been prevented. Accordingly, with a hope that some Illinois reformers will pursue it seriously, we offer a few brief thoughts about the structure and function of this new position.

As with Ohio, we think the Federal Reserve model is instructive. In Illinois, a professional

state elections director should be given authority to prescribe and enforce statewide uniformity with respect to certain election administration procedures, including the rules applicable to provisional voting. Without developing such uniformity, Illinois runs the risk of (and might even benefit from) a type of lawsuit akin to the Ohio case of *League of Women Voters v. Blackwell*, discussed in the Ohio chapter. Indeed, one federal district court in Illinois has already held that disparities in residual vote rates across jurisdictions sufficed to state an Equal Protection violation,⁵ and barring a change in the state board of elections, similar litigation might be the only mechanism for prodding the state to produce appropriate statewide consistency. The state director also should have the ability to equalize funding for electoral resources throughout the state, as well as the authority to enforce state rules, and thus consistency among local jurisdictions, in the manner described in Chapter 9's recommendations on institutional reform.

2. Increase trust in the integrity of state elections by making local election officials more accountable.

In a number of respects, Illinois' local election officials could better fulfill their duties in a manner that would both enhance public understanding and trust while also reducing the likelihood of election problems. One specific improvement would be to require that all local boards of election be evenly bipartisan, in the Ohio model. Local boards that are effectively controlled by one party breed public cynicism and increase the chances of both mistakes and deliberate wrongdoing.

On a related note, Illinois must ensure that all steps of the vote counting and canvassing

process remain both publicly transparent and auditable. Illinois also should redouble its efforts to ensure that local jurisdictions comply with the mandatory audit requirement, described in more detail in Chapter 4, which apparently is sometimes ignored. The state board of elections must take steps to ensure all localities satisfy this requirement, and serious penalties should result from noncompliance.

Local jurisdictions also should be required to comply strictly with the statutory requirement of ensuring partisan balance among precinct workers.⁶ This will require more creative efforts to recruit poll workers in some locations, perhaps especially among youth. We discuss some possible approaches to recruiting election volunteers as a Minnesota reform below. But we note here that aggressive reliance on student poll workers might also have an additional value, to the extent that youth may be less likely to be tied to existing avenues of political corruption.

3. Create nonpartisan tribunals to resolve election disputes.

Our third recommended reform is that Illinois, like Ohio, create a special tribunal for adjudicating post-election contests. This would complete the creation of an impartial, nonpartisan, and trustworthy institutional architecture to handle the vote-counting process, including in the disputed elections where it comes under the most pressure. Short of creating a special elections tribunal, the state could move its judiciary as a whole to a merit selection basis, although as a political matter this seems much less likely to happen than creating a special elections court.

MICHIGAN REFORMS

Michigan faces the same need as Ohio and Illinois to develop an alternative tribunal to handle election litigation, other than its highly politicized supreme court. In other respects, however, Michigan's election ecosystem is in better health and does not cry out for systemwide reform like Ohio and Illinois. Nonetheless, some of its more particular problems still manage to affect many aspects of its ecosystem. Accordingly, our first recommendation is that the state redouble its efforts to update and correct its Qualified Voter File, particularly in Detroit and other urban centers. Second, we suggest that the state legislature consider granting the secretary of state greater authority over local election officials. Third, we encourage the state to do all that it can to ease the burden of finding and training local poll workers.

1. Update the Qualified Voter File.

Because of its importance in several areas of election administration – including the registration process, polling place operations, provisional voting, and absentee voting – Michigan's Qualified Voter File (“QVF”) continues to warrant significant attention. Perhaps because the QVF has been in existence for a decade (much longer than most of the statewide databases developed in response to HAVA), it may be increasingly burdened by its outdated entries, most of which may have lingered in the database since its creation. These outdated entries, which have been declining sharply after each election but still may number close to one million, both increase administrative costs and burdens and provide opportunities for absentee ballot fraud of the kind that allegedly has occurred in Detroit in recent years. If done

properly, purging these entries from the QVF would result in a meaningful improvement to the state ecosystem, particularly to the extent that it reduced absentee ballot issues.

Maintaining the QVF is primarily a local function, however. It is the larger urban areas of the state that have the greatest need to update their files, but also may face greatest difficulty finding sufficient resources to do so quickly. Michigan therefore should work to assist these areas to improve the accuracy of their QVF files, including providing them with funding and other forms of support for a short-term campaign to bolster existing efforts to eliminate the deadwood. Once these outdated entries are eliminated, it should be much easier for local jurisdictions to keep their lists updated using periodic references to change of address notices, master death files, and the like.

2. Ensure that the state’s chief election authority has sufficient tools to enforce consistency among municipalities.

Michigan’s chief election officer, its secretary of state, is a partisan elected official like Ohio’s. Yet the Michigan office has not been affected by the same level of allegations of partisan behavior as has its Ohio counterpart. Instead, the Michigan Bureau of Elections has long been widely respected for its professionalism. Meanwhile, however, Michigan’s state administrative structure does partake of a weakness not shared by Ohio, in that the Michigan Secretary of State has less authority to ensure consistency in the administration of elections among municipalities.

Consider, for instance, the absentee ballot problems that came to light in Detroit in

2005. As described in Chapter 5, a state court eventually stripped the Detroit clerk of all authority over absentee balloting in the city and brought in the secretary of state and the county clerk’s office to take it over from the city. Yet without the court’s involvement, the secretary of state appears to have been relatively powerless to take any direct action against the city clerk. It would benefit the state’s election system if the state’s chief election officer had some direct authority to enforce compliance with state policies or withhold funds from local jurisdictions that fail to do so, perhaps supplemented by additional ability to audit the conduct and performance of local jurisdictions on a regular basis. We discussed these possible enforcement mechanisms in more detail in Chapter 9, as among the institutional reforms that all states should consider. This reform may have particular salience for Michigan, given the state’s recent history and the diffusion of authority among so many municipal officials.

3. Improve poll worker recruitment and training.

In hindsight, it seems likely that at least some substantial portion of the difficulties that Detroit has experienced in recent years resulted from inadequate training of “election judges” or poll workers. When poll workers do not perform their duties properly, all kinds of election problems can and usually will occur. Accordingly, as described in Chapter 9, this is a weak link in all state election ecosystems today. Indeed, we feature it as our top reform in our discussion of Minnesota below, where we present a few thoughts about experimental approaches to recruiting more youth as poll workers.

We believe that Michigan also would be well-served by focusing attention on this reform in two fairly different respects. First, a number of the state's smaller municipalities report having to work harder each election to find an adequate number of election judges. Before this recruiting difficulty becomes a true crisis, state officials should work with local officials to create and implement a strategy for ensuring that all polling places are adequately staffed. Second, in the state's larger jurisdictions, such as Detroit, the problem just as often may be that the poll workers are not sufficiently trained and prepared to handle the array of issues that arise under the pressures and stresses of Election Day. Some form of enhanced training, as Detroit has begun to use, and perhaps an audit of the training programs, therefore may be in order to ensure that these programs in fact accomplish what they need to accomplish.

WISCONSIN REFORMS

Because of the creation earlier this year of its new Government Accountability Board ("GAB"), Wisconsin is in the middle of a major realignment of its statewide election administration system. Its first priority therefore should be to ensure continuity and effectiveness in the manner in which state officials oversee state elections. At the same time, Wisconsin must continue working to resolve the problems that have plagued its statewide registered voter database. Finally, the state legislature should consider how to improve its post-election processes.

1. Create a strong election division of the new Government Accountability Board.

In contrast to other states, Wisconsin has a state institutional structure that seems well-de-

signed to promote evenhanded decision making. Rather than vesting power in a partisan elected official or a board controlled by one of the parties, Wisconsin has just created a Government Accountability Board ("GAB") consisting of retired judges who must be confirmed by a supermajority of the state senate, as described more fully in Chapter 6. This structure provides a basis for optimism that the new GAB will operate by consensus, rather than serving the narrow interest of one party or the other. But the GAB must work expeditiously to establish its election division and to give that division the authority and resources needed to ensure consistency in the state's administration of elections.

Indeed, while this institutional structure is promising, it is much too early to say whether it will actually work, and a number of institutional issues remain to be worked out. Foremost among them is the precise relationship among the components of the GAB. What is quite clear is that, with the 2008 election season already upon us, it is essential for any necessary institutional changes to be made promptly – including the board's selection and appointment of its legal counsel and its elections division administrator, as well as the delineation of the responsibilities of these two offices.

As discussed next, Wisconsin also faces a pressing need to improve its statewide voter registration system ("SVRS"), if it is to serve the needs of local election officials (and voters) and the purposes contemplated by Congress. A well-functioning elections division is critical to accomplishing these improvements. In this respect, Wisconsin might learn from the difficult experience of the U.S. Election Assistance Com-

mission, which was hampered both by the late appointment of its commissioners, and by Congress' failure to fund it adequately in the initial stages of its work.⁷ Analogously, the GAB's elections division must be given adequate enforcement authority, to ensure consistency among the state's 1,851 municipalities. The large number of electoral jurisdictions in Wisconsin creates an enormous challenge in promoting uniformity and avoiding differential practices among municipalities that could give rise to Equal Protection concerns. The GAB's elections division must have the power not only to clarify the procedures that localities are supposed to follow, but also to enforce those uniform procedures.

2. Improve the statewide voter registration system.

Wisconsin's statewide registration database is currently the most problematic aspect of its election ecosystem. The registration system, whose software was developed by Accenture under contract with the state, has failed to meet the needs and expectations of the municipal election officials who rely upon it. These problems have serious consequences for voters as well. To the extent that election officials find the system difficult to operate, it will consume time and energy that otherwise could be spent on pre-election preparations. If registration lists are inaccurate, they will occupy poll workers' time – an undervalued though essential resource – on Election Day. While Wisconsin's Election Day Registration system reduces the risk of voters being disenfranchised through registration glitches, delays caused by registration list problems can undoubtedly cause inconvenience for voters.

It is therefore important that Wisconsin election authorities act expeditiously to correct the

components of the SVRS that still fall short of expectations. As described in Chapter 6, complaints include the slow speed of the system, the failure of the absentee voter module to function properly, inability to cross-check against felon and death records, and difficulty in generating lists of voters for those who need them, including candidates and their campaigns. Because there is no easy solution to these problems, state and local officials will need to devote substantial time and resources to improving the functioning of the database. Given the centrality of voter registration to all aspects of election administration, the failure to do so would surely have a major negative impact on Wisconsin's entire election ecosystem in 2008 and beyond.

3. Reform the post-election dispute resolution processes.

Although Wisconsin's system for resolving post-election disputes generally has functioned well, there is good cause to worry about what might happen in the event of a disputed statewide election, particularly a presidential election. That is true for two reasons. The first is that the canvass and recount process is conducted by boards of canvassers, which will have two members of one party and one member of the other. With many Wisconsin municipalities using optical-scan ballots, inevitably some ballots will be ambiguously marked, making this process all the more important. The second reason has to do with timing. Under state law, the canvass need not be completed until two weeks after the presidential election,⁸ and a recount could be expected to extend until early December.⁹ As a practical matter, it would be difficult if not impossible to conduct a meaningful recount and obtain judicial review prior to the

“safe harbor” date for presidential elections.¹⁰ Even for non-presidential elections, in a bitterly contested election this process could drag out the result for weeks.

Wisconsin is certainly not the only state to have this problem, but its likely centrality in presidential electoral politics makes this reform especially urgent for the state. Accordingly, Wisconsin should re-examine its system for resolving post-election disputes, both to minimize the possibility of partisanship in the vote-counting (and recounting) process, and to ensure an adequate opportunity for judicial review, particularly in presidential elections. With respect to the recount process, one possibility would be to develop a new procedure, perhaps overseen by the GAB, for statewide elections. Rather than entrusting the canvass and recount process to partisan officials, this process might be placed under the control of nonpartisan officials selected by the GAB. If authority remains with county boards of canvassers, then there must be a procedure by which to secure prompt judicial review of their decisions. As explained in Chapters 8 and 9, the court with authority to review these matters must be one that is above the partisan fray.

Prompt resolution of post-election disputes is particularly essential for presidential elections, given the early December “safe harbor” and Electoral College meeting dates under federal law. In Chapter 9 we have suggested changes to these federal laws to facilitate the timely resolution of state recounts and contests. But until that happens, states like Wisconsin will be faced with the difficult task of expediting their post-election processes to conform to the presidential timetable. This

means that states must find a way to complete the canvass, recount, contest, and any judicial review before the “safe harbor” date. As a practical matter, this will probably require: 1) moving up the date for completing the canvass in presidential elections; 2) allowing recounts and contests to proceed simultaneously on parallel tracks; and 3) providing a procedure for expedited judicial review of recount and contest decisions. This is undoubtedly a formidable task, but we believe it is essential to minimize the risk of a post-election meltdown similar to the one that the country faced in 2000, and came close to facing in 2004.

MINNESOTA REFORMS

Minnesota’s system for administering elections has much to commend it – indeed, it may be among the strongest in the nation – but it is not perfect. The state would do well to develop a master plan for the recruitment, training, and retention of poll workers for the next decade or so, at least through the presidential election of 2020. Such a plan could then serve as a model for the many other states also struggling with this issue. The state also should address the risks of absentee ballot improprieties. Finally, Minnesota would benefit from some of the structural reforms recommended for Ohio and Illinois, designed to promote neutral and nonpartisan decisionmaking, including on the part of the state’s judiciary. While the need for structural reform may be less urgent in Minnesota, given its history and political culture, nevertheless the increasing polarization of American elections makes this an issue to which even the most high-functioning states should attend.

1. Improve poll worker recruitment and training.

Minnesota's track record of experimentalism means that it is well-positioned to try to create a youth "Election Corps" for staffing its polling places. Modeled loosely on the Peace Corps, or City Year, or Teach for America, or other similar youth-based initiatives, such a program would seek to capitalize on the idealism and public spiritedness of many American young people. Of course, an Election Corps would be dramatically different in that its participants would be volunteering to serve for only one or two days, rather than for an entire year or two. But participants might move around the state, serving in counties (or even states) other than where they live. To facilitate such a program, it might be linked with a high school civics curriculum, or perhaps Election Day could become a school holiday.

Of course, many states already encourage youth, sometimes as young as 16 who therefore cannot themselves vote, to serve as poll workers. But the successes of these programs have to date been sporadic and highly contingent on the efforts of individual local elections directors. Minnesota, like the rest of the country, would benefit from an aggressive statewide effort to reach out widely to this still largely untapped pool of potential election volunteers.

2. Experiment with in-person early voting instead of expanding mail-in absentee voting.

Minnesota should systematically assess the extent to which it can minimize the risks of absentee ballot improprieties, consistent with the countervailing policy goal of promoting convenient access. As discussed in Chapter 9, in-person early voting provides the benefits of absentee voting, without the risks of fraud and

error associated with mailed-in ballots. Thus, Minnesota could explore the alternative of promoting in-person early voting in locations like public schools, public libraries, and other places of easy access. Early voting can provide many of the advantages of no-excuse absentee voting, without introducing nearly the same risks of voting improprieties. Minnesota could be on the forefront of this reform, particularly if it addressed the challenges of developing and implementing transparent and non-partisan chain-of-custody procedures for all early voting materials, so that there is no doubt about the accuracy and integrity of the vote count.

3. Develop nonpartisan institutions for administering elections and resolving disputes.

Minnesota would benefit from having its political leaders endeavor to reinvigorate the culture of fair-minded bipartisanship that enabled the remarkable agreement for resolving the 1962 governor's race. Of course, as part of this effort, Minnesota also could consider transferring the election administration duties of its elected secretary of state to an appointed nonpartisan official, along the lines described above in the reforms we view as priorities for Ohio and Illinois. But well short of that step, Minnesota should consider transferring the election administration duties of its elected local authorities to appointed nonpartisan election boards in each jurisdiction. Perhaps most feasibly, Minnesota should create a nonpartisan judicial tribunal for the resolution of election disputes. Because we have already discussed the need for a nonpartisan tribunal in Chapter 9, as well as in our recommendations for Ohio and Illinois in this chapter, we do not repeat that discussion here. At the same time, Minnesota also should conform its presidential recount timetable to meet the federal "safe harbor" date, a reform dis-

cussed in more detail above as one of our Wisconsin recommendations.

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We close with one final, overarching theme that has repeatedly arisen throughout our study and again in our priority recommendations for each state in this chapter: Improvement of each state's election ecosystem depends upon non-partisan and professional administration at every level. This echoes Chapter 8's observation that all states should strive for statesmanship in these matters, but it carries it one step further by calling for structural changes, not just for attitudinal changes. We are optimistic about the prospects for reaching this goal, but recognize that it will take dedicated and concerted efforts on the part of elected officials, administrators, and citizens to get us there.

REFERENCES

1. See Mark Rollenhagen, *Bipartisan Panel to Test Voting Machines*, (CLEVELAND) PLAIN DEALER, Sept. 24, 2007, available at http://blog.cleveland.com/metro/2007/09/bipartisan_panel_to_test_votin.html.
2. Richard L. Hasen, *Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown*, 62 WASH. & LEE L. REV. 937, 983-84 (2005).
3. See Steven F. Huefner, *Remedying Election Wrongs*, 44 HARV. J. ON LEGISLATION 265, 270 (2007).
4. See *id.* at 322.
5. *Black v. McCuffage*, 209 F.Supp.2d 889, 899 (N.D.Ill., 2002).
6. ILL. COMP. STAT. 5/13-1; 5/13-2; 5/14-1.
7. See Daniel J. Tokaji, *Early Returns on Election Reform: Discretion, Disenfranchisement, and the Help America Vote Act*, 73 GEO. WASH. L. REV. 1206, 1218-20 (2005).
8. WIS. STAT. ANN. §7.60(5)(a).
9. See *supra* p. 126.
10. For a description of this problem, see recommendations 11 and 12 in Chapter 9.