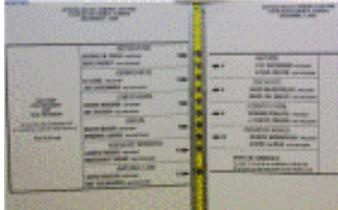
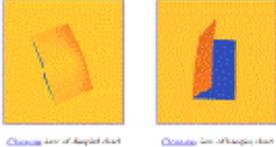


Election Law Program – Glossary of Terms

Term	Definition
Appellate Review	appellate review —Examination of a trial court's decision by an appellate court.
Audit	audit —To conduct an independent review and examination of system records and activities in order to test the adequacy and effectiveness of data security and data integrity procedures, to ensure compliance with established policy and operational procedures, and to recommend any necessary changes.
Backup	backup —To make a copy of important data onto a different storage medium for safety.
Ballot— Absentee Ballot	absentee ballot —A ballot marked and mailed in advance by a voter.
Ballot— Butterfly Ballot	<p>butterfly ballot—A type of ballot where one punches holes for the preferred candidate or issue along a spine in the middle of two attached ballot pages. It is called a butterfly ballot because of the spine and the two pages to the sides that resemble wings.</p> 
Ballot— Optical Scan Ballots Paper Ballots	optical scan ballots —Paper ballots that go through an optical screening devices that reads the ballots and records the voter's indicated preferences as votes.
Ballot— Paper Record of Ballot	paper record of ballot —A paper receipt of a vote cast, not a paper ballot.
Ballot— Provisional Ballot	<p>A provisional ballot is used to record a vote when there is some question regarding a given voter's eligibility. Such as:</p> <ul style="list-style-type: none"> • The voter refuses to show a photo ID (in regions that require one) • The voter's name does not appear on the electoral roll for the given precinct. • The voter's registration contains inaccurate or out-dated information such as the wrong address or a misspelled name. • The voter's ballot has already been recorded <p>Whether a provisional ballot is counted is contingent upon the verification of that voter's eligibility.</p> <p><i>See: Help America Vote Act SEC. 302(a)</i> 42 U.S.C. 15482§302(a) PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.</p> <p>(a) Provisional Voting Requirements.--If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does</p>

	not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot...
Ballot— Secret Ballot	secret ballot— <ol style="list-style-type: none"> 1. A type of voting in which each person's vote is kept secret, although cumulative vote totals are revealed. 2. <i>Australian ballot.</i>—A printed ballot that bears the names of all candidates and the texts of propositions and is distributed to the voter at the polls and marked in secret. Also called <i>secret ballot</i>.
Ballot Access Issue	Ballot access rules regulate the conditions under which a candidate or political party is entitled to appear on voters' ballots.
Ballot Proposition	ballot proposition —A measure presented to voters, in a direct popular plebiscite, for their approval.
Binary code	Binary code is used in digital computers, based on a binary number system in which there are only two possible states, off and on, usually symbolized by 0 and 1.
Bit	bit —(computers) Also called binary digit. a single, basic unit of information, used in connection with computers and information theory.
Brief Briefing	brief —A written statement setting out the legal contentions of a party in litigation.
Burden of Proof	burden of proof —A party's duty to prove a disputed assertion or charge.
Byte	byte —(computers) <ol style="list-style-type: none"> 1. adjacent bits, usually eight, processed by a computer as a unit. 2. the combination of bits used to represent a particular letter, number, or special character.
Case law	case law —Law created as a result of litigation of decisions in individual cases.
Cert, Certiorari or Certification— Petition for cert.	certiorari petition —A petition seeking discretionary review from an appellate court. See CERTIORARI. Writ of Certiorari —An extraordinary writ issued by an appellate court, at its discretion, directing a lower court to deliver to it the record in the case for review. The U.S. Supreme Court uses certiorari to review most of the cases that it decides to hear.
Chad— Dimpled Chad Pregnant Chad Hanging Chad	chads —Small pieces of paper stock punched out of a paper card ballot by a voter. Voters leaving incompletely-punched holes that resulted in just an apparent indentation where all corners were still attached were called dimpled or pregnant chads. A partially, but not completely detached chad is called a hanging chad. 
Chain of custody	chain of custody —The movement and location of physical evidence, and the history of those persons who had it in their custody, from the time it is obtained to the time it is presented in court.
Compelling Interest	compelling-state-interest test —A judicial test used to determine

Test	whether the state has a sufficiently strong—or “compelling” reason to justify a restraint on the exercise of a constitutional right.
Conclusions of Law	conclusions of law —Conclusions reached by a judge in a case in which the judge specifies the application of law to the facts of the case.
Contested Race	A contested race is a race that has more than one candidate. The opposite, an uncontested race, has an unopposed candidate.
Cryptographic	cryptographic —of or relating to code solving.
Decision	Decision —A judicial or agency determination after consideration of the facts and the law.
Depositions	Deposition —A witness's out-of-court testimony that is reduced to writing (usually by a court reporter). Usually done in the form of a legal interview for purposes of discovering information before trial.
Direct Recording Electronic Voting Machine— DRE Voting	A direct-recording electronic (DRE)—a voting machine that records voting data and ballot images in memory components. After the election it produces a tabulation of the voting data stored in a removable memory component and as printed copy.
Disenfranchised	disenfranchised —Deprived of the to vote.
Disenfranchisement	disenfranchisement —The deprivation of voting.
Dissent	dissent —synonymous with dissenting opinion.
Dissent Opinion	dissenting opinion —An opinion by one or more judges who disagree with the decision reached by the majority.
District Court	district court —A trial court having general jurisdiction within its judicial district.
Documentary Evidence	evidence —Something (including oral testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact. documentary evidence —Evidence supplied by a writing or other document, which must be authenticated before the evidence is admissible.
Due Process	due process —The conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case. -- Also termed <i>due process of law</i> . Due Process Clause —The constitutional provision that prohibits the government from unfairly or arbitrarily depriving a person of life, liberty, or property. There are two Due Process Clauses in the U.S. Constitution, one in the 5th Amendment applying to the federal government, and one in the 14th Amendment applying to the states.
Electoral College	electoral college —A 538-member Elected College ultimately determines the President and Vice President of the United States. Each state has as many electors as it has representatives and senators in the national legislature, plus 3 for the District of Columbia. To be elected, a candidate must obtain an absolute majority of Electoral College votes in the Electoral College, currently 270. If no candidate gains an absolute majority the US House of Representatives makes the choice, with the delegation from each state having one vote.
Electronic Voting	electronic voting (also known as e-voting)—a term encompassing several different types of voting, embracing both electronic means of casting a vote and electronic means of counting votes.

Eleventh Circuit	One of the United States 12 Court of Appeals. The 11th Circuit receives appeals from US District Court: Florida, Georgia and Alabama.
Eligible Voters	eligible voters —Voters who are legally able to vote in a state. Voting qualifications are generally determined by states.
Enjoin	enjoin —To legally prohibit or restrain by injunction <the company was enjoined from selling its stock>.
Equal Protection	equal protection —The 14th Amendment guarantee that the government must treat a person or class of persons the same as it treats other persons or classes in like circumstances. • In today's constitutional jurisprudence, equal protection requires that the legislature have a rational basis for its enactments, unless such legislation implicates a fundamental right (such as voting), or involves a suspect classification such as race in which case the courts will scrutinize the government action more closely.
Equal Protection Clause	Equal Protection Clause —The 14th Amendment provision requiring the states to give similarly situated persons or classes similar treatment under the law.
Equitable Estoppel	equitable estoppel —A doctrine preventing one party from taking unfair advantage of another when, through false representations the person to be estopped has induced another person to act in a certain way, causing injury to that person. The five essential elements of equitable estoppel are (1) a false representation or concealment of material facts, (2) the representation was known to be false by the party making it, or the party was negligent in not knowing its falsity, (3) the representation was believed to be true by the person to whom it was made, (4) the party making the representation intended that it be acted on, or the person acting on it was justified in assuming this intent, and (5) the party asserting equitable estoppel acted on the representation in a way that will result in substantial prejudice unless the claim of estoppel succeeds.
Evidentiary Record	evidentiary record —The record of evidence presented in a legal proceeding.
Exit Poll	exit poll —A poll taken of a sample of voters as they leave a polling place, typically used to predict the outcome of an election or to determine the opinions and characteristics of the candidates' supporters.
Expedited Proceeding	expedited proceeding —A proceeding which is conducted in an accelerated fashion.
Fifth Amendment	Fifth Amendment —The constitutional amendment, providing that a person cannot be (1) required to answer for a capital or otherwise infamous offense unless a grand jury issues an indictment or presentment, (2) subjected to double jeopardy, (3) compelled to engage in self-incrimination on a criminal matter, (4) deprived of life, liberty, or property without due process of law, or (5) deprived of private property for public use without just compensation.
First Amendment	First Amendment —The constitutional amendment, prohibiting Congress from abridging freedoms of speech, religion, press, assembly, and petition.
Full Opinion	full opinion —A complete written ruling by a court.
Fundamental Right	fundamental right —A right deemed to be an essential component to liberty: the courts will strictly scrutinize any government abrogation of such a right.

Hacking	<i>Informal.</i> To alter a computer program, or to gain access to (a computer file or network) illegally or without authorization.
Hardware	hardware (<i>computers</i>)—The mechanical, magnetic, electronic, and electrical devices comprising a computer system, as the CPU, disk drives, keyboard, or screen.
HAVA—	See Help America Vote Act
Hearing on the Merits	hearing —A judicial session held for the purpose of deciding substantive issues of fact or of law.
Help America Vote Act— (HAVA)	A United States federal law signed into law by President Bush on October 29, 2002 in reaction to the controversy surrounding the 2000 U.S. presidential election. The goals of HAVA: <ul style="list-style-type: none"> • To replace punch card voting systems; • To create the Election Assistance Commission to assist in the administration of Federal elections; and • To establish minimum election administration standards HAVA mandates that all states and localities upgrade many aspects of their election procedures, including their voting machines, registration processes and poll worker training. The specifics of implementation have been left up to each state, which allows for varying interpretations of the Federal law.
Inauguration Day	inauguration day —The day of formal induction into office.
Incumbent	incumbent —The current holder of a political elected office.
Injunction	injunction <i>n.</i> A court order commanding or preventing an action. preliminary injunction. A temporary injunction issued before or during trial to prevent an irreparable injury from occurring before the court has a chance to decide the case.
Judicial Decree	judicial decree —Traditionally, a judicial decision.
Jurisdiction	jurisdiction —A court's power to decide a case.
Litigants	litigants —The parties in a legal action.
Majority Opinion	majority opinion —An opinion joined in by more than half the judges considering a given case.
Mandamus Actions	mandamus —[Latin "we command"] A writ issued by a superior court to compel a government officer to perform mandatory or purely ministerial duties correctly.
Memory card	memory card —(<i>computer science</i>) A small card that can store digital information, usually in integrated circuits or magnetic strips.
Ninth Circuit	One of the United States 12 Court of Appeals. The 9 th Circuit hears appeals from: Arizona, Nevada, Idaho, Montana, Washington, Oregon, California, Alaska, Guam, Hawaii.
"One person, one vote" Rule	"One man, one vote" –a legal principle suggesting that members of a legislative body should represent equal numbers of constituents.
Operating System	operating system —Software designed to control the use of a computer.
Optical Scan	optical scan —an electronic voting system that reads paper ballots and records the voters' indicated preferences as votes.
Optical Scanning Machine	optical scanning machine —an electronic voting machine with optical scanning capacity.
Partisan	partisan —A person or activity associated with a particular political party. Non-partisan suggests that there is no such affiliation.
Plaintiff	plaintiff —The person or party that files or brings a lawsuit.

Plurality	plurality —The greatest number (for example, of votes), regardless of whether it is a majority of the total number.
Poll worker	poll worker —Someone who works at the place where people cast their votes in an election.
Polling Place	polling place —Place where voters go to cast their votes in an election.
Polling Place Voting	polling place voting —The type of voting where one goes to a polling place and casts his vote.
Precedent	precedent —A decided case that furnishes a basis for determining later cases involving similar facts or issues.
Precinct	precinct —An election district.
Primaries— Primary Elections	A meeting of the registered voters of a political party for the purpose of nominating candidates or for choosing delegates to their party convention.
Protective Order— Emergency Protective Order	protective order —A court order prohibiting or restricting a party from engaging in particular conduct. emergency protective order —A temporary protective order granted on an expedited basis.
Recount	recount —A subsequent count of votes cast in an election.
Recovery	recovery —The combination of manual and machine procedures that can restore lost data in the event of hardware or software failure.
Redacted	redacted —edited or revised.
Redistricting	redistricting —The process of changing voting district lines and boundaries.
Relief— Preliminary Relief	Judicial relief or remedy given initially before a case or law suit is fully resolved.
Relief— Emergency Relief	Emergency Relief —judicial relief or, remedy or relief granted on an expedited basis.
Remand	remand —To send a case or claim back to the court or tribunal from which it originated for some further action.
Remedy	remedy —what the court provides for a litigant who has been wronged or is about to be wronged; typically involves an order to pay damages or an order requiring a party to the litigation to either take some action to refrain from taking some action.
Reversible Error	reversible error —An error committed by a judge that affects a party's substantive rights or the case's outcome, and thus is grounds for reversal if the party properly objected.
Ripeness	ripeness —The circumstance existing when a case or issue has reached, but has not passed, the point when the facts have developed sufficiently to permit an intelligent and useful decision to be made.
Ruling	ruling —A decision by a judge in a lawsuit on some aspect of the dispute or on the lawsuit in its entirety.
Sixth Circuit	One of the United States 12 Court of Appeals. The 6 th Circuit hears appeals from US Districts in the following states: Tennessee, Kentucky, Ohio, and Michigan.
Smart Cards	smart card —A plastic card containing a computer chip and enabling the holder to turn on, electronic voting machines.
Software	Software —programs used to direct the operation of a computer.
Split decision	decision —A split decision occurs when a multi judicial court is divided as to how a case should be decided.
Standard of Review	standard of review —The criterion by which an appellate court

	exercising appellate jurisdiction measures the propriety of an order, finding, or judgment entered by a lower court.
Statute	statute —A law passed by a legislative body.
Stay	stay —An order to suspend all or part of a judicial proceeding or a judgment resulting from that proceeding.
Strict Scrutiny	strict scrutiny —The standard of review applied to suspect classifications (such as race) in equal-protection analysis and to fundamental rights (such as voting rights) in due-process analysis. • Under strict scrutiny, the state must establish that it has a compelling purpose for using a suspect classification or abridging a fundamental right, and that the means chosen to fulfill that purpose are narrowly tailored.
Temporary Restraining Order TRO	temporary restraining order —A court order preserving the status quo until a litigant's application for a preliminary or permanent injunction can be heard.
To Bar	to bar —To prevent, something from taking place.
Virus	virus —A computer program that is designed to replicate itself by copying itself into other programs stored in a computer. It may be benign or have a negative effect, such as causing a program to operate incorrectly or corrupting a computer's memory.
Voter Challenge	voter challenge —a challenge to a voter's ability to vote. Usually done when a voter's name does not match a name on the precinct's poll/voter registration book.
Voter Eligibility	To be qualified or legally able to vote in a state.
Voter Identification (ID) Law	Laws that require the presentation of a photo identification at the polling places in order to vote.
Voting— No Excuse Absentee Voting	Laws that provide that one does not need a reason to vote absentee. Under normal circumstances, a voter has to declare a reason for not being able to vote in person before he receives one