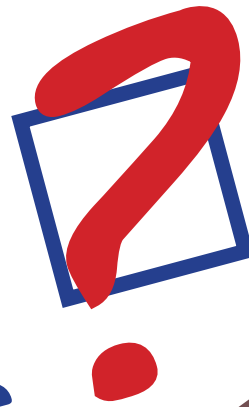




**Was I
Denied
My Right
to Vote**



**UNCOVERING
FLAWS IN ELECTION
ADMINISTRATION**

A Joint Report on the 2008 Election
Based on CNN and MYVOTE1 Voter Hotline Data

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EXECUTIVE SUMMARY

“I am calling about a problem I had this morning for voting. I was denied my right to vote. I am a registered voter. I have proof of registration. I have my registration card along with my registration number. I had my ID with me. They said that because I am not on the list, I could not vote. I was not offered a provisional ballot. I was straight-out denied my right to vote today.”

*Voter Hotline caller, Miami-Dade County, Florida
November 4, 2008*

“They are not letting me vote at the voting booth and my location because I had a different name the last voting year and have gotten married since then, even though I have identification that proves that was my previous name and this is my name now, including a marriage certificate, driver’s license, social security card. They told me, ‘better luck next year.’”

*- Voter Hotline caller, Platte County, Missouri
November 4, 2008*

“I went to my polling location and they told me my registration was erased from the system because I had not voted in the last federal election and that is something I have never heard of before so I’m not able to vote because of that.”

*- Voter Hotline caller, Summit County, Ohio
November 4, 2008*

“I went over to my polling location at 7:00 because I had to drive to Delaware for work (I’m a small business owner) only to find and be told that the machine was broken. I wasn’t offered any other way to vote, no back-up plan for those of us this morning. I’m now in Delaware and won’t be able to get home in time to vote and that’s very disappointing.”

*- Voter Hotline caller, Berks County, Pennsylvania
November 4, 2008*

These are a few of the voices of Americans who were denied their right to vote this past November 4th and tried to do something about it. These citizens were registered to vote. They went to their correct polling place with identification. They followed the rules, yet they faced an unexpected array of barriers and challenges. Some were not on voter lists, or their ID was not accepted, and despite efforts to prove their eligibility, they were not allowed to vote in the 2008 presidential election.

In other instances, the voting machinery itself failed. Electronic poll books did not work or operate smoothly. Or electronic voting machines (DRE) had problems ranging from not operating at all to inaccurately recording voters’ choices. Emergency back-up paper ballots, which were required to be available in many states, were not used or were ineffectively used, and as a result, many citizens left without casting a ballot.

The concerns and voices of voters who seek help on Election Day often are forgotten as winners are announced and the political process continues; however, during last year’s presidential cycle 68,992 voters called two nationwide voter hotlines where their Election Day complaints, cries for help, and views of the process were recorded — both for use on Election Day to correct problems at the polls, and, more importantly, for use in the months following Election Day as the basis for instituting reforms.

InfoVoter Technologies operated the two national voter hotlines discussed in this report, in partnership with major media organizations, such as CNN and The Tom Joyner Morning Show. Civil rights advocates, including Advancement Project, NAACP National Voter Fund, and Voter Action, which are co-authors of this report, tracked these hotline calls during the 2008 presidential primary and general elections and worked to ensure the broadest voter franchise.

The hotline calls offer an unfiltered window into voters' experiences and often reveal systemic failures and limitations in the administration of elections. The first minute of each call was recorded, coded, and forwarded to local election offices with the hope of resolving the voters' problems. Today, these calls serve another purpose: they can help Congress and election professionals to improve the process for voters before the next federal election in 2010. The calls also point out election administration policies and practices that are ripe for federal review.

The broad perception among election administrators that 2008 was a 'trouble-free' year – as no state experienced a 'Florida-like' presidential recount – is belied by the voices of thousands of voters across several states who called the hotlines seeking help to vote. Even in a presidential election where 133 million people voted, the reported breakdowns in the process for thousands of voters, as reflected in the hotline calls, matter — because every vote matters. Moreover, as we know, 2008 was not without fierce federal races with margins of fewer than 500 votes, the U.S. Senate race in Minnesota being a prime example of one such close contest.

But there is a larger and even more fundamental point that Congress should heed and act on before the 2010 cycle begins. For far too many voters, as their hotline calls attest, voting is a frustration-filled, even confrontational process where well-meaning, eligible citizens are being denied the legal right to vote. Instead of being helped to navigate a process that is increasingly filled with new requirements and technologies – such as matching a voter's information with government databases or new restrictive ID requirements – voters are ever more aware that election workers in many states give the benefit of the doubt to the government's rules, information and technology instead of to eligible citizens with voting rights.

This institutional bias extends to a reluctance to provide back-up paper ballots in many jurisdictions using electronic voting systems. This trend is deeply disturbing and must be fundamentally rebalanced toward the voter, so that all eligible citizens can cast a ballot that will be properly tabulated on Election Day.

This report's authors know election administration is complex. Still, it is crucial that Congress require states to adopt simple Election Day safeguards that will help to eliminate many of the barriers to voting identified by the hotline callers in 2008. Their voices are the vanguard of 4 million Americans who were denied the right to vote last year because of election administration problems, according to the Caltech/MIT Voting Technology Project's estimates. The suggested safeguards, which are used in a handful of states but not nationwide, will remove potential voting barriers before the next federal election as Congress continues its work to improve elections.

After reviewing thousands of voter hotline calls, dozens of which are cited in this report, we urge Congress to institute these Election Day safeguards well in advance of the 2010 federal elections:

- Require states to offer eligible citizens whose names are not on polling place voter lists, including voters who have moved within a state, a 'voter affirmation affidavit,' by which they can legally swear, under penalty, that they previously registered to vote. Upon completion of the affidavit, the voter would be issued a regular ballot. Several states now use this approach, where it is seen as simpler than the provisional balloting process created by most states to comply with the Help America Vote Act of 2002 (HAVA).
- Require states whose election jurisdictions are using electronic voting systems to stock a supply of emergency paper ballots at polling places as a backup tool in the event that electronic systems fail or to help alleviate long lines due to unexpected voter turnout.

-
- Require states to accept as valid polling place identification, at a minimum, all forms of photo and non-photo ID currently authorized by HAVA.

These proposed remedies, as well as others discussed in this report, are based on the principle that assisting eligible voters to cast regular ballots and counting those votes are cornerstones of our democracy.

Congress enacted the National Voter Registration Act of 1993 (NVRA) to expand voter registration opportunities for eligible individuals in traditionally disadvantaged or underrepresented communities by mandating voter registration in motor vehicle departments and social and disabilities service agencies, as well as registration by mail and through non-governmental parties. In 2002, Congress enacted HAVA in response to various failures of election administration brought to light by the 2000 presidential election. In pertinent part, HAVA mandated the use of provisional ballots to ensure that voters would not be turned away at the polls, required states to establish statewide voter registration databases, and provided funding to states to upgrade their voting systems. But as thousands of 2008 voter hotline calls attest, the NVRA and HAVA have not gone far enough to ensure that all eligible voters who want to vote in federal elections can do so and cast a ballot that will be counted. Ironically, many of the reforms mandated by HAVA have had unintended consequences that have restricted the franchise.

As Congress considers the ongoing improvement of our democracy infrastructure, it is crucial it does not lose sight of the voters' experience particularly as new hurdles emerge that prevent otherwise eligible citizens from voting. We urge Congress swiftly to enact the Election Day reforms described in this report, which are intended to prevent many of the barriers identified by voters in 2008 from recurring in 2010.

INTRODUCTION

Sources in This Report

This report draws on the recorded calls of voters who reported that they were eligible to vote but nonetheless prevented from voting during the 2008 presidential election because of shortcomings in what is broadly known as election administration, or how our elections are run. They went to vote on November 4, 2008, during early voting in the preceding days, or during the primaries, but were thwarted by various barriers. They then called one of two nationwide voter hotlines featured in this report, either 866-MYVOTE1 or 877-GOCNN08 for help.

The 866-MYVOTE1 hotline number was marketed by the NAACP National Voter Fund primarily to African-American audiences through the Tom Joyner Morning Show (TJMS),ⁱ BlackAmericaWeb.com, American Urban Radio Networks, and the National Coalition of Black Civic Participation. The 877-GOCNN08 hotline number was marketed primarily on CNN and its affiliated networks. Calls to either hotline were directed to a center where they were recorded, screened, coded and forwarded to officials in that caller's election jurisdiction. Callers were notified at the beginning of the call, before they were permitted to record a complaint, that the calls would be recorded and used on Election Day and potentially afterwards, for further study. In targeted states, the calls were monitored in real time by the organizations sponsoring this report, and in various instances follow-up actions were initiated to protect the callers' voting rights.

The hotlines were created and run by InfoVoter Technologies, a Philadelphia-based firm that partnered with several national media organizations, voting rights groups and labor unions to assist voters on Election Day. Voters calling the 866-MYVOTE1 hotline were provided the option of seeking a voter registration application in the mail via their local election officials, and that hotline received 119,595 calls for that purpose during the 2008 election cycle. The hotlines received a combined total of 105,720 calls seeking information on poll locations.ⁱⁱ And, the hotlines received 68,992 calls, with some overlap,

involving various categories of election administration: from polling places not opening on time or operating smoothly; to the voter's registration information being omitted or incorrectly listed in polling place records; to confusion or misapplication of state or federal voter ID requirements; to machinery failures where no backup or alternative means of voting was offered. The voter hotline calls discussed in this report focus on the six 'battleground' states of Florida, Georgia, Missouri, Ohio, Pennsylvania and Virginia where voter registration and participation were high.

Given the nature of this particular hotline system and similar Election Day monitoring efforts, it is both impossible and impractical to verify each hotline call for its accuracy or completeness. It is presumed that the calls were made in good faith and reflect real concerns of potential disenfranchisement by voters who believed themselves to be eligible and registered to vote. Accordingly, the anecdotal excerpts in this report are not necessarily presented for their individual truths, but rather to show patterns that reveal potentially serious breakdowns in our nation's system of election administration.

This report's authors are voting rights advocates who work to ensure that all individuals who are eligible and wish to participate in American democracy have that opportunity. They present this report, its analysis and recommendations with the intent that voters in future elections will not experience the problems that prompted these individuals to call a voter hotline in 2008.

Background: Election Administration Since 2000

The practice of election administration has undergone as many changes in recent years as any area of public policy and government. The catalyst for these changes, facilitated by Congress's passage in 2002 of the Help America Vote Act (HAVA), was the controversial 2000 presidential recount in Florida and the flaws in election

administration that it exposed. Through HAVA, Congress sought to overhaul American elections by introducing new technologies and practices, most notably electronic voting systems and the requirement that states compile statewide voter lists and databases. HAVA also sought to offer voters a new safeguard from administrative error by requiring states to use provisional ballots, where voters whose credentials were questioned at the polls could cast a special ballot that would be set aside and, if certified pursuant to state law, counted in the final official tally.

There is no doubt election administration has evolved significantly since HAVA. However, despite efficiencies achieved in many states, where disparate voting systems and practices often were replaced by new and more uniform systems, American elections are not error-free. In fact, the national percentage of voters who were denied the right to vote in 2008 was almost identical to 2000, according to the CalTech/MIT Voting Technology Project, which is one of the nation's foremost surveys of voter-centered election trends.

Stephen Ansolabehere, the Project's co-director, testified about these findings before the Senate Rules Committee on March 11, 2009. He reported there were an estimated 168 million registered voters in November 2008. By Election Day, 133 million people had voted when all methods of casting a ballot were added up, he said. Yet an estimated 4 million people were barred from voting due to numerous problems falling under the broad umbrella of 'election administration' issues.

"This is approximately the same number we saw in 2000," the Harvard University/MIT professor testified, concluding that "improving registration and authentication systems ought to remain a high priority." In other words, despite HAVA – or because of new issues created by HAVA or tied to its implementation – there is an ongoing pattern of millions of voters who face participation barriers in presidential cycles when voter turnout historically peaks.

This report draws on the actual words of voters who were unable to vote in 2008, as well as people who witnessed others who gave up on the process – and left their polling place without voting. Their problems are as varied as the election process is complex. There were failures of public officials to process voter registration forms before Election Day. There were poll workers who blocked voters as they interpreted new and complex laws, such as those concerning ID requirements and provisional ballots. There also were breakdowns in electronic voting machines due to their design, operation or poll worker error. And there were mistakes by voters themselves, such as not being aware of legal requirements to reregister when moving to a new jurisdiction or to update their registration information after moving within the same town or changing a last name after marriage.

Grading the 2008 Election

Most election officials view the 2008 cycle as a success. They accommodated record voter turnout. They did not see major technical breakdowns that cast doubt on final results. When faced with anecdotal evidence of electoral problems, such as those identified by the hotline calls, election officials counter that no voting system is without flaws, but that they are continuing to improve the system to the greatest extent possible given their limited budgets and staffs.

While these assertions are largely true, they do not acknowledge the continuing potential for a major election disaster on the scale of the 2000 presidential election. Unlike 2000, the 2008 election of Barack Obama as the nation's 44th President was decisive in the sense that no series of election administration failures in any state had the potential for altering the result in that state's election, nor did the result of the presidential election depend on the resolution of an election contest in a lone swing state. One need only look at other close races in the 2008 general election, however, such as Minnesota's U.S. Senate

race between Al Franken and Norm Coleman, to see how even modest problems in election administration can have major electoral consequences. The nation should consider itself fortunate – or perhaps lucky – that the ballot-by-ballot recount in Minnesota’s U.S. Senate race did not occur in a single presidential ‘swing’ state, such as Florida in 2000.

Common Threads

Some of the solutions promoted by HAVA itself, such as the creation and reliance on statewide voter databases, new data-matching procedures to screen information on the voter’s registration form, the “upgrading” of voting systems, and the use of provisional ballots have had unintended adverse consequences for both voters and administrators. This report cites dozens of scenarios that voters faced last fall involving these very issues and systems.

There were common threads behind the details of what happened to 2008’s thwarted voters, as revealed by the calls. The first is the election process itself is often biased in favor of the state and against the voter. In many states, if election administration errors occur – for whatever reason – the voter is blamed and loses their right to participate. The benefit of the doubt is given to the government: to its voter lists, databases and election practices, and not to the people it is intended to serve: eligible voters. Our system accepts disenfranchisement caused by election official error all too readily, such as individuals who registered at a state motor vehicle agency but whose application was not sent to the appropriate local election office and thus was barred from voting. The operating assumption that the state is error-free in administering elections, or that even if the state errs, the voter must bear the penalty, is deeply flawed. Voting rights are core civil rights and the legitimacy of our democracy hinges upon voter participation. Therefore, the imbalance between the state and voters must be acknowledged by policymakers and recast in favor of eligible voters.

Immediate Reforms Necessary to Safeguard Voters

As the 111th Congress revisits election administration issues, it should take immediate steps to address the barriers identified in the 2008 and previous federal elections to prevent a reoccurrence of those problems in the 2010 federal elections. We urge Congress to enact the following immediate reforms in time for the 2010 elections:

- **Amend HAVA to guarantee that eligible citizens who affirm that they attempted to register to vote but whose names do not appear on the voter rolls, or who affirm that they moved within a state, can cast ballots that are counted on Election Day.** HAVA should be amended to allow voters who can establish their identity and current residence in the jurisdiction, either through showing a current and valid photo identification and/or a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter, to complete a ‘voter affirmation affidavit.’ If the voter affirms by affidavit his or her identity and current residence and that he or she submitted a registration application prior to the registration deadline, or moved within the state from a previous registration address, the voter should be issued a ballot that will be counted on Election Day like a regular ballot. Officials should then use the information contained within the voter affirmation affidavit to update their voter database after Election Day. This procedure of a ‘voter affirmation affidavit’ is currently used in Michigan and Vermont.ⁱⁱⁱ

Requiring a uniform voter affidavit would be simpler than the hodgepodge of state law that governs the administration of provisional ballots. Moreover, by relying on a voter’s signature and sworn oath under penalty of law, this approach refocuses a voter’s entitlement to vote on eligibility requirements – citizenship, age, residency – and realigns the balance between state and voter to ensure that eligible voters whose name

does not appear on the voter rolls due to errors caused by the state will not be disenfranchised.

- **Require states to stock back-up paper ballots in jurisdictions where officials have installed DRE or electronic voting systems.** Backup paper ballots mitigate breakdowns in electronic machinery so voters are not disenfranchised due to technical malfunctions or poll worker error. The backup ballots also provide a means for poll workers to reduce lines or waiting times during peaks in voter traffic.
- **Amend HAVA to require states to accept as valid polling place identification, at a minimum, all forms of photo and non-photo ID currently authorized by Section 303(b) of HAVA.** In many states, new voter ID laws are unnecessarily restrictive and force poll workers to bar eligible, registered voters from voting with a regular ballot. For example, hotline callers reported that active-duty military ID cards (which lack a signature because information is digitally encoded) were rejected in Florida, just as elderly voters who lacked a current and valid state drivers license were barred from voting in several states. At a minimum, Congress should clarify that the following forms of ID must be accepted as valid polling place identification for any voter in a federal election: a current and valid photo identification and/or a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.^{iv}

Deeper Congressional Review

In addition to the short-term reforms outlined above, this report's authors also urge Congress to improve voter registration by enacting legislation that would require automatic registration of all eligible voters and permit eligible voters who do not become registered automatically to register to vote on Election Day.

Another issue needing congressional review is the increased and costly privatization of the election process. In many states, public officials rely on private firms and contractors to build and maintain voter databases and election systems instead of public employees. The nation's democracy infrastructure is a public trust that should be a responsibility of public agencies, officials and government information technology professionals, where institutional memory, continuity, flexibility and responsiveness are cornerstones of the work and public service mission.

Electronic voting systems have proven to be unreliable and insecure for the counting and recording of votes. Further, where these systems are used, elections cannot be verified nor audited. Voter-marked paper ballot systems are necessary to ensure that votes will be properly counted and that the public will have confidence in the accuracy of electoral outcomes. Mandatory election audits are also critical for protecting the integrity of our elections.

Federal funding for election improvements is not secure. Continued HAVA funding or funding for any new federal program to improve our voting process should be reliable, and should include assistance for states to develop information technology capacities to manage, update and run election systems as an ongoing public state government function. The reliance on private vendors and its impact on election integrity should be evaluated as a new generation of improvements is adopted. And, states using unreliable and insecure electronic voting systems need funding assistance to shift to voter-marked paper ballot systems which ensure the verifiability and accessibility of elections.

Conclusion

As Congress revisits election administration issues in 2009, it should consider near-term steps and longer-term responses. In the short-term, it should enact simple Election Day safeguards before the 2010 cycle begins to remove barriers cited by voters during last year's presidential election cycle. In the long term, it should review federal election laws that may be outdated or not achieving desired goals of expanding the voter franchise.

Above all, Congress needs to think anew about the voting process from the perspective of well-meaning citizens like Rich B. of Hillsborough County, Florida. He was barred from voting last fall but believed he was following the law. His November 4th hotline call revealed a regrettable situation that could have been resolved if the process placed more value on enabling voters like him to participate and offered a simple means to do so:

"Yes, my name is Rich [B.]. I am in my voter precinct.... I have my voter ID, my registration, my drivers' license, everything – and they do not even have me in the books, man. I pleaded with them this time... I'm not going to vote this time... Please send somebody out here to help, man."

Similarly, administrators should stock polling places with back-up paper ballots, so voters like this Missouri resident would not have made this voter hotline call:

"Presently at Velda City polling place in St. Louis, Missouri, in North County, voters who have been waiting since 10:00 this morning have not been able to vote. There is inadequate equipment. It is very poorly organized. And as a result of that, many voters have left. It's a nearly 100% African-American precinct. And that's what's happening."

Compare the Velda City report with another hotline call from St. Louis. Both polls were chaotic on Election Day this past November, but this caller noted a crucial difference: the caller did not give up and eventually voted because back-up paper ballots were issued.

"I would like to report that the voting procedures at Jennings School district in St. Louis, Missouri, were just awesomely terrible. I waited in line for over 3 hours, my daughter for over 4 hours. They didn't have any working booths. We had to vote by paper. I have never seen anything like it."

2008 VOTER HOTLINE CALLS AND ANALYSIS

Disenfranchised Voters in 2008

This report looks at the 2008 election's voting barriers and solutions from a voter's perspective.

In a country with an estimated 168 million registered voters and thousands of election jurisdictions, each with its own rules, political traditions and voting machinery, there are surprisingly few occasions where policy makers hear directly from voters about their experiences on Election Day. Unlike the technical and legal debates that often confront public officials on election issues, the everyday experience of voting and the election process is fairly simple. Voters want to show up, vote without unreasonable delay or complexity, and have confidence their vote will be counted.

Most voters do not know the mechanics of election administration, such as the difference between a provisional and a regular ballot, as well as election officials, poll workers or legislators. They do not think about voting most days of the year. On Election Day or during early voting, most look for their voting materials in desks, grab their wallet or ID if one is needed, look up their polling place location, and allocate a short window to vote.

What many voters find, particularly in states that do not have Election Day registration, or same-day registration with early voting opportunities, is a process that often does not allow a 'margin of error' for mistakes by election officials, poll workers, or first-time voters who are unfamiliar with the voting process. Consider this African-American hotline caller from Kansas City, Missouri, who moved before the election but did not reregister in time.

"My name is Sherry [P.], calling on behalf of my son, Marcus [L.]. We are both African Americans. My son went to vote in the area in which we live. His driver's license states the area in which we live and they proceeded to tell him that he could not vote. He needed to go down to old address where we used

to live and vote in our old voter poll. He went down there.

They told him that he needed to go back out to the right town area in which we live to cast his vote. According to the Kansas City Board of Election Commissioners, we needed to reregister because we moved to a different jurisdiction. However, we are all still living in the Jackson County area and I just think this sucks. So there go two votes out the window. And my son is a young black male, age 25, trying to exercise his right to vote. And I just think this is a sad situation, that today comes about and he cannot exercise his right to vote. And he was never once informed that he needed to reregister." Jackson County, Missouri

Why, after the creation of statewide databases under HAVA, did this voter even have to reregister? Are the newest voter lists only used to remove voters, not keep them in the system as they go about their lives? It is an open question if HAVA's intended remedy, provisional balloting, would have permitted the voter to cast a ballot that would have counted, which is determined by state, not federal, law. Although the voter did not reregister in time for the election, his eligibility to vote – his age, residency and citizenship – was not in doubt.

Other obstacles to voting also affect other categories of voters who move – such as active-duty members of the military.

"My name is Robert. I am calling from Pensacola, Florida, and I have been in the Army for several years and I now live in Florida near Pensacola, and in order to vote here I have to have a Florida ID. So I went to get a Florida ID and all of a sudden on the first of October, they changed the rules, where I have to have a birth certificate, which means I have to go back to my state and get a birth certificate, to come back to Florida to get an ID just to vote, and there won't be enough time to do that between now and when the vote actually takes place. So, I was just wondering if you guys heard of anything of that nature?" Escambia County, Florida

This call reveals that Florida's onerous voter ID requirements serve as a powerful deterrent to voting that may dissuade eligible voters from participating in elections.

These complex and cascading explanations raise more basic questions: why isn't voting simpler? And what is a fair way to assist well-intentioned and otherwise eligible citizens in a process that may be error-prone? Another way of posing this question is, 'Do policy makers, election administrators and poll workers assume that most voters' intentions are honorable, or do they assume that mistakes will lead to illegal voting?'

Virtually all of the callers to the Election Day hotlines sought simple solutions to errors that seemed to accompany a complex election administration process, regardless of the cause and without casting blame. They just wanted to exercise their right to vote. Among the most troubling calls were those from voters who reported that they were registered voters, had voted in prior elections, and had not moved yet nevertheless found their names missing from the poll books on Election Day.

"Yes, my name is Clinton [J.], and my wife, Madelyn [J.], here in Royersford, Pennsylvania is not registered. Now, she voted in the last presidential election in 2004 and, for some reason, her name did not appear on this list here in Royersford. So I'm just wondering exactly what the deal is. We did check online before the end of voter registration and she was registered, but now she's not registered." Montgomery County, Pennsylvania

"I am calling on behalf of my daughter... She's a professional educator. She was turned away from her polling place this morning before she went into school, told she was not on the voting ranks... When she went to the polling place, they said that she had been removed from the voter ranks and they did not offer her an opportunity to use a provisional ballot. They said they did not know what provisional ballot to give her, so they denied her the opportunity to vote." St. Louis County, Missouri

"I was directed to 5 separate precincts and then told that my information was not in the ballot book. So I was only able to do a provisional vote when I know in fact that I am a registered voter." Escambia County, Florida

When academics, such as the authors of the CalTech/MIT report discuss situations like these last few examples, they often refer to 'false positives' and 'false negatives' in the verification stage of the voter registration process. They break registration into several stages, ending with verifying the voter's identity at the polls before receiving a ballot. The rationale given in states that have adopted stricter voter registration and voter ID standards following HAVA has been to prevent voters from impersonating other voters and casting more than one ballot.

But what if, as many of the hotline calls suggest, the reason a voter's name is missing from his or her polling place list is not an attempt to game election results but instead is the result of an error that occurred somewhere along the chain of events in the processing of voter applications en route to Election Day? What if new administrative practices that have accompanied the most recent federal and state election law changes are actually disenfranchising voters?

What was notable in the March 11 testimony before the Senate Rules Committee by Stephen Ansolabehere – co-director of the CalTech/MIT survey that surveyed 50 states and estimated 4 million registered voters were prevented from casting ballots in 2008 – was their survey found "no such instances" of individuals intentionally impersonating other voters for partisan gain. Instead, they found many instances where voters "names are not on the rolls but should be or are incorrectly recorded by the election office."

In other words, voter impersonation is not a national issue or threat to the integrity of the system, but there is much evidence that systemic voter disenfranchisement is, according to one of the most extensive and credible 2008 post-election surveys undertaken.

FOCUS: VOTER REGISTRATION ISSUES

The voting rights advocates who authored this report reviewed thousands of 2008 voter hotline calls in six states: Florida, Georgia, Missouri, Ohio, Pennsylvania and Virginia. They found broad categories of problems involving many scenarios where the bottom-line result was citizens lost their right to vote. This report divides its discussion of the hotline calls and related issues into two sections: those involving voter registration and authentication before and on Election Day; and voting machine failures that disrupted the process to the extent that people were unable to vote or lost confidence that their votes were being properly recorded.

As readers consider the hotline calls and the substance of the issues posed, they should ask, ‘What real-time solution could have helped this person to vote in 2008?’ and ‘What systemic reforms would be needed to ensure this scenario does not recur?’ The answer to these two questions will be different and require different responses, as helping voters on Election Day and fixing the underlying voting process issues are different tasks.

First we turn to voter registration issues. The Election Day hotline calls reveal dozens of scenarios where information errors concerning registration – whether the fault of local election officials, government databases, state agencies, or voters themselves – prevented eligible citizens from voting in 2008.

The first of these scenarios involves voters who believed they were registered to vote but discovered they were missing from polling place voter lists for various reasons, starting with a failure of government agencies to process their registration applications.

“On Saturday, my husband and I tried to vote in Orange County, Florida, and were told that we were purged from the system. The last time we voted was 2002. When we renewed our drivers’ licenses at the Department of Motor Vehicles, we were asked if we want to change our voter registration address. We agreed to do that, however we were told by the Supervisor

of Elections at the poll that 90% of the changes made at the DMV are never passed on to the Supervisor of Elections.”
Orange County, Florida.

This Jefferson County, Missouri voter, in similar circumstances, was told it was common knowledge among officials that many voter applications are not processed by the state.

“We tried to vote today. We were told that when we got our drivers’ license renewed that they would register us to vote. And if it didn’t get done in time, we could get a provisional ballot. And when we got to the polls today to vote, they didn’t show us registered. They said that the Department of Revenue does this all the time. They say that they are going to register you and they don’t. And we asked for the provisional ballot and they said it wouldn’t count, and we couldn’t get it.”
Jefferson County, Missouri

In many of the calls it was difficult to identify precisely where the process broke down. For instance, this Georgia caller said she received a registration application in the mail and submitted it. Yet she discovered on Election Day that she was not on the voter rolls.

“My concern is that I was sent a registration form to vote here in Macon, at the Macon mall and when I got there they didn’t have my name on the list.” *Bibb County, Georgia*

Likewise, this other Georgia caller believed that she had registered to vote but her name did not appear on the voter rolls.

“I am a first time voter, a virgin voter, and I was so anxious and happy to vote this morning and when I got to the poll I found out I couldn’t vote because I wasn’t registered. My name didn’t show up on the register. I’m just really bummed about it because I know I registered to vote for this historical election, and I just wish there was something I could do.” *Clayton County, Georgia*

This Ohio voter also discovered on Election Day that his voter record contained errors, perhaps due to mistakes on the part of the postal system or election officials who mistakenly recorded that the voter's registration card was undeliverable.

"I was then confronted with having to place a provisional ballot because they said my voter registration card was undeliverable. However, I had my voter registration card with me so it could not be undeliverable. But, I had to vote on a provisional ballot and I'm not even sure that counts." Franklin County, Ohio

Likewise, this Georgia voter learned on Election Day that his voter registration application had not been processed, apparently because county election officials erroneously concluded that the voter's street address was not legitimate.

"I live in Lithonia, Georgia... I've been there for 5 years. I went to go vote. They told me my address does not exist. They do not have a record of it in Lithonia... I paid the taxes for the last 5 years. They have no record of this and I'm not allowed to vote... Me and my wife, neither one, can vote. That means no one at Leslie Ridge can vote." DeKalb County, Georgia

Errors in the transmittal of registration applications to election officials also arose in the administration of absentee ballots. This Pennsylvania voter called the hotline because her daughter, a college student, applied for an absentee ballot but did not receive it in time.

"I'm calling in reference to my daughter... We sent in her absentee ballot the first week of October - for her absentee ballot to be sent back to the home. The absentee application I was told was never received and I know that that's not true because I sent it in myself. I took it to the Post Office as I sent her a care package to college... How is it that a lot of college students I'm finding who wanted their vote to be counted in Pennsylvania all of a sudden their absentee ballot applications, you can't find them?" Philadelphia County, Pennsylvania

These calls were indicative of issues involving unprocessed registration and absentee ballot applications, or registration records containing inaccurate information.

Many other hotline callers simply discovered on Election Day that they were not on their polling place voter list, apparently because election offices had removed, or purged, them from the rolls through list maintenance procedures. While the NVRA requires officials to attempt to contact voters who have moved by mail and await two federal election cycles before removing their registration, these callers did not learn that their voter registration had been cancelled until they appeared at the polls to vote.

"I'm calling from Philadelphia, Pennsylvania. Several of my friends and family have told me that when they got to the polls, they were told that they can't vote because their names weren't on the list. However, they've been registered for several years and someone needs to investigate why they are turning people away at the polls." Philadelphia County, Pennsylvania.

"I was trying to vote and find out that I do not exist in the database. I had registered in 2005, 2006 and 2007 by mail, which was mailed to my apartment complex to me. Like I said, I just found out that I don't exist as a registered voter, so at this point I want to know what can I do because I would like to register, well not register, but I would like to vote because I did register three times and that was 2005, 2006 and 2007." Summit County, Ohio

"I did not vote in the last presidential election and they said that was the reason why and that I would have to reregister. I thought once you registered to vote, you could vote." Cherokee County, Georgia

Another dimension of registration issues surfaced in hotline calls where individuals discovered that their voter information either was incomplete or contained specific errors. For example, voter information sometimes erroneously indicated that the voter was a member of another political party or had already voted in the general election.

“I’ve been a Democrat all my life. Now all of a sudden, I went to the voters’ booth and I’m a Republican.” Philadelphia County, Pennsylvania

“I am here at the precinct trying to vote and they’re saying that I already early voted, which I did not. I asked to do a provisional vote and they are saying that because it’s in the system that I voted, that I cannot even do a provisional to dispute this vote. And I did not vote on the 28th of October.” Broward County, Florida

Intriguingly, some of the voter hotline callers were poll workers who noted the extent of errors they found in voter rolls and public records while working on Election Day.

“I was one of the poll workers, and in these communities where I was working, we experienced an unheard amount of errors which were on the part of, I believe, the elections board. We had some 20-, 30-year residents who were unable to vote as normal. We were told that, according to the roster, they weren’t on there. Their names were misspelled. The addresses were incorrect, which was inaccurate with the mail that they had received.” St. Louis County, Missouri

Provisional Ballots

Under HAVA, voters whose names are not found on polling place voter lists must be offered a provisional ballot, which will be set aside and counted pursuant to state law. HAVA specifies particular circumstances under which this intended safeguard must be issued but allows states to set the rules for counting provisional ballots. As a result, there are wide variations among states affecting the standards when to accept or reject these ballots. For example, some states will partially count a provisional ballot if it is cast with the voter’s county but outside of the voter’s precinct (as to all contests for which the voter is eligible), while others will only count it if it is cast in a specific precinct.

Election Day hotline callers cited provisional balloting in various ways. In the first instance, some callers said they were denied the right to vote outright, including not being offered a provisional ballot. In other cases, voters described poll worker confusion about when the ballots should be offered – an issue that was compounded by increasingly restrictive new voter ID requirements in some states.

Once offered a provisional ballot, many voters said they did not feel that ballot would be counted and felt slighted as if given a ‘second-class’ voting option. Finally, some hotline callers noticed that their names were not listed on polling place lists but after pressuring poll workers for explanations, discovered that they were on central or countywide voter lists. Those callers said that bureaucratic inconsistency should not have been a reason to require that they vote by provisional ballot.

This hotline caller from Virginia said the local voter rolls contained his wife’s maiden, not married, name, but gave no indication that poll workers offered his wife a provisional ballot.

“My wife, recently married a year and a half ago, was turned away at the polling place today. She carried with her, her voter registration card, which had her maiden name on it. She carried also her driver’s license; she carried both social security cards that had her maiden and her married name on it with corresponding social security numbers and she also carried her marriage certificate up there. And, she was refused at the polls because they said she wasn’t registered to vote and I cannot see how this is within the limits of the law being as it there was all the supporting paperwork to prove who she was. They had her on the rolls registered at our common address under her maiden name, but since she wasn’t registered technically under the married last name, she was turned away even though she had plenty of supporting evidence to prove who she was. She was not even offered the opportunity to speak to an election official.” Prince William County, Virginia

In other cases, callers knew about provisional balloting but were nevertheless denied a provisional ballot. This Floridian, a military veteran and federal law enforcement officer, was one such hotline caller:

“I am a registered voter in Miami-Dade. I am an Army veteran. I am also a federal law enforcement officer. I’ve served my country and continue to do so. I was also denied my right to a provisional ballot, as well. I was told just recently from the elections board, somebody from the elections board, that I had absolutely no rights at all to voting in the state of Florida. They say, ‘Absolutely not, if you do not meet every single one of their criteria, you will be denied your right to vote.’” Miami-Dade County, Florida

Some callers also noticed poll workers were confused over when to issue the ballots.

“The problem I’ve been having with my voting, was that the person that took my name down did not really understand the difference between a provisional ballot and a regular ballot, so she is giving away to all the folks in front and in behind me any of the cards that indicate either position whether your provision[al ballot] or whether you are actually been voting there at the same precinct all the time. So, we need to educate the individuals a little better on that mechanism in which we are all trying to vote with.” Prince William County, Virginia

“I went into my polling location with my registered voter card. It confirmed my name and address that matched exactly what was on my driver’s license. I even confirmed with the Franklin County Board of Elections the day before that everything was correct. I was at my correct voting location, but they made me file a provisional ballot, they couldn’t tell me why, we called and they still couldn’t give us an answer.” Franklin County, Ohio

Calls from other voters strongly suggested that the voters were not offered a provisional ballot because they did not have the correct form of voter ID.

“I am 82 years old. I stood in line for three hours to vote yesterday. And when I got there, I had my voting card and driver’s license. But the driver’s license was from New York. So it wasn’t acceptable and I couldn’t vote.” Pinellas County, Florida

“We are being refused the ability to vote because our address does not match the address that’s on our license, even though the correct address is on the polling sheet. Again, not being able to vote due to the fact your address does not match that of the address on your license. That is in the city of Overland. People are being turned away.” St. Louis County, Missouri

In other instances, hotline callers reported that their names were not on their polling place list. After they pressed poll workers and other officials to make inquiries on their behalf, they learned they in fact were listed on that jurisdiction’s ‘central list’ or in the statewide databases. In some cases, these voters were turned away from the polls. In other cases, they were given a provisional ballot.

“Just went to my local polling station and tried to vote. I was told by them that my name was in the computer but they did not have it on the [polling place] list so I couldn’t vote.” Palm Beach County, Florida

“I had called this morning... the Fulton County elections office, just to make sure I was registered, because I am a first time voter, and I just wasn’t sure if they got my registration or not. They did, they looked me up and they said I could vote and they gave me the location and then when I got there I was not in the system, for whatever reason, they looked me up under lists and they didn’t have me and then I was forced to do a provisional ballot. So, I was not very happy with my first voting experience.” Fulton County, Georgia

Finally, among the hotline callers who received provisional ballots were people who felt this means of voting was a slight or had little confidence their vote would count. These calls illustrate how interruptions in the voting process – or confusion over procedures – can undermine

public confidence in our democratic system. In one case, poll workers appear to have wrongfully issued a provisional ballot, rather than an emergency paper ballot, in a precinct with a machine breakdown.

"I had to cast a provisional ballot... because the only machine that was taking the punched ballots had malfunctioned... My basic complaint is months and months of preparation should have been done to get the machine, or a machine operational rather than going with a provisional ballot, because from what I understand, rumor or not, that these ballots are placed underneath this machine may not be counted unless it is a real close election such as the 2004 election. So it would be a shame to not have these ballots counted." Jackson County, Missouri

In another case, a Georgia voter appears to have been unlawfully purged from the rolls because he had not voted in recent elections and was issued a provisional ballot.

"My husband ... a disabled Vietnam vet went to vote this morning. He's 67 years old and he was told he did no longer appear on the books; he's been removed. He was devastated. He was not able, he put in a, I think it's called a provisional paper, but he was not able to vote. I'd like to know why don't they notify people if they are going to be removed. I know he should have been voting, but he elected not to. Sometimes he goes through a depressed mode and he just doesn't want to get out, but this time he really wanted to vote." Gwinnett County, Georgia

The voter hotlines also received many calls from students facing barriers at the polls. After enduring long lines and entering polling places, many students told the voter hotlines that they were barred from voting by seemingly arbitrary interpretations of their state voter registration requirements.

"I'm a student at the University of Miami Law School and submitted the last four of my Social Security for my voter

registration that was completed on time. However, I've now received notification that they must have further verification of my full Social Security and other information that is extremely difficult for me to obtain. I believe that my vote is being suppressed. On the website for voting as a student, they state that all they needed was the last four of my Social, however they are making, as I said, this more difficult. And I believe that this is affecting all out of state students in the law school at the University of Miami." Miami-Dade County, Florida

"Hi, I am a student at Virginia Commonwealth University in Richmond, Virginia... I believe it is unfair that students are told they can only have their student IDs and then they get to the polls and they are turned away. Again, I am a student here at Richmond, Virginia." Richmond City, Virginia

"We are having voters being turned away from the polls. They're having problems with provisional ballots and we are having college students who have registered their new addresses on campus being turned away from the polls and not being able to vote. This is a huge problem seeing as that the precinct 224 is located right next to a major university around the Dayton area." Montgomery County, Ohio

These multiple barriers faced by student voters underscore the rationale for having the opportunity to sign Election Day affidavits affirming that they registered to vote and then receiving a ballot that can be counted on Election Day.

Better Election Day Safeguards

The experiences described by the voters in the above-cited hotline calls pose the question of what could have been done on Election Day to ensure that the voters, if they are eligible and affirm that they had attempted to register, could vote a ballot that would count. From all appearances, these individuals were eligible voters who had in some cases been registered for many years and wanted to vote in a historic presidential election.

This report and its analysis seek to focus Congress on the need for short-term solutions that can be implemented before the next federal election cycle begins in 2010, as well as to pinpoint issues in election administration, federal policy and law that should be part of an ongoing and deeper election reform discussion.

Congress, in HAVA, intended that provisional ballots would be the safety net to prevent eligible voters from falling through cracks in the process of maintaining voter records and registration lists. However, there have been unintended consequences that have had exactly the opposite effect as many states have implemented this requirement. As many hotline calls reveal, voters whose registration information is not accurate or current in state and federal databases are losing their right to vote. What is most important in this trend is that inconsistent voter data – regardless of its source – has supplanted in many states other means by which voters can demonstrate their eligibility. The legal basis of eligibility in most states has to do with age, citizenship, residency, mental fitness, and in some cases felony convictions – which is altogether different from passing a government database matching test.

Rejecting voter applications on the basis of failures to match is only one issue cited by 2008's voter hotline callers. Others involve voters who were removed from voter rolls without their knowledge. Others involve not presenting specific forms of approved ID before voting. Others involve poll workers who were confused by state

or federal law requirements. Stepping back from these specific issues, one sees a cascading effect if voters, poll workers and administrators fail to dot every 'i' and cross every 't.' But if mistakes are made, it is the voter – not the state – who loses his or her legal right to vote.

This analysis, raised by voters themselves who called Election Day hotlines in 2008, suggests that Congress must act to improve Election Day safeguards before the next federal election in 2010, while at the same time adding specific post-HAVA election administration issues to its ongoing deliberations on improving elections.

Recommendations

Under HAVA, many states are rejecting large percentages of provisional ballots. Missouri, for example, rejected nearly 75% of the provisional ballots cast in the November 2008 election, according to state records. In Florida, 51% of these ballots were rejected in last fall. In Pennsylvania, the figure was 44%. While election officials work hard to verify provisional ballots, a handful of states have taken a slightly different approach to fulfill HAVA's provisional ballot requirement. These states offer voters a far simpler alternative, which streamlines the process for election officials, and realigns the balance in favor of voters who would otherwise be disenfranchised by administrative or poll worker error.

That alternative combines a short 'voter affirmation affidavit' and voting with a ballot that is tabulated on Election Day like a regular ballot. In Michigan and Vermont, voters whose names are not in polling place lists may complete and sign an affidavit swearing, under penalty of perjury, that they are duly registered and then cast a ballot that is counted on Election Day. These affidavits are only available to voters who are willing to legally swear that they already registered to vote and who can establish their identity and current residence in the jurisdiction by showing an appropriate form of current identification.^v

Election officials use the affidavit to update lists with current information provided by the voter. If a voter has intentionally cast more than one ballot, officials may readily pursue criminal charges.

In Michigan, 3,797 voters cast provisional ballots of which 1,319 (34.74%) were the ‘affidavit ballot’ type that were counted on Election Day. The remaining 2,478 provisional ballots cast were the ‘envelope ballot’ type, which are reviewed by local officials in the six days immediately after the election. Of those envelope ballots, only 655 (26.43%), or 17.25% of the total provisional ballots cast, were ultimately counted. In other words, Michigan’s affidavit provisional ballots were counted at twice the rate of Michigan’s envelope provisional ballots. In Vermont, election officials said about 2,200 voters used the state’s one-page ‘voter affirmation form’ and then voted using regular ballots.

Relying on a voter’s signature and sworn affidavit stating the voter complied with registration requirements or moved within a state from a previous registration address is far simpler for voters, poll workers and election administrators than the provisional ballot procedures that have followed HAVA. The use of a voter’s signature and oath attesting to their eligibility refocuses the authentication stage of the registration process to the criteria in state law itself.

Additionally, there are other important steps that Congress should take to assist eligible voters while election administrators continue to improve the voting process under HAVA. These steps are intended to restore the benefit of the doubt to voters in various stages of the registration and authentication process, as well as during ongoing voter list maintenance procedures.

- HAVA should be amended to clarify that a failure to match information on a voter’s registration application with a record in the Social Security or state motor vehicles database is not sufficient rea-

son to reject that voter’s application.^{vi}

- HAVA’s provisional ballot language should be clarified to require that provisional ballots cast by voters who appear to vote in the ‘wrong precinct’ be counted for all federal elections in which the voters are eligible to vote.
- HAVA’s provisions concerning voter ID should also be clarified that states cannot abridge or narrow the forms of ID listed in HAVA.

Congress should also enact technical amendments to the National Voter Registration Act’s provisions related to voter registration and list maintenance.

- The NVRA has not prevented states from adding unnecessary requirements to register to vote that are unrelated to a voter’s eligibility. The law’s requirement that states accept the federal voter registration form and accept complete applications submitted 30 days before an election has not prevented states from imposing onerous requirements, such as Arizona’s proof of citizenship requirement. The NVRA should be clarified to prohibit states from requiring voter applicants to supply documentary proof of citizenship as a precondition to voter registration in any federal election.
- The NVRA also has not stopped states from engaging in unauthorized list maintenance practices that remove eligible voters from the rolls. In many states, it appears officials are purging eligible voters based on matches with other databases—e.g. from neighboring states and national change of address records—that may indicate that the voter has moved, without giving notice to the voter as specified by the NVRA’s provisions. The NVRA should be clarified to prohibit the cancelation of a voter’s registration solely on the basis of a match with another database that may suggest that the voter has moved, unless and until the voter has been given notice of the removal and an opportunity to reverse it if it is erroneous.

FOCUS: VOTING MACHINERY AND RESOURCE ALLOCATION ISSUES

There was another series of hotline calls that underscored a different set of Election Day issues facing voters in 2008 – where operational problems with various electronic voting systems stopped or delayed voting, particularly in conjunction with polling locations that did not use back-up paper ballots following the machine failures.

While election officials say 2008 was a successful federal election that demonstrated how HAVA has helped the nation move forward with improving election systems – from voter databases, to provisional balloting, to voting machinery – the experience of voters in various states suggests there are still significant and outstanding problems with many HAVA-adopted systems that not only prevented voters from casting ballots, but created lengthy delays at the polls and prompted voters to question whether their votes would be accurately counted.

This next section enumerates many of these concerns as they were experienced by voters who called the hotlines in six states: Florida, Georgia, Missouri, Ohio, Pennsylvania and Virginia. These calls suggest that voter registration-related concerns, the focus of the first half of this report, are not the only outstanding issues for Congress to review when it considers federal election reform. While this report will describe various voting machinery issues that could arise from a variety of factors, as well as the public reaction, the authors believe the best short-term solution would be a new federal requirement that jurisdictions using electronic voting systems stock their polling places with back-up paper ballots.

Such an Election Day safeguard would enable polling places to keep operating and also give poll workers a tool to accommodate votes during peaks in voter traffic or turnout. This contingency would ease the process while deeper issues associated with the voting system failures – whether design flaws, programming mistakes, calibration issues or poll worker error – are parsed by policymakers and longer-term solutions are implemented.

The use of back-up paper ballots was uneven at best in 2008, including in Pennsylvania despite a pre-election federal court order requiring their use in that state when voters faced 50% or more of the voting machines breaking down in their precincts. However, this option is a simple solution that, if employed in other states, would have enabled poll workers and administrators to sidestep technical breakdowns and accommodate voters on Election Day – the focus of this report.

Voters Experiences

Thousands of hotline calls reported failures of electronic voting systems and an uneven use of back-up measures to compensate for these breakdowns and accompanying delays. We begin with reports that noted complete system failures as polls opened on November 4, 2008. Hotline callers said some locations were particularly hard-hit, like Chesapeake, Virginia, where the ensuing lines lasted for many hours. These first calls are notable for their specific descriptions of machinery issues and a larger frustration with the process.

“Yes, I am calling from Chesapeake, Virginia, in the Crestwood area, we are having problems at that location, Crestwood Middle School, we have thousands of people in line, they only have six voting machines and they’re all down. It’s pouring rain, we’d like to have someone get over there if possible and see what’s going on. Thank you.” Chesapeake City, Virginia

“It took me three and a half hours to vote. They normally would have a book with information on each voter. This year they had electronic systems that did not work for the first hour of my standing in line. I was there at 6 a.m. I’m just getting home at 9:30 or so. I really have an issue with the way things were done. People were in the rain. People were getting ahead of line. There was no organization and things need to change when it comes to our voting and our voting rights. I believe officials have not considered that we employ them basically.” Chesapeake City, Virginia

In Florida, some of the longest lines were during that state's early voting period before November 4. Hotline callers said the machinery issues were heightened by an apparent lack of pre-election planning to anticipate high turnout. Callers noted there were not enough early voting locations, a shortage of poll workers and voting booths, and not enough machinery to speed the process.

"Yes, I just think that in a country that we are so advanced with technology, we can't get our voting systems correct. We spent 8 hours on Sunday voting. It's unbelievable that they have to wait until we actually show our driver's license to print out the ballot, and then they don't have enough stations ready for the actual voting." Broward County, Florida

"Yes. I live in West Palm Beach and I have tried for two days in a row now to vote early, but the lines are so long. Yesterday, it looked like the line was probably 4 hours long, in the pouring rain, and I finally gave up and thought I'd do it today. And drove to a different early voter registration place which was supposed to have a shorter wait and sat there for over two hours, and hadn't even made it halfway through the line. So I finally gave up, because I thought I'd be there for another two or three hours. It was hot. They had limited water. It was just exhausting [sigh] and I finally gave up." Palm Beach County, Florida

In other states, the situation was not quite as dire but still unacceptable to hotline callers.

"I've been in line for over an hour and I will be here for at least another hour, perhaps another two. They're experiencing voting problems in challenging voters who are first-time registers. There's also problems with inefficiencies at the polling place. The Chester County Board of Elections only sent voting books where they split the alphabet in half, and not in quarters or in eighths." Chester County, Pennsylvania

Hotline callers also described specific failures with electronic poll books, which are a different part of the voting system than DRE or 'direct recording electronic' machin-

ery used to record votes. Electronic poll books are used to check in voters by verifying they are registered and in the correct precinct. During Georgia's presidential primary, there were many calls about electronic poll book issues, starting with inoperable machines.

"Hi, the voting machines are down at Beecher Hill polling station in Atlanta, Georgia, and people are sitting there waiting and the machines have been down for about 20 to 30 minutes, and so people are not able to vote at all." Fulton County, Georgia

"Hi, I'm from Morrow, Georgia, Clayton County. It's not the ID, it's the two computers that after you show your ID that they use to give you your card. There's only two computers. You get through the ID line with no problem. It's that the next line, you have two computers and people waiting in a second line to get to those two computers that give you that yellow card. So it's not the ID, it's that yellow card. You get to the two computers and you can't use that yellow card." Clayton County, Georgia

Additionally, callers noted there were not enough poll book computers or poll workers to accommodate the turnout. As voters waited to sign in, the voting booths sat empty.

"I just voted, I stood in line for over an hour. They have two little computers, two people checking your ID. We need more people, more computers to check the ID. It's ridiculous to stand in line for an hour and it takes two seconds to vote." (GA-primary-16) Henry County, Georgia

What became clear from many of the hotline calls was once there were voter machinery breakdowns, poll workers often were unaware that they had alternative means of voting at their disposal. This is notable in Virginia and Pennsylvania because before Election Day both states were sued by voting rights advocates and represented, respectively, by Advancement Project and Voter Action over providing back-up paper ballots. In Pennsylvania, Voter Action obtained a federal court order to implement

this safeguard. However, it appears many Pennsylvania jurisdictions did not heed the court's order.

"I went over to my polling location at 7:00 because I had to drive to Delaware for work (I'm a small business owner) only to find and be told that the machine was broken. I wasn't offered any other way to vote, no back-up plan for those of us this morning. I'm now in Delaware and won't be able to get home in time to vote and that's very disappointing." Berks County, Pennsylvania

"My issue and complaint is in the Philadelphia, Pennsylvania Ward 59, Division 4, only one of two machines working this morning at 7 a.m. when the polls open, although there were already more than 200 people standing in line and no indication that that situation would be rectified any time soon. This is really, really horrible, given the fact that some people are going to have to get out of line eventually to go to jobs where they don't have bosses who are sympathetic to this plight. More distressing, is the fact that this has never been a problem at this particular ward before and if the machines had been checked ahead of time, there's no way possible it should be completely out at 7 a.m. as soon as it opened up. Again, Philadelphia, Pennsylvania, Ward 59, Division 4, not all of the machines open and a horrific, horrific display in terms of the record turnout we have and apparent apathy on the part of the individuals responsible." Philadelphia County, Pennsylvania.

"We've been in line here at our voting place since 5:30. There's probably 600 people here. And within the first hour 5 of our 7 voting machines have already broken, the line is at a standstill. We were told that they did not have paper ballots on hand to switch to. We've been promised that we were going to get a technician and paper ballots, but they've been a long time coming. People are starting to get a little antsy here. Very disappointed." Richmond City, Virginia

In contrast, Ohio sought to make back-up paper ballots available, under directives from its Secretary of State. Although Ohio's 2008 record on using this measure is

not spotless, Ohio election officials said after Election Day that the back-up ballots were not just an alternative when DREs failed, but also helped to alleviate long lines because the ballots allowed poll workers to add additional tables to check in voters who then were given a paper ballot to vote. Ohio officials said the paper ballots generally kept waiting times to under two hours, which they called an accomplishment. In some instances, voter hotline callers who cited the equipment failures noted – usually in passing – that they voted by back-up ballot.

"The voting precinct at 10 Wilmington Place, zip code 45420, there were 5 automatic voting machines, none of them was working since the polls opened at 6 a.m. Paper ballots were being done and the average wait was 45 minutes to one hour." Montgomery County, Ohio

"I went to vote at 6:30 a.m. this morning. However, someone was there working on the voter machines. Only one of the three machines were working. So I had to use a paper ballot, most of the people had to use a paper ballot. When I left at 7:30, two of the machines still were not working." Stark County, Ohio

Georgia also employed back-up paper ballots to reduce voter lines.

"When we arrived at the polling location, none of the cards that you insert into the voting machine worked. So we were allowed to do an emergency vote, which of course is a vote that you manually do on paper, but I wasn't quite comfortable with that but I did vote nonetheless." Fulton County, Georgia

While these ballots did provide a safeguard, their use was uneven at best, and some callers said officials had not distributed enough back-up ballots to their polls.

"I am just calling to report that this morning I was voting and the machines, we had three machines and they were down, one went down and then all three went down and they were going to paper ballots and the folks at the polls at the

management station said they only had 150 paper ballots and they could copy them but they didn't have a copy machine and they couldn't leave the polls." Louisa County, Virginia

"I am in Amelia Courthouse, Virginia, and all of the computers are down, they only have a hundred ballots left and they went to print more. That's what they told us. And there is nowhere that is secret anymore, because they were not set up for the paper ballots." Amelia County, Virginia

Moreover, hotline callers also noticed in several states that there was some confusion among poll workers as to when to use the back-up ballots. It appears that poll workers were not sufficiently trained or familiar with this contingency.

"I'm calling to report an irregularity at my polling place, which is Church of the [unclear]. The machines that issue the ballots were down. There was only one working. A lot of voters had to leave because the problem wasn't rectified right away. Finally they got a second computer to work, but they told us that they could not use paper ballots as long as one of the computers was working. So there was just huge delays." Fulton County, Georgia

"I just returned from the polls. There was a lot of confusion at the polls amongst election officials. They weren't quite sure what to do with the paper ballots, where they were supposed to go. There was only one electronic voting machine out of 6 or 8 that was actually working. They weren't sure how to get them working. They were calling troubleshooters." Montgomery County, Ohio

There is another dimension to this discussion concerning the allocation of polling place resources. Election officials have increasingly turned to paperless technologies as a way to increase efficiencies – speeding the process of voting, enabling jurisdictions to consolidate precincts into ‘vote centers,’ reducing the need to recruit poll workers, and enabling faster tallies of the vote count. However, when these technologies fail, there is a corresponding

greater impact on voters because the affected vote centers or polls are often processing large numbers of voters and ballots. Hotline callers noted this very trend, which they characterized as “too many people” and “not enough machines.”

"Hi, I went down to vote today with a whole lot of other people at City Hall in Richmond, Virginia. And we ended up waiting five and a half hours — and you heard me right — to vote. Five and a half hours to vote on those machines that we don't know if they are going to work properly for us or not. There were four machines for thousands of people... And it wasn't fun and the news is trying to make it seem like oh everybody loved to be there. It was hard. It was very, very hard. And it was unnecessary." Richmond City, Virginia

These resource allocation issues raise additional concerns. Shortly before the 2008 general election, the Virginia State Conference of the NAACP, represented by Advancement Project, filed a lawsuit in which it claimed that state and county election officials had inequitably and inadequately distributed polling place resources on the basis of race, to the disadvantage of African-American voters.

Whether election officials in some jurisdictions are committed to accommodating student voters is another dimension of this issue. Many university students called the voter hotlines reporting shortages in staffing and machinery at their polls when compared with the voter turnout.

"Yes, calling from Orlando, Florida. The precinct out in U.C.F., University of Central Florida, the wait in line is still four hours long with probably over 2,000 people yet to vote. The polls closed over a half-hour ago. So obviously not enough equipment or manpower there to help." Orange County, Florida

"I'm a student at the University of Miami, and I just finished voting in precinct 561. I'm calling to complain because of the disaster that occurred today when I attempted to vote. People were turned away. People were leaving lines. Three lines [were] attempting to funnel through the door. They were unable to locate my name, even though I presented my voter registration card and my ID. By the time they finally did so, three or four people had already given up. It was the biggest disaster that I have ever seen." Miami-Dade County, Florida

Electronic Voting Failures Described

This section of the report describes how voters experienced electronic voting machinery failures. While there have been many academic studies and state task force reports that have discussed electronic voting technology issues in scientific and engineering terms, policy makers have heard far less frequently from voters who have experienced these problems. What is most notable in these hotline calls are not specific malfunctions, per se, but the accompanying dilution of public trust that occurs as voters see systems fail.

The first of the hotline calls describe various malfunctions with electronic voting systems where a voter's choices apparently were not recorded by a touch-screen computer voting machine. This is a different part of the overall voting system than the voter registration database. This is where ballots are created, and votes are cast and recorded. Tabulating overall election totals involves yet other machinery, usually in a centralized location. The hotline calls start with reports of votes being cast but not counted.

"I was the first voter at the fire house in New Town Borough this morning at 7a.m. I voted and after getting to my office in Manhattan several hours later, I received a phone call telling me the machine had not been working, my vote had not been counted and they wanted me to come back in to revote. Unfortunately, I can not get home before the polls close, which means my vote is not counted." Bucks County, Pennsylvania

"I had trouble at the voting booth this morning. I put the access card in, it beeped, it did not advance. And I pushed it in a little further again, and then it said I voted. And I did not; I never saw the screen advance. And I approached the woman, the voting person there and they said, 'well, sorry. You already voted.' Well, I don't know who I voted for, so that was my problem." Lehigh County, Pennsylvania

"We have electronic machines. I went completely through the process from page to page. And when I went to cast my ballot, it went back to the first page and I did not get to cast my ballot. The person who was attending the voting booth was helping somebody, and I left and then I called the election board at the courthouse and they told me, 'It's too bad.' I didn't get to vote." Blair County, Pennsylvania

In some cases, hotline callers reported that malfunctioning DREs were kept in use by poll workers – not pulled from use and replaced by offering back-up ballots.

"I voted at Ward 56 - Division 56 in Philadelphia this morning and the machine I tried voting on wasn't working, so I used a different one. However, they kept ushering people into the broken machine and they would have thought that their vote was counting, being counted, but it wasn't. So someone might want to check into that." Philadelphia County, Pennsylvania

Another series of hotline calls concerned whether or not DREs were accurately recording voters' choices. In many cases, the machinery appeared to be improperly 'programmed' or 'calibrated' such that a voter's selection did not register but instead was reset to select another candidate or political party.

"My wife voted for a certain candidate, the democratic candidate. But, when she left the booth she noticed that it registered the republican candidate... My wife actually didn't realize what had happened until she had exited the booth and by that time was too late." Prince William County, Virginia

“I voted in Northern Virginia this morning and when I went to put my finger on the circle of the Republican candidate I was voting for, it automatically checked the box above for the Democrat candidate who I did not vote for. It was not on the line or anywhere, but inside the circle. And I was told, I called an attendant over and he told me I was the third person that happened to.” Prince William County, Virginia

“The problem, today, I encountered was when pushing the Republican button, the light automatically jumped to the Democrat choice. This happened multiple times; I tried to correct it. I think the voting booths were calibrated – something – but it jumped to the Democratic ticket every time I pressed the Republican ticket.” Dauphin County, Pennsylvania

“I’m trying to use the new computer voting machines, and whenever I click on Obama because he’s the best president and I’ve been watching his campaign very closely, it selected McCain. I don’t want to vote for McCain but that’s how it recorded my vote.” Warren County, Ohio

A final series of issues noted by hotline callers was when DRE software did not present a complete slate of candidates or political parties on the computer terminal. One possible consequence of this programming error, if not caught and corrected before Election Day, could be to unduly advantage one candidate or political party.

“We had seven machines and five were broke. Also, it did not give me the option to vote for the Congress, for Mark Warner. I only could vote for the presidential candidates and there was nothing else. We didn’t even have paper ballots for back up. You know, it was just ridiculous. No technician out there or anything, and I want someone to get out there and see if they could fix the machine or hand out paper ballots.” Henrico County, Virginia

“I went to vote this morning at our assigned 2nd Ward voting spot and the machine had a touch-screen on it. You’re allowed to vote straight ticket. I tried to vote straight ticket, and when I came to the end at the summary, the vote that I registered – it didn’t register for president and I had to go manually and do every single straight ticket vote. So people that think they’re voting straight ticket here in Northumberland, Pennsylvania aren’t voting for president and this could affect Democrats and Republicans.” Northumberland County, Pennsylvania

“I’m in Douglassville, Pennsylvania... The problem I’m having at our polling station was we were voting and I don’t know if there was something wrong with the polling machine but the polling machine was voting double or triple for whatever candidate you chose.” Chester County, Pennsylvaniaⁱⁱⁱ

CONCLUSION

The perception among election administrators that 2008 was a ‘trouble-free’ year is challenged by the voices of voters who called Election Day hotlines seeking help to vote and to ensure that their ballot would count. The callers cited in this report are not just a subset of the tens of thousands of Americans who sought help on Election Day by calling voter hotlines. They are the most vocal vanguard of an estimated 4 million citizens who lost their right to vote last year due to election administration issues, according to the highly respected CalTech/MIT Voting Project. Yet their calls are more than a tool for policy makers and election administrators who want to improve the process. While their complaints and frustrations offer insights about specific election administration problems that compliment large studies such as CalTech/MIT’s report on 2008, these callers were also seeking help to vote on Election Day – which is why this report has urged that Congress, above all, ask what should have been done to help these citizens last year, and act to ensure that these barriers do not recur in 2010.

All elected officials know that the public’s perception of elections and governing greatly matter. The ability to govern with public consent depends on voters’ belief the process is reasonable and fair. When well-intentioned eligible citizens are barred from voting, that erodes public trust. The same is true of voters who encounter malfunctioning machinery and alternatives are not available so the process can continue without undue interruption.

Election administration has evolved significantly since HAVA and administrators have welcomed many new practices and efficiencies. However, the new sophistication in the profession of election administration has not always served voters – even though Congress’ intentions in HAVA, and the NVRA a decade earlier, was to help improve the process of elections for all involved, voters and officials.

Many of the voter hotline calls in this report come from voters who have fallen on the deficiency side of this ledger. Many callers reported that their information was lost or mangled by government agencies or vetting procedures – and as a result they lost their right to vote. Other callers reported failures with the machinery intended to record their votes. As jurisdictions struggle to improve elections, one unanticipated consequence of HAVA’s reforms is that an increasing number of states are giving greater deference to the newest technologies and voter databases than to individual voters who are legally eligible but somehow have fallen through the cracks in these new systems. Database matching and onerous voter ID requirements are not supposed to supplant a voter’s demonstrating his or her legal eligibility – by virtue of age, citizenship and residency. However, that is what is happening in a post-HAVA world.

There is a balance that needs to be restored in favor of the individual right to vote that, in turn, also will help elevate the public’s perception of the voting process. In a post-HAVA world, where election administrators not only have struggled to implement new federal mandates but also must enforce increasingly restrictive state voter ID laws, Congress has a responsibility to side with voters against systemic disfranchisement. Congress also should welcome suggested solutions that are simple and inexpensive to implement, as another dimension to hotline calls is that poll workers are already doing too much.

This report’s recommendations that Congress require states to use voter-affirmation affidavits and back-up paper ballots are simple, confidence-inspiring, Election Day safeguards that will help protect the public’s right to vote and ensure its votes are counted. These steps, and the other modest reforms of HAVA and NVRA described in this report, if enacted before 2010, will give Congress the breathing room to evaluate what is needed next in improving elections.

This first immediate step does not preclude Congress from taking a deeper look at the landscape of election administration law and practices. In fact, the voices of voters who called Election Day hotlines in 2008 have helped focus that task – as they reveal new shortcomings in the systems and practices upon which American democracy is based. These calls from polling locations throughout the country make clear that the work of protecting the right to vote – the bedrock of our democracy – remains unfinished.

ACCESSING THE VOTER HOTLINE CALLS CITED IN THIS REPORT

In preparing this report, we listened to a total of 16,922 calls to the MYVOTE1 and CNN hotlines from voters in Florida, Georgia, Missouri, Ohio, Pennsylvania, and Virginia. We have highlighted more than 900 of these calls which cover the range of issues discussed here. You can access these highlighted calls via problem type and state to hear the voters' voices by visiting:
<http://www.voteraction.org/electionreport>.

To learn more about this report and the organizations which have authored it, see:
www.voteraction.org; www.advancementproject.org;
and www.naacpnvf.net.

ENDNOTES



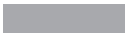







- i. The Tom Joyner Morning Show is the nation's most popular syndicated urban morning show in the country. It airs in 120 markets and reaches nearly eight million listeners every week. The show was the main promotional thrust behind marketing the 866-MYVOTE1 toll-free number through radio advertising.
 - ii. The significance of the requests for poll location information cannot be overstated as a related election administration concern. These requests reveal that many voters need assistance in determining where they vote and those who do not obtain such information from resources such as voter hotlines often face difficulty accessing a regular ballot on Election Day.
 - iii. The Vermont procedure allows voters to file such affidavits either if they affirm that they moved within the state from a previous registration address or if they affirm that they attempted to register but do not appear on the voter rolls.
 - iv. Other immediate reforms needed in time for the 2010 election include:
 - **Require states in which voter lines have been lengthy to develop remedial plans to reduce wait times.** Several of the hotline reports complain of excessively long lines in predominately minority or low-income precincts. Advancement Project examined the distribution of polling place resources—voting equipment and poll workers—by precinct in several of the states under review in this report and concluded that absent additional resources and reallocation of existing resources, voters in certain counties would be forced to endure crushing lines. *End of the Line? Preparing for a Surge in Voter Turnout in the November 2008 General Election* (Advancement Project, Oct. 2008) available at www.advancementproject.org/ourwork/power-and-democracy/voter-protection/view.php?content_vp_id=71 HAVA should be amended to require states in which voter lines were longer than 45 minutes in the 2004 or 2008 general election to submit a remedial plan to reduce wait times.
 - **Amend HAVA to clarify that HAVA-mandated matching processes may not be used to substantially delay or deny a voter applicant's registration.** There is much evidence that data mismatch errors have more to do with administrative issues, such as data-entry and database field errors, than with a voter's legal eligibility – particularly with Social Security Administration records. 'No-match, no-vote' errors unduly penalize voters, especially minorities and women. At most, voters whose registration information cannot be matched with a record in a database should be required to produce one of the forms of ID required by Section 303(b) of HAVA. Congress should also direct the Social Security Administration to clean up its data, which has been shown to have error rates approaching 30% when used to verify voter registrations in 2008.
- **Amend the NVRA to clarify that documentary proof of citizenship may not be required as a precondition to voter registration in any federal election.** The NVRA mandates that a completed voter registration form, which includes a federally mandated affirmation of U.S. citizenship under penalty of perjury, must be accepted and processed for purposes of registering a voter. Some states, however, such as Arizona and most recently Georgia, have enacted legislation to require voter applicants to supply documentary proof of citizenship. In Arizona, over a two-year period, 31,000 voter registration applications were rejected for failure to include documentary proof of citizenship. Congress should clarify the NVRA to prohibit states from requiring such documentation as a condition of registration.
 - **Amend the NVRA to clarify that a voter's registration may not be canceled solely on the basis that his or her original disposition notice or voter registration card is returned by the post office as undeliverable.** In many states, such as Colorado and Michigan, voters whose original voter registration acknowledgement cards are returned in the mail are immediately removed from the rolls. Several federal courts have concluded that this practice violates the NVRA; however, Congress should clarify the NVRA to that effect to avoid inconsistent court rulings and to provide a uniform standard.
 - **Amend HAVA to require states to count provisional ballots cast by voters who appear to vote in the 'wrong' precinct for all federal elections in which the voters are eligible to vote.** In many states, provisional ballots are rejected if they have been cast in a precinct where the voter is not registered, even if the voter would have been eligible to vote for certain 'top-ticket' offices (such as President, U.S. Senator, or U.S. Representative) in that precinct. In the 2008 general election, 14,335 registered Ohio voters cast provisional ballots that were rejected because they were cast in the wrong precinct or county, and in Florida, nearly 1,300 registered voters cast provisional ballots that were rejected for the same reason. Provisional ballots cast in the wrong precinct should be counted for contests in which the voter is eligible. As discussed in Advancement Project's report on provisional ballots cast in the 2006 general election, poll worker error in failing to direct voters to their correct precinct frequently results in voters voting in the wrong precinct. *Provisional Voting: Fail-Safe Voting or Trap Door to Disenfranchisement?* (Advancement Project, 2008) available at <http://www.advancementproject.org/pdfs/Provisional-Ballot-Report-Final-9-16-8.pdf>. Congress should adopt the rule employed in Georgia, Pennsylvania,

and other states that mandates that votes for all eligible races be counted regardless of the precinct in which they are cast.











- v. As stated earlier, the Vermont procedure also allows voters who affirm that they have moved within the state from a previous registration address to cast a ballot that will be counted on Election Day like a regular ballot. A federal requirement that all states provide voters with such a procedure should include both voters who attempted to register but do not appear on the voter rolls and voters who moved within a given state from a previous registration address.
- vi. The Social Security Administration should be directed to improve the accuracy of the information in its records that are used for validating voter registration forms. Last year, the agency reported that 2.3 million data match requests from states in September and October 2008, or 30.76% of all voter registration inquiries at that time, resulted in 'non-matches.' HAVA requires states to use Social Security Administration data, but it is error-laden.
- vii. These calls from voters regarding electronic voting machine problems echo calls received during the 2006 mid-term election. Following that election, Voter Action, along with VotersUnite.org, Pollworkers for Democracy, and the former VoteTrustUSA, issued a report on such problems, entitled *E-Voting Failures in the 2006 Mid-Term Elections* (available here: <http://voteraction.org/files/E-VotingIn2006Mid-Term.pdf>). The calls from voters in 2008 demonstrate that these problems persist with the continued use of electronic voting machines.

CNN Hotline Calls as Coded by Problem Type





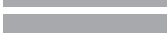





Florida (FL): Coded Complaints by Problem Type

Absentee	343	14.6%	
Registration	534	22.8%	
Identification	99	4.2%	
Mechanical	270	11.5%	
Paper Voting Ballots	144	6.1%	
Provisional Ballots	24	1.0%	
Coercion/Intimidation	173	7.4%	
Poll Access	354	15.1%	
Election Staff	75	3.2%	
Integrity	330	14.1%	
Total	2,346		











Georgia (GA): Coded Complaints by Problem Type

Absentee	196	13.8%	
Registration	465	32.7%	
Identification	72	5.1%	
Mechanical	127	8.9%	
Paper Voting Ballots	21	1.5%	
Provisional Ballots	15	1.1%	
Coercion/Intimidation	91	6.4%	
Poll Access	236	16.6%	
Election Staff	28	2.0%	
Integrity	170	12.0%	
Total	1,421		











Missouri (MO): Coded Complaints by Problem Type

Absentee	50	6.8%	
Registration	212	28.8%	
Identification	29	3.9%	
Mechanical	99	13.4%	
Paper Voting Ballots	56	7.6%	
Provisional Ballots	4	0.5%	
Coercion/Intimidation	59	8.0%	
Poll Access	131	17.8%	
Election Staff	30	4.1%	
Integrity	67	9.1%	
Total	737		











Ohio (OH): Coded Complaints by Problem Type

Absentee	103	8.2%	
Registration	279	22.3%	
Identification	94	7.5%	
Mechanical	173	13.8%	
Paper Voting Ballots	88	7.0%	
Provisional Ballots	69	5.5%	
Coercion/Intimidation	98	7.8%	
Poll Access	123	9.8%	
Election Staff	52	4.2%	
Integrity	171	13.7%	
Total	1,250		

Pennsylvania (PA): Coded Complaints by Problem Type











Absentee	85	6.5%	
Registration	386	29.4%	
Identification	50	3.8%	
Mechanical	229	17.4%	
Paper Voting Ballots	23	1.7%	
Provisional Ballots	28	2.1%	
Coercion/Intimidation	171	13.0%	
Poll Access	176	13.4%	
Election Staff	30	2.3%	
Integrity	137	10.4%	
Total	1,315		

Virginia (VA): Coded Complaints by Problem Type








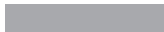


Absentee	146	9.1%	
Registration	310	19.4%	
Identification	53	3.3%	
Mechanical	363	22.7%	
Paper Voting Ballots	98	6.1%	
Provisional Ballots	9	0.6%	
Coercion/Intimidation	151	9.5%	
Poll Access	236	14.8%	
Election Staff	56	3.5%	
Integrity	174	10.9%	
Total	1,596		

MYVOTE1 Hotline Calls as Coded by Problem Type











Florida (FL): Coded Complaints by Problem Type

Absentee	129	14.9%	
Registration	379	43.9%	
Identification	51	5.9%	
Mechanical	79	9.2%	
Paper Voting Ballots	29	3.4%	
Provisional Ballots	8	0.9%	
Coercion/Intimidation	26	3.0%	
Poll Access	90	10.4%	
Election Staff	10	1.2%	
Integrity	62	7.2%	
Total	863		











Georgia (GA): Coded Complaints by Problem Type

Absentee	93	14.8%	
Registration	276	44.0%	
Identification	37	5.9%	
Mechanical	37	5.9%	
Paper Voting Ballots	14	2.2%	
Provisional Ballots	12	1.9%	
Coercion/Intimidation	29	4.6%	
Poll Access	76	12.1%	
Election Staff	11	1.8%	
Integrity	42	6.7%	
Total	627		











Missouri (MO): Coded Complaints by Problem Type

Absentee	25	11.4%	
Registration	96	43.8%	
Identification	15	6.8%	
Mechanical	25	11.4%	
Paper Voting Ballots	13	5.9%	
Provisional Ballots	3	1.4%	
Coercion/Intimidation	3	1.4%	
Poll Access	27	12.3%	
Election Staff	5	2.3%	
Integrity	7	3.2%	
Total	219		











Ohio (OH): Coded Complaints by Problem Type

Absentee	45	7.7%	
Registration	221	37.9%	
Identification	33	5.7%	
Mechanical	70	12.0%	
Paper Voting Ballots	41	7.0%	
Provisional Ballots	27	4.6%	
Coercion/Intimidation	20	3.4%	
Poll Access	57	9.8%	
Election Staff	17	3.9%	
Integrity	52	8.9%	
Total	583		

Pennsylvania (PA): Coded Complaints by Problem Type

Absentee	33	8.9%	
Registration	181	48.9%	
Identification	12	3.2%	
Mechanical	38	10.3%	
Paper Voting Ballots	4	1.1%	
Provisional Ballots	6	1.6%	
Coercion/Intimidation	17	4.6%	
Poll Access	46	12.4%	
Election Staff	12	3.2%	
Integrity	21	5.7%	
Total	370		

Virginia (VA): Coded Complaints by Problem Type

Absentee	79	12.0%	
Registration	218	33.1%	
Identification	29	4.4%	
Mechanical	148	22.5%	
Paper Voting Ballots	23	3.5%	
Provisional Ballots	4	0.6%	
Coercion/Intimidation	20	3.0%	
Poll Access	75	11.4%	
Election Staff	18	2.7%	
Integrity	44	6.7%	
Total	658		

ABOUT THE AUTHORS



Founded in 1999 by veteran civil rights attorneys, Advancement Project is an innovative civil rights law, policy and communications 'action tank' that advances universal opportunity and a just democracy for those left behind in America. Its mission is to develop, encourage and widely disseminate innovative ideas and pioneer models that inspire and mobilize a broad, national racial justice movement to dismantle structural barriers to inclusion, secure racial equity and expand opportunity for all.

The Voter Protection Program, Advancement Project's hallmark Power and Democracy program, was established in response to the 2000 presidential election, which brought to light widespread barriers to voting. Advancement Project's seasoned voting-rights attorneys served as counsel against the state of Florida, challenging policies and practices that led to systemic disenfranchisement of African-American voters in 2000. One of the lessons from that election cycle was that systemic breakdowns in our electoral system cannot easily be fixed on Election Day. Advocates must work throughout the year, and in 'off' years, to troubleshoot and correct problems. Thus, since 2001, Advancement Project's Voter Protection Program has worked with local civic engagement groups to solve problems in advance of elections through investigation, monitoring, advocacy, strategic communications and litigation, where necessary.

In 2008, Advancement Project worked in 10 priority states: Colorado, Florida, Georgia, Michigan, Missouri, Nevada, North Carolina, Ohio, Pennsylvania and Virginia. As part of the Watch the Vote 2008 Project – a project co-sponsored by Voter Action and the NAACP

National Voter Fund – Advancement Project helped to monitor calls from Pennsylvania, Indiana and North Carolina voters to the MYVOTE1 voter hotline during those states' primary elections and, on November 4, 2008, it helped monitor calls to the CNN hotline. In response to the calls, Advancement Project and its partners provided voters with information to resolve their concerns and, in some instances, contacted election officials and requested their intervention.

Among its other accomplishments in 2008, Advancement Project:

- Developed 20 state-specific poll worker palm cards to serve as quick reference guides for thousands of poll workers on how to resolve common problems faced on Election Day.
- Obtained a federal court injunction requiring the state of Michigan to restore thousands of wrongfully purged voters to the rolls. Similar purging efforts were thwarted by the filing of litigation in Colorado.
- Published *Provisional Voting: Fail-Safe Voting or Trapdoor to Disenfranchisement*, a report examining the administration of provisional ballots in Florida and Ohio.
- Released a report entitled *End of the Line? Preparing for a Surge in Voter Turnout in the November 2008 General Election*, which highlighted the need to allocate sufficient voting machines, privacy booths and/or poll workers in precincts where registration activity and prior turnout histories indicated a likelihood of historic voter turnout.



The NAACP National Voter Fund is a 501(c)(4) non-partisan social welfare organization that was formed in 2000 by the NAACP, the Nation's oldest and largest civil rights organization, which in February of 2009 celebrated its 100th anniversary of civil rights advocacy.

The NAACP National Voter Fund (NVF) is recognized as one of the most effective African American-led organizations in the country for delivering result oriented and cost efficient voter registration and mobilization programs. NVF's proven track record demonstrates that the organization has conducted successful African American turnout campaigns at the federal, state and local levels from 2000 through 2008. NVF's voter outreach efforts utilized NVF's standard direct voter contact method: community and precinct-based outreach through issue-oriented mail, phone, neighborhood canvassing and election protection.

The NAACP National Voter Fund's sole purpose is to help promote and expand voter registration, education and voter participation in the democratic process and to protect the rights of voters seeking to exercise their right at the voting booth.

The NAACP NVF Empowerment 2008 Voter Registration and Civic Participation Campaign was a nonpartisan, program designed to empower the African American community by (a) targeting areas where NVF and its affiliate organizations were working to maximize impact in electing a pro-civil rights President, Senate and Congress; (b) targeting infrequent African American voters for special attention; (c) providing repeated contact with identified voters; and creating impacted messages

delivered in a personal manner. The overall goal of Empowerment 2008 campaign was to strengthen African American participation in the primary and general election process.

As the 2008 state presidential primaries approached, the NAACP National Voter Fund (NVF) geared up for one of the most historic election cycles in recent years. The organization strategically utilized communication tools and tactics to enhance our voter mobilization efforts to combine field organizing and outreach to African American media work with Voter Registration, Education, Get-Out-the-Vote and Election Protection efforts.

On November 19, 2007 in collaboration with The Tom Joyner Morning Show and InfoVoter Technologies Inc., REACH Media, Inc., NVF launched the MYVOTE1 Voter Registration Hotline Program, an African American media-driven, non-partisan voter registration drive that promoted a toll-free voter registration hotline, targeting new and infrequent eligible African American voters.

The program also triggered a voter registration chase program utilizing direct mail, telephone and door-to-door canvases in twelve (12) states, including Ohio, Michigan, Florida, Virginia, Nevada, Louisiana, North Carolina, Pennsylvania, Maryland, New Jersey, California and South Carolina to increase voter turnout among African Americans during the 2008 primary and general election.

VoterAction

Voter Action is a national, non-profit organization at the forefront of the election integrity movement in the United States. Founded in 2005, Voter Action engages in legal advocacy, research and public education to protect our right to vote and to reclaim public control of our public election process.

Voter Action served as the co-sponsor with the NAACP National Voter Fund of the Watch the Vote 2008 Project, a non-partisan comprehensive election monitoring and election protection effort for the November 2008 election. In collaboration with InfoVoter Technologies, the project monitored calls to the CNN and MYVOTE1 voter hotlines and, in targeted states, initiated follow-up actions to protect the rights of voters. Further, the project partnered with on-the-ground citizen networks in seven states (Colorado, Florida, Indiana, Maryland, New Mexico, North Carolina and Pennsylvania) to assist in verifying election problems as they emerged via the hotlines and to help address such problems on Election Day. The Watch the Vote 2008 Project also conducted pilot monitoring programs for the Pennsylvania, North Carolina and Indiana 2008 primaries.

Since its founding, Voter Action has filed lawsuits or complaints in nine states (New Mexico, New York, California, Arizona, Colorado, Pennsylvania, Ohio, Wisconsin and Florida), challenging the continued use of electronic voting machines as unreliable and insecure for the counting and recording of votes. These legal actions have played a critical role in the shift by several states (including California, Colorado and New Mexico) to voter-marked paper ballot systems which allow for verifiable elections through meaningful audits and recounts.

In recent years, Voter Action's work has extended its focus beyond electronic voting machine concerns to incorporate other emerging threats to our democratic process, including Internet voting systems, electronic poll books and privatized voter registration databases.

Voter Action won its most recent court victory on the eve of 2008 general election when a federal judge in Philadelphia ruled in favor of its clients (NAACP State Conference of Pennsylvania, Election Reform Network and individual voters) and required Pennsylvania to distribute emergency paper ballots when 50% or more of voting machines break down in any precinct in the state. The ruling serves as important court precedent for the constitutional principle that the burden of long lines in an election can amount to a deprivation of the fundamental right to vote. The New York law firm of Emery Celli Brinckerhoff & Abady and the Public Interest Law Center of Philadelphia served as co-counsel with Voter Action in the case, which has since resulted in a permanent injunction protecting Pennsylvania voters in future elections.



VoterAction