RECOMMENDATIONS & CASE STUDIES

PRESENTED TO THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION

By the Lawyers' Committee for Civil Rights Under Law

50 LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

MOVING AMERICA
TOWARD
JUSTICE

**Recommendations and Case Studies Presented to
the Presidential Commission on Election Administration by the Lawyers' Committee for
Civil Rights Under Law**

The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") appreciates the efforts of the members and staff of the Presidential Commission on Election Administration to improve the experience of American voters in exercising their most fundamental right – the right to vote. The Lawyers' Committee also appreciates the Commission's interest in receiving data, recommendations, and case studies from the Lawyers' Committee. The Commission requested the data gathered from the Our Vote Live database ("OVL") as well as the case studies discussed below that illustrate best practices and problems in jurisdictions throughout the country. The Lawyers' Committee hopes that this information will inform the Commission's work and will lead to positive changes in the experiences of voters nationwide.

As the Commission recognizes, the Lawyers' Committee has developed significant knowledge and understanding of election administration in the United States. The Lawyers' Committee leads Election Protection, the country's largest non-partisan voter protection coalition made up of national and state organizations. For more than a decade, the Lawyers' Committee has administered this national voter protection program through the 1-866-OUR-VOTE Election Protection Hotline, which any voter in the country can call for voting assistance, and by deploying thousands of volunteers throughout the country to monitor the polls. Through the Hotline and field program, the Lawyers' Committee has collected hundreds of thousands of stories from voters across the country that paints a true picture of the problems that have plagued American voters in every major election since 2000. Additionally, the Lawyers' Committee litigates voting rights cases in federal court and develops policy solutions at the federal, state, and local levels, and works closely with state and local election administrators and officials. Based on its substantial and unique experience, the Lawyers' Committee has set forth a number of recommendations that it hopes will inform the Commission as it proceeds.

This document is divided into two parts. Part I summarizes the Lawyers' Committee's recommendations, which are drawn from the Lawyers' Committee's work, experience and expertise. Part II presents case studies from noteworthy jurisdictions that:

- Had significant problems in the lead up to and on Election Day,
- Have implemented reforms leading to positive outcomes, or
- Have innovative programs that serve as examples of best practices for administering elections.

PART I: RECOMMENDATIONS

SUMMARY OF RECOMMENDATIONS

The Commission's mission, as established by President Obama's Executive Order, is to identify best practices and make recommendations to promote the efficient administration of elections in order to ensure that all eligible voters have the opportunity to cast their ballots without undue delay, and to improve the experience of voters facing other obstacles in casting their ballots. The Executive Order lists the election and voting issues the Commission is charged with considering, including: polling place management and operations; training and recruitment of poll workers; voting accessibility for military and overseas voters; efficient management of voter rolls and poll books; voting machine capacity and technology; ballot simplicity and voter education; voting accessibility for individuals with disabilities, limited English proficiency, and other special needs; provisional ballot issues; absentee ballot issues; contingency planning; and other issues related to efficient election administration that the Co-Chairs agree are necessary and appropriate to the Commission's work.

Given the focus of the Commission, the Lawyers' Committee offers a number of recommendations, best practices, and considerations to improve the experience of voters, which are summarized below. The recommendations are organized by first offering recommendations for election administration best practices, followed by recommendations for election and voting policies that reduce burdens on voters and election administrators.

Election Administration Recommendations and Best Practices

- **Developing a Written Plan**: A central, written plan that details the major components of running an election is key to promoting efficient, organized, and professionalized elections. Written election administration plans are useful because they serve as an internal planning document for administrators and a central catalogue of all election administration planning. Local election jurisdictions can develop, update, and refine their plans between election cycles based on successes and problems identified in a prior election. Written plans are a simple, logical solution to the complexities of election administration and promote efficient administration to improve the voter experience.

- **Polling Place Designation and Management**: Important considerations must be taken into account when designating polling locations including: the number of registered voters, the community served by the poll, availability of parking, and nearness to public transportation. It is also important that polling places are efficiently managed, which requires effective planning, efficient management, and adequate staffing levels and resources.

- **Poll Worker Recruitment and Training**: Jurisdictions must expand recruitment strategies to hire poll workers who are comfortable with new technologies and who are also trusted by the community by creating alliances with groups such as law schools, community organizations, and county workers. Poll workers need continual, reinforced training to become comfortable with the laws, rules, and election process.

- **Resource Allocation**: Election officials must responsibly allocate voting machines, booths, ballots, and staff to ensure there are enough resources at a given location. This determination should be based on the number of registered voters, analysis of the previous performance of the precinct in past elections, and the make-up of the community voting at the location. Allocation

should include a minimum number of accessible voting machines and plans should be in place to provide additional resources throughout the day, as needed.

- **Ballot Length and Design**: Ambiguous, confusing, and poorly designed ballots slow down the voting process, cause confusion, and frustrate voters. Jurisdictions should aim to minimize ballot length by reducing the number of ballot measures and including short summaries rather than the full language of each measure. Furthermore, ballots should be tested extensively and created with careful consideration of all elements of the ballot including clear headlines, directions, and font size.

- **Contingency Planning**: Superstorm Sandy showed the need for contingency planning to help adjust to changing circumstances that can occur on Election Day. Plans should cover all elements of election operation and provide information on how jurisdictions should handle failures of equipment, ballot and poll worker shortages, and power outages.

- **Communications**: Communications protocols are critical to ensuring that problems are efficiently reported up the chain of command as they arise. Communications planning would address how Boards of Elections will communicate with polling places, the Secretary of State, media, and the public, and how each of these entities will communicate with the Boards of Elections.

- **Funding and Resources**: Due to underfunding, administrators have had to make tough decisions about how to spend their limited budgets and allocate resources. The lack of resources lead to long lines and disorganization due to deficiencies with the registration process, poll worker training, technology, and balloting. Running elections is a core function of government and requires sufficient funding.

Election and Voting Policy Recommendations

- **Upgrading Voter Registration**: Voter registration problems impact voters on Election Day due to errors and the deluge of registrations at the end of the registration period requiring supplemental poll books. The current system relies on an antiquated paper-based process that requires election staff to manually enter voter information leading to data entry errors that disenfranchise voters through no fault of their own. The surge in voter registrations requires additional staff to assist with the data entry and takes away from election administrators' ability to devote resources to the administration of the election itself.

- **Automated Voter Registration:** The registration system would be improved if it automatically registered consenting eligible voters through electronically transmitting data between DMVs, public assistance agencies, and other governmental offices to the state chief election officials. This streamlines the process, improves efficiency, and removes the need for staff to spend significant amounts of time and resources entering paper registration forms.

- **Online Voter Registration**: Online registration, which has gained bipartisan momentum in the states, allows voters to register using a secure website. This online system reduces errors, reduces the need for staff time to manually enter registrations, and provides an easy way for voters to register. Because of signature requirements, states require voters to have a record on

file with the state's DMV for signature verification. It is important that online registration expands to voters beyond only those who possess driver's licenses.

- **Portable Voter Registration**: Portable registration allows voters who have moved within a state to cast regular ballots on Election Day without re-registering. In our highly transient and mobile society, a large number of voters are denied their right to vote due to a recent move.

- **Same-Day Registration & Election Day Correction**: States should employ fail-safe procedures so that eligible voters whose names do not appear on the rolls or whose information is not up-to-date can correct their registration and vote during early voting and on Election Day. By allowing voters who do not appear on the voter rolls to register on the day of an election, poll workers do not have to take time to search for a voter missing from the voter rolls, verify their registrations status, or administer provisional ballots which complicate polling operations creating delays for everyone.

- **Expanding Early Voting Opportunities**: With every election cycle, early voting has become increasingly popular as an alternative to Election Day voting. Early voting alleviates Election Day pressure and is particularly beneficial for those with unavoidable work responsibilities and child care obligations. Early voting also helps with unforeseen events such as Superstorm Sandy, where voters in New York and New Jersey and out-of-state first responders would have benefited greatly if early voting had been available.

- **No-Excuse Absentee Voting**: No-excuse absentee voting reduces the pressure on Election Day and makes the voting process more convenient for eligible voters, particularly the elderly and voters with disabilities.

- **Racial Inequalities in Wait Times**: A growing body of data suggests that problems with wait times are not equally shared among the electorate. Wait times are significantly longer for minorities who live in urban areas composed of highly transient citizens. These communities often have large poll locations with high numbers of voters per precinct. These concerns must be taken into account when planning for elections and allocating resources.

- **The Impact of Reduced Early Voting and Registration on Racial Minorities**: Data suggests that early voting opportunities are used disproportionally by black voters. Targeted reductions in early voting in several states disproportionately impacted these voters.

- **Limited English Proficiency Voters**: Voters with limited English proficiency face unique challenges. When poll workers and voters cannot communicate with one another, it inevitably affects polling place operations. To alleviate these problems, election officials should identify where these communities reside, recruit and train bilingual poll workers, utilize the bilingual poll workers effectively, and work with the communities to ensure the needs of all voters are met.

- **Election Data**: Election integrity is of great importance and the optimal means by which integrity, transparency, and accountability in elections are ensured is through systematic and accurate data collection and auditing. The collection of reliable data about voting allows for an accurate assessment about the successes and failures in elections and fosters continued improvements to the elections process. The data should expand upon the current data collected

by the United States Elections Assistance Commission ("EAC") and ensure that states are accurately reporting election data. Additionally, evaluations from election officials, poll workers, and voters which will provide information on how to improve elections from those who are directly involved in the process.

- **Voter Identification**: To the extent jurisdictions have voter identification requirements, they must be clear and unambiguous to both voters and poll workers and must not disenfranchise eligible voters. Allowing proof of identification such as mailed voter-registration cards provides a document all registered voters possess and alleviates concerns about potential voter impersonation.

- **Deceptive Practices**: Deceptive practices and misinformation place additional strains on voters and election officials. Election officials can combat these problems by engaging in public education and outreach efforts, disseminating pre-election mailings to registered voters containing the time, date, and locations of elections, and quickly countering misinformation.

- **Supporting the EAC**: The EAC is needed now more than ever to provide support, ideas for improvement, and information regarding election integrity to election administrators through its research, resources, data collection, and best practices. It is essential that the Commission be reinvigorated and empowered to continue its work.

- **Cooperation with Civic Society**: It is important for election officials to work closely with non-partisan organizations that address voting rights. These organizations can offer practical solutions to issues as they arise and connect the election administrators with the community.

DETAILED DISCUSSION OF RECOMMENDATIONS

The common threads throughout the Lawyers' Committee's recommendations are the need for proper planning, data collection and analysis, and increased resources.

Planning for Elections

A comprehensive written plan is indispensable in order for any business, project, or program to be successful. The same concept should be applied to election administration. Reports made to the 1-866-OUR-VOTE Election Protection Hotline administered by the Lawyers' Committee are replete with voter complaints resulting from insufficient planning and a failure to adjust to the changing circumstances innate to planning elections. An Election Administration Plan ("EAP") is a straightforward concept: it is simply a central written plan that details the major components of running a successful election. An ideal election administration planning document would cover the following topics:

- Selection of polling locations
- Polling place management and operation
- Poll worker recruitment, staffing levels, and training
- Resource allocation
- Materials preparation (e.g., ballots, pens, privacy screens)
- Time accounting for ballot length
- Communications protocols
- Voter outreach and education
- Contingency planning
- Voter registration
- Absentee voting
- Early voting (if applicable)

EAPs are useful because they serve as an internal planning document for administrators and a central catalogue of all election administration planning. Local election jurisdictions can develop, update, and refine the EAPs between election cycles based on successes and problems identified during a prior election. EAPs are a logical solution to the complexities of election administration and promote efficient administration to improve the voter experience. Written plans help promote:

- Consistency
- Quality
- Specificity
- Efficiency

Further, as explained below, in Ohio it has been a proven model that can fundamentally improve elections, reduce wait times, and protect voters.

Ohio EAPs – A National Model:

The concept of a comprehensive written planning document has proven remarkable in improving elections in the state of Ohio. In the 2004 election, Ohio experienced a systemic breakdown in the voting process. Throughout Election Day, voters around the state experienced exceptionally long lines, voter registration problems, confused and undertrained poll workers, nonfunctioning and malfunctioning voting equipment, and widespread misallocation of resources. Voters were forced to wait between two and twelve hours to vote because of these problems. Long wait times caused voters

to leave their polling places without voting in order to attend school, work, or family responsibilities or because a physical disability prevented them from standing in line. In several counties poll workers misdirected voters to the wrong polling place, causing them to attempt to vote multiple times and delaying them by several hours. Registered voters were denied the right to vote because their names were missing from the rolls.

The Lawyers' Committee and several partners, representing the League of Women Voters of Ohio ("LWVO") and a number of Ohio voters, brought suit against then Secretary of State of Ohio Ken Blackwell in 2005 alleging constitutional violations under the Equal Protection and Due Process Clauses of the 14th Amendment based on the unevenness and overall inadequacy in the way Ohio conducted the 2004 election and prior elections. The case resulted in a settlement agreement which now requires, among other obligations, that all 88 Ohio counties produce Election Administration Plans prior to every general and presidential primary election. The settlement requires Ohio counties to plan for the following administrative operations:

- Resource Allocation
- Security
- Election Day Communication
- Materials
- Election Day Contingencies
- Poll Worker Recruitment, Training, and Accountability
- Voter Registration
- Absentee Ballots
- Production of a Master Calendar

The settlement agreement covered federal and statewide elections in even-numbered years, but as a demonstration of the value of the plans, then-Secretary of State Jennifer Brunner subsequently issued a directive requiring the plans for other elections. The statewide adoption of EAPs, in conjunction with the adoption of additional voting opportunities through early voting and no-fault absentee voting, has transformed the election system in Ohio. Though problems certainly persist in the state that impact the voting experience – such as voter registration problems, issues with poll worker training, lines, and machine breakdowns – Ohio voters tend to encounter much fewer Election Day problems than states like Florida, Virginia, Michigan, Georgia, and Pennsylvania.

Considerations, Recommendations, and Best Practices to Promote Efficient Election Administration Planning

Selection, Design and Layout of Poll Locations:
In determining the location of polls, careful consideration must be made of the number of registered voters, the community served by the poll, and the resources of different locations. Large, multi-precinct poll locations should be avoided. If a multi-precinct location is used, clear signage, organization, and additional poll worker training must be employed to ensure voters are properly directed to their correct precinct line as they arrive at the poll and redirected to their precinct to vote a regular ballot if they are misdirected.

In choosing poll locations, officials should also take into account the availability of parking, accessibility to public transportation, and the lay out of the voting rooms. There should be space to add additional check-in tables, privacy booths, and other machines if a poll needs additional resources

during the day. There should also be room for voters with disabilities, the elderly, or others who cannot stand in line to sit while waiting to vote.

The organization of the polling location can make the difference between a chaotic and organized election and drastically impact a voter's Election Day experience.

Polling Place Coordinators:
Dedicated polling place coordinators can significantly reduce the length of lines and improve voter satisfaction. Coordinators serve as customer service agents for voters and can assist voters to ensure they are in the correct polling place, and in sites with multiple precincts, in the correct line for voting. This dedicated role can also help prevent the bottlenecks that occur at the check-in table, answer questions from voters as they arrive at the polls further reducing the pressure at the check-in desk, and provide special assistance to elderly voters and voters with disabilities.

In 2012 in Wisconsin, polling place coordinators were a tremendous resource to voters by providing assistance and maintaining order. At polling sites that lacked coordinators, the difference was clear. At one large polling site in Milwaukee voters reported waiting in line for an hour only to be told that they were in the wrong polling location. Polling place coordinators are particularly important at polling locations with multiple precincts. In Detroit, voters reported chaos and hours of delay at polling locations at multiple-precinct polling locations because voters did not know which line to stand in and no one was directing voters to their correct precinct line. Voters essentially had to guess which line to stand, which not only added to wait times but also risked lost votes since Michigan disqualifies provisional ballots cast in the wrong precinct.

Use of Electronic Poll Books:
Electronic poll books improve the bottleneck at voter check-in by simplifying and automating the process thus improving speed, accuracy, and service. Electronic poll books allow poll workers to quickly find registered voters, redirect voters who are in the wrong polling location and can be updated close to the election to incorporate voters who voted early or absentee.

The majority of the Florida's 67 counties use electronic poll books during early voting, but use pre-printed precinct registers on Election Day causing poll workers to take a considerable amount of time to find the voter's name. If a voter does not appear on the register or there is a question about their eligibility, poll workers are required to look up the voter on a laptop or call the election office to determine if the voter is in the wrong precinct. Across the state, poll locations did not have enough laptops. For example, call volume to the Miami-Dade elections office exceeded 7,000 calls, creating huge bottlenecks during voter check-in. Additionally, precincts received one set of precinct registers that are split into three groups by surname (A-G)(H-O)(P-Z). At some locations the line for one last name grouping was long while another was nonexistent leaving voters and poll workers frustrated without any means to rectify the situation.

Electronic poll books would drastically improve the process. Poll workers would not need to waste time searching paper books, and, they would have the county-wide registration list at their fingertips to quickly redirect voters, removing the unnecessary and time consuming step of calling the elections office. The need to split the registers would be eliminated and improve the speed, accuracy, and service of the check-in process.

Poll Worker Recruitment:
Most voting experts accept that it is important to create a diverse and professionalized pool of poll workers – a poll worker recruitment strategy is key to accomplishing this. Examples of strategies include:

- Creating a network of community alliances between election boards and civic institutions to diversify and expand pool of poll workers such as law schools, county workers, local corporations, churches, and community organizations
- Recruiting poll workers comfortable with technology
- Public awareness campaigns to recruit poll workers at county offices, community events, universities, and centers of economic activity such as malls or grocery stories
- Informational flyers and pamphlets on poll worker duties and obligations
- Social media outreach
- Contingency plans for an insufficient number of poll workers
- Creation of a timeline for poll worker recruitment.

Poll Worker Training:
Because poll workers are the gatekeepers for voter access to the ballot, any error made by poll workers can mean the difference between an individual being able to vote or not. However, with constantly changing election laws – including the spate of new laws implemented across the country since the 2010 elections – not all poll workers were properly trained on new policies and procedures. Poll workers need to be comfortable with technology and well trained on voting systems, laws, and rules.

In the last election, poor poll worker training was detrimental for voters. For example, it resulted in the erroneous early closing of polls, exacerbated existing barriers to the ballot because of confusion over and misapplication of new voter identification requirements, and unnecessary use of provisional ballots, all of which led to mass confusion and even erroneous disenfranchisement of eligible voters. It is essential that, at a minimum, all poll workers receive accurate instruction on their duties, responsibilities and changes in voting laws. New poll workers need to have trainings reinforced. A one day training, weeks or months before an election, often overloads a poll worker with information that is easily forgotten. Creating additional online trainings, take home training documents, and other continuing education programs can greatly improve the process.

Resource Allocation:
Responsible allocation of voting machines, voting booths, and ballots helps reduce lines by ensuring there are enough voting resources for the expected voter turnout at a given polling location. Administrators should prepare for machine breakdowns causing further shortages. This can be accomplished by establishing a formula for a minimum number of items – such as voting machines, voting booths, ballots, and provisional ballots – per registered voters assigned to a given precinct. Allocation should also include a minimum number of accessible voting machines or booths per polling location. A deficiency in the number of polling machines or booths is a chronic issue that contributes to voting lines.

Election Materials and Supplies:
A materials checklist is essential to efficient polling location operations. Election materials can include any number of things such as:

- Handbooks, quick reference guides, and other assistive documents for poll workers

- Provisional ballot envelopes
- Signage
- Pens
- Voting stickers
- Sample ballots
- Supplemental voter registration lists
- Precinct and polling location maps
- Emergency contact information
- Clipboards

Ballot Length and Design:
Ambiguous, confusing and poorly designed ballots increases the time per voter and can cause voter confusion. The lay-out of ballots requires extensive testing and careful considerations of all elements of the ballot including: clear headings, directions and font size.

Long ballots, with multiple ballot measures, were a major contributing factor to the lines in Florida during the 2012 election. The ballot in Miami ran 6 pages long due to 11 state constitutional amendments and 10 county charter questions. These constitutional amendments were written on the ballot in full, instead of being summarized. This caused a number of problems. First, it took voters longer than usual to actually vote. Voters had to take the time to understand the measures and make sure they were voting correctly. Voters reported feeling rushed and unsure that they voted correctly. Restrictions on ballot measure length to a 75-word maximum and on the number of measures included on the ballot would have eased this problem.

Second, the length of the ballot caused bottlenecks at optical scan machines as voters put numerous pages through the machine for counting. Compounding the problem, if a voter undervoted, the machine would kick back their ballot. During the early voting period, the county added 33 scanners to polling locations that were experiencing problems, however, additional optical scan machines were needed. Some poll workers advised voters to leave their voted ballots in a box but did not explain the process or assure the voter that their votes would be counted. We received numerous calls from voters who feared their votes were not counted.

Contingency Planning:
Contingency planning is essential to ensure jurisdictions are prepared to adjust to changing circumstances that can occur on Election Day. An ideal contingency plan covers several components of polling place operations and provides detailed information on how the county will deal with significant shortages or failures of election equipment, ballot shortages, poll worker shortages, and emergencies in case of power outages or natural disasters. The Lawyers' Committee saw the importance of this during Superstorm Sandy as New York and New Jersey officials had to scramble to create and implement a plan when regular polling places were no longer available and voters were no longer in the vicinity of their home precincts. The Lawyers' Committee will be releasing a report later this year on best practices for emergency planning.

Communications:
Election Day communications protocols help ensure that problems are efficiently reported up the chain of command as they arise. The Election Day communications component of the plan would address the specifics of how boards of elections will communicate with polling places, the Secretary of State, media, and the public, and how each of these entities will communicate with the boards of elections.

If a polling place runs out of ballots, there needs to be a procedure to notify officials to have more delivered. Additionally, if polling hours are extended, there must be a way to notify polling locations and the public so everyone has an equal opportunity to take advantage of the extended hours. These protocols can also help combat deceptive election information that may be disseminated to voters and ensures there is a plan to quickly get correct information to voters before the bad information prevents them from casting an effective vote.

Funding and Resources:
In the current economic climate, states and counties have faced budgetary restrictions and chronic underfunding of elections, with many unable to marshal the full resources necessary to ensure that things run smoothly on Election Day. As a result, administrators have to make tough decisions about how to spend their limited budgets and allocate resources. Unfortunately, these decisions have a significant impact on both election officials and voters, particularly when shortages and miscalculations lead to long lines and disorganization. Resource issues also frequently impact the registration process, poll worker training, and election technology. Because running elections is a core government function, it is essential that our voter registration system is updated from the error-laden and cumbersome paper-based system of the past, voting technologies are funded and modernized so that they pay dividends into the future, and poll workers are adequately trained to troubleshoot machine errors and assist voters.

Capitalizing on Technology to Upgrade American Elections

Capitalizing on existing technology is central to improving the voting experience. It is unjustifiable that American elections rely on a paper-based registration process, antiquated voting machines, and inadequate database management. The Lawyers' Committee's decade of experience administering the Election Protection program shows that voter registration is the single largest voting problem experienced by voters. The Lawyers' Committee has received thousands of reports from voters who believed they were properly registered but were inexplicably missing from the rolls when they went to vote.

Upgrading Voter Registration:
The voter registration process directly affects voters' experience on Election Day. The current voter registration system is the single largest factor that causes strain, lines, and disenfranchisement on Election Day and is consistently the number one problem reported by voters to Election Protection. The last minute surge of voter registration applications at the end of the registration period causes an excessive burden on election officials. This inevitably increases Election Day problems for voters.

Because of the backlog and inefficient technology, election administrators and poll workers often issue supplemental poll books which can be different from the statewide or county voter registration list and are sometimes not even provided to poll workers on Election Day. This was apparent in Fulton County, Georgia in 2012 when supplemental poll books were missing from certain polling locations which caused a surge in provisional ballots; several of these polling locations ran out of provisional ballots and voters had to wait hours for more to be delivered.

The confusion that results from inaccurate voter rolls places stress on polling place operations, is a time drain on both poll workers and voters, and leads to disenfranchisement of eligible and qualified voters who did everything they were supposed to do to cast a ballot. Further, in a country where one in six Americans move every year, the current voter registration system is simply not designed for a

mobile society: of the 57 million citizens who were not registered to vote in 2000, one in three was a former registered voter who had not re-registered after moving. According to the Pew Center on the States, one in four voters incorrectly believe that when they change their address at the post office, their voter registration will be automatically updated. Registration problems alone kept up to 3 million eligible Americans from voting in 2008.

Technology can transform voter registration in the United States and would result in clear improvements over the current process. Voter registration rolls would be more accurate and reliable which would significantly reduce lines on Election Day. Election officials would benefit from a streamlined process that utilizes technology to improve efficiencies, capitalize on scarce resources, and make better use of staff time. It is time to take America's voter registration system into the 21st century.

Ways to Improve Voter Registration through Technology:

- ✓ Automated Voter Registration
- ✓ Portable Voter Registration
- ✓ Online Voter Registration
- ✓ Election Day Correction

Automated Voter Registration*:*
The current paper-based system, which relies on processing millions of voter registration forms, is inefficient, error-prone, and results in too many registrations falling through the cracks. A 2008 study from CalTech and the Massachusetts Institute of Technology found that approximately 2.2 million votes were lost because of registration errors. Another study conducted by Pew Center on the States found that nationwide 12 million registration records have incorrect addresses.

Technology provides a commonsense solution. Electronic data transmission should be the primary means by which information is gathered and transferred for large scale data transfers of voter registration information, instead of an inefficient and outdated paper-based system. Automation is already used in several states across the country. For example, Washington, Kansas, South Dakota, and Delaware have all now successfully automated the process to some degree.

It is important to emphasize that automation must be properly implemented. In certain states that use automation to transfer voter data, voters experience problems because the relevant state agencies use incompatible software. For example, the Georgia motor vehicle agency software is not compatible with the Secretary of State's database software which results in voter information getting lost in the transfer (this has been an ongoing and uncorrected problem for several years). Ohio has experienced similar problems, though the state has recently taken steps to correct the problem.

Online Voter Registration:
Online voter registration has gained bipartisan momentum in the states. In an online registration system, voters access a secure website operated by the state or local election authority, affirm his or her eligibility to vote, and enters his or her name and other identifying information required to register.

Because of signature requirements, states that have adopted online registration require the voter to have a record on file with the state motor vehicle authority for signature verification purposes. It is critical that online registration signature verification expands beyond motor vehicle agencies because

many historically disenfranchised communities – such as minorities, persons with disabilities, students, and the elderly – are less likely to possess the types of ID issued at motor vehicle agencies. States that institute online registration should adopt additional methods of acquiring signatures such as mailing a return postcard, providing signatures at the polls, or linking with other state databases. Additional verification besides signatures can also be used, such as the last four digits of a voter's social security number.

Portable Voter Registration:
Portable voter registration allows voters who have moved within the state to cast regular ballots on Election Day without having to re-register. States can achieve portable registration through automatic address updates from other databases that capture voters who have moved and register them at their new address upon the voter's confirmation of the new address or through Election Day procedures.

Election Day Correction:
States should employ fail-safe procedures so that eligible voters whose names do not appear on the voter rolls or whose information is not up to date can correct the rolls on Election Day. This would greatly reduce problems with data entry errors and out-of-date registrations. Under a fail-safe correction system:

- Eligible voters whose names do not appear on the list can correct information that appears in the voter file, update their address, and vote a regular ballot on Election Day.
- Polling places can be equipped with electronic poll books which permit election officials to use real-time information in the database to enter changes and ensure against duplicate registrations or fraud.

Although much of the infrastructure and technology for upgrading our nation's voter registration system is either already in place or available, further resources and more sophisticated technology are needed to fully implement this critical reform.

Same-Day Registration:
Same-day voter registration is an important tool for promoting high voter turnout as it is a convenience for voters that promotes efficiency and quicker lines. By allowing voters who do not appear on voter rolls to register when they go to vote, poll workers are spared the burden of searching through voter rolls that are frequently found to be out of date (or missing entirely) and of administering provisional ballot procedures, which complicate polling place operations and create delays in the voting process for everyone. Same-day registration would reduce the likelihood that a voter will be disenfranchised and allow county clerks to avoid the tedious process of processing these ballots. Moreover, in presidential elections, same-day registration states have typically had the highest participation levels. One example of successful same-day registration program can be seen in Milwaukee, Wisconsin, which had voter turn-out of 87% in the 2012 election cycle, including over 48,000 voters who registered on Election Day. Offering same-day registration for the last 35 years has not only promoted enthusiasm from voters, but it has also contributed to the ability of poll workers to smoothly administer the process.

In the same vein, as explained in the previous section, Election Day correction is essential to having a process that accounts for human error, reduces the complexities associated with inaccurate voter registration information, and avoids the possibility that an eligible voter's ballot will not count.

Reducing Wait Times through Policies That Gives Voters More Choice

Voters in states that have robust early voting programs, like North Carolina and Nevada, reported far fewer Election Day problems to Election Protection than states with less or no early voting opportunities. Without early voting opportunities polling place congestion intensifies, poll workers are more strained, and voters pay the price. Voters who have unavoidable work responsibilities or child care obligations often cannot wait in line for hours to vote. Seniors and individuals with disabilities are also disproportionately impacted by long voting lines. Early voting also helps with unforeseen events such as the impact of Superstorm Sandy in 2012 – voters in New York and New Jersey would have benefited greatly if early voting had been available.

Early Voting:
Early voting keeps up with modern society by providing Americans with opportunities to vote in-person before Election Day when it is convenient for them and thereby eases both the demands placed on election administrators on Election Day and length of lines in which voters must wait prior to casting their ballots. 32 states and the District of Columbia provide voters with the opportunity to vote early.

As efforts to encourage the remaining states and territories to adopt early voting continue, the Lawyers' Committee recommends the following:

- *Increasing Days* – Increasing the number of days in which eligible voters are able to cast their ballots early during this period is vitally important to ensuring that all voters who wish to vote prior to Election Day are able to do so. For example, a 2011 Florida law reduced early voting from 14 to 8 days and eliminated early voting on the Sunday prior to Election Day. These changes forced early voters to wait in incredibly long lines throughout the duration of the state's early voting period.
- *Increasing Locations* **-** Adding more early voting locations that are suitably located is another important consideration to an efficient and effective early voting system. The same 2011 Florida law discussed previously also limited early voting sites in the state to public libraries, city halls, and county election supervisor offices. Unfortunately, they frequently did not have adequate staffing, adequate allocation of voting machines, space for additional machines, room for voters with disabilities and elderly voters to sit down, or parking, and this further compounded the problem of long lines created by reduced early voting days.

No-Excuse Absentee Voting:
All states provide some form of absentee voting. In 21 states, however, voters are required to provide an excuse in order to vote absentee. A move toward no-excuse absentee voting in those states would not only make the voting process more convenient for eligible voters, but it would also help reduce the lines and confusion on Election Day.

Racial Inequities in Wait Times

A growing body of data suggests that the problems with wait times are not equally shared among the electorate. Based on our experience of Election Protection, racial minorities are hit hardest by long lines and extended wait times. Moreover, a recent study by Charles Stewart III (found here http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2243630) indicated that nationally in 2012, the average wait time for African-American voters nationwide was 23 minutes and Hispanics waited 19

minutes while non-Hispanic whites only waited an average of 12 minutes. Wait times especially impact minorities who reside in urban areas, where there is a higher number of voters assigned per precinct which results in greater traffic at polling places. Election Protection documented this problem in urban centers in Georgia, Ohio, and Florida. These concerns must be taken into account when planning for elections and allocating resources.

The Impact of Reduced Early Voting Opportunities and Voter Registration on Racial Minorities:
Other problems with the 2012 election also had a disproportionate impact on minority voters. Voter registration rules that do not include a portability component disproportionately impact minorities, who bear a remarkable mobility gap when compared to whites. Data also suggests that early voting opportunities – which were targeted for cuts in several states in 2012 – are also used disproportionately by black voters. A 2012 study by the Lawyers' Committee, *Early Voting Patterns by Race in Cuyahoga County*, *Ohio* found that in the 2008 general election African-American voters were approximately 26 times more likely to vote early in person than white voters. Statistical analysis uncovered in Florida litigation involving a proposed change that would cut early voting found that in 2008 approximately 53% of African-American and 32% of Hispanic voters voted early compared to 27% of white voters. In North Carolina, which has recently targeted early voting for cuts, state data shows that black voters used early voting at higher rates than other voters: African Americans comprised 29% of early voters as compared to 22% of the total number of registered voters.

Limited English Proficiency Voters:
Voters with limited English proficiency ("LEP voters") face unique challenges. When poll workers and voters cannot communicate with one another it inevitably affects polling place operations not just for those voters, but for everyone in line because it takes longer to process those voters. Despite the important right to language assistance LEP voters have in jurisdictions covered by Sections 4(f)(4), 203 and 208 of the Voting Rights Act, in 2012, as in past elections, many LEP voters did not receive adequate assistance because of a lack of resources in their language, poor planning by election officials, or insufficient training of poll workers which increased the propensity for lines and general confusion at poll locations. The two most commonly reported problems for LEP voters on Election Day throughout the nation were the denial of their right to obtain assistance from a person of their choice and the availability of bilingual poll workers. It is important for Election Day operations to identify where these communities reside, not just for jurisdictions covered by the language minority provisions of the Voting Rights Act, but for other communities with high concentrations of LEP voters.

There are several measures election administrators can adopt in advance of Election Day to lessen the communication problems that arise with LEP voters. For example, prior outreach to these communities with voter information in the relevant minority language can reduce check-in and voting times for LEP voters. Election officials can work with other government agencies such as schools and public assistance agencies as well as community organizations to identify where these communities reside to better target their LEP voter outreach program. Jurisdictions with LEP communities should also plan to recruit bilingual poll workers and staff.

Moreover, bilingual poll worker trainings should be focused on the type of LEP assistance they are expected to provide so they can be effective. It is not atypical for bilingual poll workers to be sitting off to the side while LEP voters trying to check in are having problems. This affects not only the LEP voter but other voters who are waiting in line longer because of language barriers. One example from 2012 where bilingual assistance and resources were available but not effectively used was in

Hamtramck, Michigan, where poll workers refused to inform voters of the availability of Bengali ballots, claiming that this would amount to racial profiling. Election Protection volunteers reported a chaotic scene at the Hamtramck polling location.

Jurisdictions can also work with community organizations to fully understand the needs of these voters and how to optimally ensure voters are properly informed when voting. During early voting, the problems at the North Miami Library are an example of what can occur when there is not thorough planning. The library served a large Creole speaking Haitian-American population and many voters required translation assistance at the polls. Voters were allowed assistance by two poll workers or a person of their choosing. However, the county did not staff the poll with Creole speaking poll workers and voters relied heavily on community groups volunteer assistance. Unfortunately, poll workers were not clear on this option for voters and were persuaded by a poll monitor to remove these assistors from the polls causing more confusion and problems at this location.

In other jurisdictions, such as a polling place in St. Paul, Minnesota, Election Protection learned that LEP voters were asked to provide identification, even though the state lacked a voter identification requirement. The volunteers reported that poll workers claimed they could not understand certain voters when they pronounced their names; therefore, it was easier to look at the name on the identification. This request created a false impression that identification was required. Similarly, at a polling place in Philadelphia, Pennsylvania, poll workers asked LEP voters to write their name on a piece of paper, creating a separate list of the Spanish-speaking voters who requested a ballot. The requests for identification and the creation of a separate list would not have been necessary if the polling places had poll workers who spoke the covered language. All these instances are examples of how ineffective language assistance impacts the wait times and experience of voters in LEP communities.

Addressing Election Integrity

Election integrity is an issue of great importance to the American people. The best way to ensure integrity, transparency, and accountability in elections is through systematic and accurate election data collection from election officials, poll workers, and voters. Furthermore, to the extent that jurisdictions are worried about voter fraud or impersonation and require certain forms of voter identification, those identification requirements should not be so cumbersome as to impose unreasonable burdens on eligible voters, especially for historically disenfranchised groups such as minorities, seniors, students, and individuals with disabilities. Deceptive election practices – which are intentional attempts by anonymous individuals to mislead voters to prevent them from voting – must also finally be addressed through appropriate legislation.

Importance of Election Data:
Accurate and reliable election and voting data is undeniably important for improving the voting process. Without accurate data about the successes and failures in election administration, it is difficult – if not impossible – to address procedural problems to make elections run more smoothly for voters, election officials, and poll workers. At this time, the EAC's Election Administration and Voting Survey ("EAVS") contains the best national data on elections, but significant deficiencies remain in large part because the quality of the data received by the EAC varies by state. As such, support for the EAC's data collection effort is vital. That support should be augmented by post-election evaluations from election officials and poll workers to figure out what worked and did not

work in the election process. For example, in Ohio poll workers log voter issues and problems that arise on Election Day and conduct a post-election evaluation of poll workers to promote integrity, transparency, and evidence-based solutions. Not only would such additional data provide information on what and how to improve elections, but it also provides a means by which election administrators can be held accountable.

Voter ID:
To the extent jurisdictions have voter identification requirements, these requirements must not disenfranchise eligible voters. There are ways to achieve the goal of protecting against potential voter impersonation schemes while ensuring that every eligible voter is able to cast a meaningful ballot. For example, including a voter registration card as an acceptable identification and mailing the card to every registered voter prior to the election provides proof of identification that every registered voter should possess while alleviating concerns about potential voter impersonation.

Deceptive Election Practices and Misinformation:
Intentionally deceptive election practices – and even misinformation that is unintentional – remains a problem in the electoral process that can cause issues at the polling place. Examples include attempts to confuse voters about straight-ticket voting (such as "if you do not vote a straight ticket, your vote will not count" or descriptions of specific processes that must be followed in order to "properly" cast a ballot), misleading robocalls, live phone calls, online posts and websites, flyers or letters (featuring incorrect or distorted information about polling place locations, election dates, registration processes, etc.), and various forms of voter intimidation (such as use of racial slurs, verbal or implied threats of violence or police action, etc.). Deceptive election practices can have a serious impact on elections, placing additional strain on both voters and election officials. Not only do they hinder the ability of the voter to cast an effective ballot, they also have the potential to create widespread confusion regarding where and how to vote. Election officials can combat these problems by engaging in public education and outreach efforts such as public service announcements and sending notifications and pre-election mailings to registered voters containing correct information on the date, time, and locations of elections.

Importance of Voter Experiences

Nobody knows the problems faced by voters than voters themselves. Accurate collection of information regarding voter experiences is also vitally important to improved election processes. Sometimes there is a tendency by election administrators, academics, and researchers to focus solely on major data points, yet the importance of anecdotal information reported directly from voters must be elevated. Sources such as OVL, which contains first-hand, factual accounts from voters regarding what actually transpired during elections over the past decade, is a tremendously useful repository of voters' experiences. Analysis of this data by election administrators regarding the successes and failures perceived by voters could be of great use in improving the process for future elections. Election boards should also be encourage to hold field hearings so voters can share their experiences and election administrators are better position to learn about and solve voter problems.

Supporting the EAC

The EAC is the principal federal agency charged with aiding the administration of federal elections and is vital to the health of our democracy. Since the EAC's inception, it has helped improve and modernize our nation's election system and continues to have a crucial role in improving the American election system. With voters becoming increasingly outraged at problems with election

administration, such as long lines to cast ballots, for example, the EAC is needed now more than ever to provide support, ideas for improvement, and information regarding election integrity to election administrators through its research, resources, data collection, and best practices. It is also vital that the EAC be able to continue serving as a forum through which election administrators can share experiences, solutions, cost-saving measures, and ideas for improved efficiencies. Because running elections is a challenging task for even the most experienced election administrators and because efficient and secure election administration is essential to ensuring that voters are not arbitrarily disenfranchised, it is essential that it be reinvigorated and empowered to continue its work.

Cooperation with Civic Society

It is also helpful for election officials to work closely with non-partisan organizations that address voting rights. These voting rights advocates carry a special expertise regarding voting issues and generally desire the opportunity to assist election officials. These organizations can often offer practical solutions to issues as they arise for election officials and can exist at the national, state or local level. Most importantly, these organizations can serve as a trusted voice in the communities that are most often left out of the electoral process. Election officials must ensure that the organizations are non-partisan.

Election Administration in the States and Experiences During the 2012 Election

At the Commission's request, the Lawyers' Committee sought to identify jurisdictions that had significant problems on Election Day, have implemented reforms leading to positive outcomes, or have innovative programs that serve as examples of best practices for administering elections. Because within some states – and even within some local jurisdictions – there were examples of both best practices and problems, the Lawyers' Committee has provided an index, listed alphabetically by state, followed by a discussion of each of the issues we have identified.

California
Issues with Voter Registration List Maintenance and Provisional Ballot Problems
Issues with Voter Intimidation

Colorado
Modernized Voter Registration & List Maintenance
Expanding Voting Opportunities and Voter Service Centers
Election Integrity

Florida
Ballot Length
Resource Allocation
Restrictions on Early Voting Locations
Polling Place Management and Technology
Poll Worker Staffing and Training
Polling Place Management
Polling Place Coordinators

Georgia
Voter Registration Problems
Inadequate Materials Preparation
Problems for Students at Historically Black Colleges
Early Voting Lines

Illinois
Contingency Planning
Electronic Poll Books
Early Voting
Voting by Mail
Minority Language Voters
Voters with Disabilities

Maryland
Long Lines during Early Voting
Long Lines on Election Day
Voting Machine Failures
Provisional Ballots
Accessibility Problems

Michigan

Problems with Lines, Staffing, and Voting Machine Breakdowns
Acute Problems at Multi-Precinct Polling Places
Problems for Limited English Proficiency ("LEP") Voters

New York and New Jersey
Importance of Emergency Planning

North Carolina
Early Voting and Same Day Registration
Beneficial Responses to Reported Problems

Ohio
Poll Worker Recruitment, Training, and Accountability
Resource Allocation
Election Day Communication
Materials and Supplies
Working with Civic Organizations
Comprehensive Election Administration Planning Has Resulted in Clear Improvements, but No Silver Bullet

Pennsylvania
Poll Book Errors
Poll Worker Training & Photo ID Confusion
Provisional Ballot Issues
Polling Place Problems
Inadequate Language Assistance

South Carolina
Resource Allocation
Polling Place Management

Texas
Voter Registration
Polling Place Management
Poll Worker Training

Virginia
Long Lines
Poll Worker Training
Lack of Resources

Wisconsin
Centralized Non-Partisan Election Administration
Polling Place Coordinator/Greeters
Allowing for Electronic Identification
Deputizing Emergency Poll Workers
Same Day Voter Registration

California

Issues With Voter Registration List Maintenance and Provisional Ballot Problems
In California, issues arose statewide with voters who showed up at the polls believing they had properly registered only to find out they had not been added to the voter rolls. California has been slow to comply with the HAVA-mandated statewide voter registration database and continues to be in noncompliance, which has been a very significant ongoing problem for voters attempting to cast their ballots. California plans to have the statewide voter registration database in place by June 2014, but this provided little solace to voters who encountered voting problems in 2012.

The problems associated with California's voter registration database correlate to a persistent problem with provisional ballots: California consistently has one of the highest rates of provisional ballots when compared nationally. The huge number of provisional ballots cast in California is a drain on the system, which requires extra resources, staff time, training, and contingency planning. Election Protection reported that the resources and training were not there in 2012, which led to polling place problems and many voters feeling that the integrity of their vote was compromised.

California's voter registration deadline is 15 days prior to Election Day, but many counties did not update their voter rolls in time for Election Day. In part, this is due to the implementation of the online voter registration system, which became available for voters on September 19, 2012. The online voter registration system is believed to have increased voter registration and turnout, particularly for lower-income voters and youth. The online voter registration system increases access and facilitates registration, however, the State's failure to provide resources for implementation created problems for overburdened county election officials. As a result, many voters reported not appearing on the voter rolls despite having properly registered. This problem was compounded by poll worker misinformation about provisional ballots. A voter in Oakland who registered online in September later contacted the County Registrar and found out that he was never added to the voter registration rolls. He was told that, because he was not registered, his vote was unlikely to be accepted even if he cast a provisional ballot.

The problems were not limited to newly registered individuals. A voter in Ventura County who registered and voted in 2008, was not on the rolls in 2012 and was turned away without the opportunity to cast a provisional ballot. Similarly, a voter in San Mateo County was told her name was not on the registration rolls, despite having registered and voted in 2010. A voter in Monterey Bay, who voted absentee in 2008 and 2010, did not receive his absentee ballot in 2012, and upon reporting to his polling place, he was told that his name was not on the voter roll.

Poll workers need improved training on provisional ballot procedures, particularly when to issue provisional ballots. Election Protection leaders noted that many voters reported they were simply given provisional ballots, without being informed of the option to go to their correct polling place where they would be allowed to vote a regular ballot, while other voters were turned away without being offered a provisional ballot. For example, one voter in Sacramento reported to the same polling place where she voted during the last federal election, only to be told that she was not registered. When the voter requested a provisional ballot, the poll worker denied her request and sent her away, stating, "[i]t's not going to count anyways, so why bother?"

Additionally, due to the large number of provisional ballots issued, several polling places ran out of provisional ballots and supplies. In East Palo Alto, for example, voters reported that the entire City Hall polling location had run out of provisional ballot envelopes before 10:00am. Running out of provisional ballot envelopes not only keeps voters waiting, it also presents ballot security issues, increases voter dissatisfaction, and has the potential to distract poll workers – all of which affect over all polling place management and added to wait times.

Lastly, many online registrations were in fact, re-registrations, which likely could have been avoided if the State provided an online system for voters to verify their registration status and address.

The range of issues stemming from a bad voter registration system is troubling and adds to voter confusion, creates unnecessary delays, adds to wait times, and too often the consequence is disenfranchisement.

Issues with Voter Intimidation
Issues of voter intimidation persist and have a serious impact on voters' experience and their confidence in our system of elections. It was reported in many parts of California that poll workers improperly asked voters for photo identification prior to issuing them ballots, even though the state does not require photo identification to vote. In some instances, voters were actually turned away from the polls because of this issue – this is a problem that is reported across the nation to Election Protection from states with no photo identification requirement.

California voters also dealt with racial slurs and intimidating comments from poll workers, such as one in San Diego who called a Latino voter a slur upon hearing his Spanish surname. Voters in Fresno reported feeling uncomfortable because of comments made by a polling place supervisor who was targeting Latino voters and saying, "I hope you are voting for the right person." In Fresno County, a third party group was reported to have stood approximately five feet from the ballot box and registration table and took notes as each voter announced his/her name and address to the poll worker. Voters reported feeling intimidated, but poll workers refused to remove the challengers or limit the number of them allowed in the polling place.

Colorado

Colorado's state legislature took huge strides towards improving the voter experience by passing HB 1303, the Colorado Voter Access & Modernized Elections Act, in 2013.

Modernized Voter Registration & List Maintenance
HB 1303 gives eligible voters multiple opportunities to register and update their registration information, which greatly improves accuracy of the voter registration rolls and provides election administrators with the most up-to-date voter information. Having accurate voter registration rolls has a huge impact on line management, and giving voters more opportunities to get their information into the system is an optimal way to keep rolls accurate and reliable. HB 1303 does this in several ways. First, it changes the voter registration deadline and state residency requirement to 22 days before an election. After the voter registration deadline, eligible citizens may still register or update their information in person at County Clerks' offices and other voter service centers (newly established under the law) up to 15 days before an election. The law also allows eligible voters to register online via the state Online Voter Registration system, which remains available up to 8 days before an election.

The new law also, importantly, eliminates the category of "inactive- failed to vote" ("IFTV") on registration lists, which voters previously were categorized as if they failed to vote in the previous general election. The use of the IFTV status created a number of problems for voters and election administrators alike, which led to voters being wrongly denied their ballots in certain elections simply because they failed to vote in a previous election. This added confusion to the process, leading to greater voter dissatisfaction and problems.

Finally, the law also introduces the National Change of Address database to the state for updating voter records, which also helps improve voter registration portability and list maintenance, leading to greater accuracy of the voter rolls.

Establishing Expanded Voting Opportunities and Voter Service Centers
HB 1303 establishes Voter Service and Polling Centers, a one-stop customer service center for voters to register or update their registration information, vote early, get their questions answered, have improved access to accessible voting machines, obtain replacement ballots, and solve other voting issues – all of which work to eliminate long lines on Election Day. Better still, the allocation of and resources available at the Voter Service and Polling Centers are determined by population. Accounting for variations in population and county resources not only ensures that urban counties can meet the demands of a larger voting population, it also ensures smaller, more rural counties are not burdened with the cost and requirements of having more service centers than are needed to accommodate their voters. The law additionally provides guidance and criteria for where to establish voter service centers, such as proximity to public transportation, equitable distribution across the county, and accessibility for voters with disabilities.

Election Integrity
HB 1303 creates the bipartisan Colorado Voter Access and Modernized Elections Commission, a two-year, eleven-member Commission to ensure election integrity in the future. The Commission is charged with preparing reports and holding hearings to evaluate the implementation of the bill and assess systems used in the state for voting and registration.

Florida

Ballot Length
The ballot in Miami-Dade County ran six pages long due to 11 state constitutional amendments and 10 county charter questions. The full text of each of these constitutional amendments was written on the ballot, which caused a number of problems. First, it took voters longer than usual to actually cast their ballots. Voters had to take the time to read all of the text and understand the measures in order to ensure that they were voting correctly. Possible solutions to this problem include restricting the length of ballot measures to 75 words each or having a summary of the measure on the actual ballot. Second, the length of the ballot caused bottlenecks at optical scan machines as voters put the numerous pages through the machine to be counted. Compounding the problem was the fact that the optical scanning machines kicked back voters' ballots if they under-voted. During the early voting period, the county added 33 scanners to problematic polling locations, however, this was not enough and additional machines were needed. Some poll workers advised voters to leave their voted ballots in a box but did not assure voters their votes would be counted or explain the process. Election Protection received calls from voters throughout early voting worried that their votes were not counted.

Resource Allocation
Deficient allocation of resources was a critical problem in Miami-Dade County. During early voting, the worst bottleneck was at check-in, where poll workers used electronic poll books connected to printers to print out the voter's ballot. This was largely a result of a reduced number of check-in stations (107 in 2008 and 98 in 2012) and an insufficient number of printers (the county only has 50). The county had found in previous elections that only 2 poll books should be connected to a printer to avoid a bottleneck when printing and distributing ballots. While more poll books were available, the printer shortage prevented the county from adding more staff and even more poll books to help ease the bottleneck at check-in.

Restrictions on Early Voting Locations
Florida law restricts early voting sites to public libraries, town halls, and election offices. These sites proved inadequate across the state due to a lack of space and resources. When facing increased turnout, many early voting locations were unable to add the needed number of privacy booths that could have helped ease the lines. While setting up additional privacy booths is easy and inexpensive, the layout of many of the early voting sites prevented this simple solution from being instituted. For instance, the layout of the North Miami Library prevented election officials from adding the number of privacy booths needed to address the location's crowds. Furthermore, there was little room for voters with disabilities and the elderly to sit to wait to vote in most early voting locations. In many locations, these voters were told they could not be accommodated and asked to come back later. For example, one diabetic voter in Orange County who had recently had foot surgery was told that there were no extra chairs when she asked for a place to sit and forced to stand in line for three-and-a-half hours prior to being able to vote. Another voter from Miami-Dade who was unable to stand in the four hour line was told to that there was no room for him to sit and to come back later; he had to come back to the early voting location twice before he was able to cast a ballot.

Polling Place Management and Technology
While early voting sites used electronic poll books, Election Day polling locations did not. The Election Day voter check-in process uses preprinted precinct registers that required poll workers to take time to find a voter's name. Then, if the voter did not appear on the registration list, the poll workers were supposed to look up the voter on a laptop or call the election office to determine whether the voter was in the wrong precinct. Unfortunately, many poll locations did not have enough laptops and call volume to the Miami-Dade elections office exceeded 7,000 calls. As a result, poll workers could not always get through to the elections office. Furthermore, each precinct received a set of precinct registers that are split into three groups by surname (for example, (A-G)(H-O)(P-Z)). However, at some locations the line for one last name grouping was long while another was nonexistent but, because the registers came split, poll workers had no way to rectify the situation. This left poll workers and voters frustrated and created huge bottlenecks at check-in. Electronic poll books, which would place the county-wide registration list at poll workers' fingertips and eliminate the need for poll workers to search paper books and make time-consuming calls to local election offices, would improve the speed, accuracy, and service of the check-in process.

Poll Worker Staffing and Training
The problems discussed above may have been blunted had poll workers been adequately deployed and thoroughly trained. Poll workers, who attend a one-day training weeks before the election, receive no supplemental or reinforcing training for the enormous amounts of information conveyed at the initial training session.

One example of the problem created by insufficient staffing and poll worker training was seen at the North Miami Library, which serves a large Creole-speaking, Haitian-American population and has many voters who require translation assistance at the polls. A previous consent agreement between the county and the Department of Justice required Miami-Dade to recruit bilingual poll workers and make other efforts to assist Creole-speaking Haitian-Americans. That consent agreement expired in 2006. While voters are allowed to be assisted by two poll workers or another person of their choosing, the County failed to staff the location with Creole-speaking poll workers, which forced voters to rely heavily on community groups volunteering their assistance. However, poll workers were not clear on this option for voters and were persuaded by a poll monitor to remove these assistors from the polls, prompting increased confusion and more problems for voters at the polling place. Election Protection immediately contacted the Supervisor of Elections who retrained poll workers at the site on the assistance provisions.

Polling Place Management
Election Protection received a many reports of voters who were dealing with chaotic scenes at multi-precinct polling locations. In Hillsborough County, voters arrived at a polling location that served three precincts, but had no idea in which line they should stand. The confusion about proper lines was compounded by the fact that the site only had three computers for voters to check their precinct numbers, all of which ran slowly and broke down at various times throughout the day. Voters who waited in the wrong precinct lines were supposed to be directed by poll workers to either the correct line at that location or to another location; however, poll workers were unable to provide such information due to computer and phone problems at the Hillsborough Supervisor's office.

Directing voters to their correct polling location also proved problematic for voters. As one example, Election Protection received a call from a young voter who accompanied his grandparents to their usual polling location but saw a sign directing them, along with at least 10 other voters, to a different polling place. When the group arrived at the new polling location, they were not listed on the registration rolls and were told to vote by provisional ballots. They later discovered that the sign directing them to another location was mismarked and had only been intended to reroute voters in one specific precinct that had formerly been served by the original polling location.

Polling Place Coordinators
As discussed above, there were no coordinators or greeters in many multi-precinct polling places in certain Florida counties. Trained coordinators and greeters could have significantly streamlined the election process by verifying registration statuses, ensuring that voters were in the correct precincts, handing out sample ballots so that voters could review them prior to entering the polling booths, and answering voters' questions. Election officials should have planned for these needed coordinator positions, provided adequate training, and worked with community groups to properly anticipate the needs of specific communities and to recruit trusted members of the communities to provide such assistance. Miami-Dade attempted to fill such roles by deploying county employees to serve as Goodwill Ambassadors. However, this was a last minute decision and their recruits did not receive proper training on their roles or on the election process – to disastrous effect. For example, at the North Miami Library, the county employees caused serious disturbances, giving voters improper information, assisting voters they knew by moving them to the small seating area inside the polling location while leaving voters who were disabled and elderly to stand and wait in line. Their actions caused voter agitation until the Supervisor's office relieved the county employees of their duties.

Georgia

Voter Registration Problems
In Fulton County, hundreds of registered voters were erroneously missing from precinct registration rolls, which resulted in a number of problems for voters around the county including excessive lines and ballot shortages. Efforts by voters and advocates to prove voter registration via the Secretary of State website's online voter lookup tool received inconsistent responses from poll workers; some voters were still given a provisional ballot while others were permitted to vote by regular ballot. In all, 5,038 provisional ballots were cast in Fulton County alone, which represented a marked increase from the 4,100 provisional ballots cast in 2008. The primary reason for this problem was later discovered to be the failure of election board staff to input new registrations into their database in a timely manner. Another reason for the large number of voter registration problems is that Georgia's Department of Driver Services and Secretary of State's offices use incompatible software, an issue which has prevented voters who registered at their local motor vehicle agencies from being added to voter rolls for several election cycles.

Inadequate Materials Preparation
The high rate of provisional ballots being issued due to the voter registration issues resulted in several polling places running out of provisional ballots, which added markedly to longer wait times. Election Protection received reports from voters that polling locations had hundreds of voters in line waiting to receive replacement provisional ballots. When county agents did arrive to deliver provisional ballots, they delivered an insufficient number (some reports indicated that only ten replacement ballots were arriving at a time). Provision of an adequate amount of materials and the establishment of protocols for replenishing depleted supplies could have alleviated these problems.

Problems for Students at Historically Black Colleges
Problems were reported from several historically black colleges in Fulton County. Prior to Election Day, a representative of True the Vote had challenged students in the Atlanta University Center Consortium on the grounds of their student and residency statuses. The Fulton County Board of Elections told the Georgia Election Protection leadership that these challenges would be rejected because none of the True the Vote representatives were county residents and were therefore not eligible to raise challenges, and because challenge rules did not allow group challenges based on student or residency status. However, on Election Day, many of those students were listed as being challenged and were offered only provisional ballots. For example, it was reported that over 250 Morehouse College students were not able to cast regular ballots on Election Day. For some, their names were not on the voter rolls; others were told that there was a question regarding their residency status. Many of the students stood in lines for over seven hours waiting for the precinct to receive replacement provisional ballots, the only voting option available to them. It was reported that Spelman College students encountered similar problems.

Early Voting Lines
Long lines were a big problem during early voting for the 2012 General Election in Fulton County, during which many voters were forced to wait anywhere from three to eight hours in order to vote. An evaluation by the Fulton County Board of Elections suggested several reasons for this, including inadequate selection of early voting locations that did not account for variations in voter turnout at each location and proximity of early voting locations to voters, an insufficient number of early voting locations, and insufficient planning for overall expected voter turnout during early voting. Voters from Fulton and several other counties in Georgia reported very long lines, as well as a variety of

26

reasons for them, including an inadequate number of voting machines and an inadequate number of poll workers to serve the heavy early voting turnout. One voter reported that, as of 4pm, he had been waiting in line for seven hours and there were still about 200 people waiting in front of him. Polling places in Fulton County requested more machines throughout the day, but none were delivered.

Illinois

The Lawyers' Committee and its affiliate, the Chicago Lawyers' Committee for Civil Rights Under Law, conducted an Election Protection hearing on June 12, 2013 focusing on election administration in Illinois, and particularly the Chicago metropolitan area. The Lawyers' Committee will be providing a transcript and the video from this hearing to the Commission. At the hearing, advocates, voters, and election officials provided testimony regarding the elections process which demonstrated both how efforts and measures like election day communications planning, early voting, absentee voting, and the use of electronic poll books have improved the voting experience by reducing problems and waiting times at the polls. Advocates and voters also discussed where there could be room for improvement, including the treatment of voters with disabilities and the language assistance provided to Asian Indian voters in Cook County and the City of Chicago, which recently became subject to Section 203.

Maryland

Long Lines during Early Voting
During Maryland's early voting period, polling locations experienced wait times of up to seven hours – with lines being particularly problematic in Prince George's County. These lines were likely exacerbated by Superstorm Sandy, which had caused two days of early voting to be cancelled. Fortunately, Maryland extended its early voting period and made up all but one hour of early voting time that had been lost due to the storm. While lines remained problematic throughout the entire early voting period, early voting helped ease the burden during Maryland's Election Day operations.

Long Lines on Election Day
Long lines were a serious problem on Election Day – again, particularly in Prince George's County. Polling places with wait times over three hours were reported in a number of locations, including Laurel, Prince George's County, and Montgomery County. A number of factors contributed to the long lines and wait times – including confusion at locations with multiple precincts and poor signage.

Voting Machine Failures
Voting machines presented a distinct challenge to Maryland voters. Some precincts did not have enough machines to adequately handle voter turnout, while machines malfunctioned or broke down at others. Additionally, voters complained of having to re-enter their vote repeatedly after the machines tabulated their initial vote. For example, one voter from Laurel reported that, upon making her selection on the touch screen, not all of her choices were recorded. Another issue was improper machine set-up, as evidenced by a polling location in Baltimore County where machine set-up issues forced polling workers to institute a paper balloting process that led to long lines and prompted some would-be-voters to leave instead of waiting.

Provisional Ballots
Election Protection received many calls about provisional balloting problems. For instance, in Bishopville, several voters were denied the chance to vote a regular ballot because their birthdates on their voter registration cards, which were correct, did not match the information on the voter rolls; as a

result, each of these voters was required to fill out a provisional ballot. In Oxon Hill, a voter who did not provide any identification when she registered by mail was told that her name had been flagged and that she would only be allowed to vote provisionally. She was not told she could vote a regular ballot by providing identification.

Accessibility Problems

Accessibility problems were widespread in Maryland on Election Day. For example, at one Montgomery County polling place, a deaf voter reported that poll workers had failed to provide adequate assistance, with one repeatedly ignoring the voter's attempts to communicate his inability to understand the poll worker. The voter tried to write a note to the poll worker on a napkin and the poll worker grabbed the pen out of the voter's hand. At another polling place in Prince George's County, voters with disabilities were asked to provide proof of their disability prior to receiving assistance and being able to vote – something that is not required under the Americans with Disabilities Act. At a Clinton polling location, voters were turned away unless they had brought someone to the polls to assist them.

Michigan

Problems with Lines, Staffing, and Voting Machine Breakdowns

Voters in Wayne and Oakland Counties experienced voting machine problems, long lines, and an overall breakdown in polling operations in several locations. Many precincts in Detroit and Pontiac had wait times that lasted several hours. At the Wayne County Community College voting site a voter reported waiting in a line that contained 400 to 500 people, and several other polling places had wait times of three hours or longer. Suburban voters near Detroit also had one to two hour waits during peak hours in places such as Ferndale and Oak Park. One voter from Oak Park reported that a single poll worker was serving a two-precinct polling location the line was over two hours long, and voters were leaving in large numbers. Voters from the Ann Arbor Community Center reported that the location's ID swiper broke down and it was taking two to three hours for people to vote with hundreds of people standing in line. At a Saginaw polling place, a voter reported that the location's ID swiper broke down for several hours and a poll worker was manually typing in information, causing two to three hour lines. The caller estimated that 200 to 300 people left without voting during the time she was there due to lines. In Lansing, a voter reported leaving her polling place in frustration after encountering a four-hour line being served by a single voting machine.

Acute Problems at Multi-Precinct Polling Places

Election Protection observed an overall lack of management at multi-precinct polling locations which had a significant role in creating lines at Detroit-area polling locations. Many of the polling locations were disorganized as a result of: inadequate signage, insufficient staffing to manage precinct check-in lines, and a lack of contingency planning in the event of machine malfunctions or higher-than-expected turnout. Disorganization at multi-precinct polling sites, combined with malfunctioning machines and poorly trained poll workers, became a recipe for chaos and voter frustration. More and better trained poll workers were needed, as well as polling place coordinators to help smooth operations by directing voters to their correct precinct lines and answering questions.

Problems for Limited English Proficiency ("LEP") Voters

Long lines and disorganization was reported at polling places in the city of Hamtramck in Wayne County. The 2011 U.S. Census determinations brought Hamtramck under Section 203 coverage for Bengali language speakers.

- *Poor Polling-Place Management*: Two multi-precinct polling places served voters in Hamtramck – a Detroit suburb of approximately 20,000 residents. The Hamtramck Community Center polling place was reported to be an especially chaotic scene as it was serving three precincts without any directional signs or assistance – in either English or Bengali – to direct voters to the correct precinct lines. The wait in each line was about two hours, and many voters were confused about where they should be and frustrated about waiting in the wrong line only to be told that they needed to go to the back of a different line.
- *Balloting Issues*: There were also problems with the Bengali ballots. Though they were available, voters were not informed of their availability. When volunteers attempted to talk to poll workers about informing voters of the availability of Bengali ballots, the poll workers became visibly upset. One poll worker resisted taking such a step by claiming that putting up signs or asking voters which ballot they would prefer would constitute racial profiling, therefore she could not do it. Finally, at approximately 12:30pm, the poll workers agreed to put up hand written signs (one behind each precinct table) that read: "we speak Bengali." Another problem observed with the Bengali ballots is that English and Bengali ballots featured the same tracking numbers, which resulted in the optical scan machine rejecting ballots because it had already read the tracking number on a ballot in the other language.
- *Other Inadequate Bilingual Assistance and Resource Notification*: Finally, the bilingual assistance and resources that were available were not properly communicated to the voters. There was a lack of Bengali signage and overall failure to inform voters that oral assistance in Bengali was available. It was observed that signs in English were posted informing voters about their rights and how to vote, but there were no signs of this kind in Bengali. Additionally, translators designated to provide oral assistance in Bengali were hard to identify, as they had no badges or specialized training in providing language assistance.

It should also be noted that the Hamtramck City Clerk was unexpectedly replaced close to Election Day which may have contributed to the particular problems in Hamtramck with Section 203 compliance and Election Day problems.

New York and New Jersey

Superstorm Sandy made landfall in New York and New Jersey on October 30 2012, exactly one week before Election Day. Not only did the storm cause immense destruction, but the decimation of both states' infrastructure (including communications, roads, and public transportation), the lack of power in large swaths of the state, and a crippling gasoline shortage all combined to pose a major threat of disenfranchisement to millions of voters. Superstorm Sandy was a prime example of why every local election jurisdiction must have a comprehensive election administration plan and expanded early voting opportunities.

Officials in the two states that bore the worst of the storm – New York and New Jersey – took heroic steps to put on an election a week later, but these measures were not enough as mass chaos ensued on Election Day. Voters would have benefited greatly if New York and New Jersey allowed early and no-excuse absentee voting. And, though several counties in New York and New Jersey expanded early voting opportunities to ease the strain on voters caused by the storm, nearly all voters in both states had yet to vote when the storm hit. In those states, voters suffered in part due to limited absentee and early vote opportunities and a lack of emergency planning. Voters faced confusion with many polling locations under water and endured long lines due to consolidated polling locations.

Election officials battled with crashed email servers and fax machines overloaded with ballot requests plus shortages of paper ballots at some precincts.

In New York, long lines were reported in many precincts, largely due to understaffing and ballot shortages, particularly in Superstorm Sandy-affected areas. The Charles Hill Tower Precinct reported lines in excess of two hours. At P.S. 138 in Kings County, there were reports of voters waiting in line for over three hours, and an estimated 40 to 50 individuals left without voting after the location ran out of ballots. Many instances of affidavit ballot shortages were reported, likely due to Superstorm Sandy and voters not being able to vote in their normal precincts. These ballot shortages often went hand-in-hand with long lines.

In New Jersey, many voters were unsure of where they could vote in light of the storm. A system was set up so that voters could obtain polling place information by either calling a hotline or sending a text message with the word "WHERE" to 877-877. Frequently, neither option worked. In addition, while the emergency provisions for e-mail and fax balloting were intended to ensure that displaced voters could find a way to cast their ballots; the state lacked the resources and infrastructure to enable the smooth functioning of this option. There were many complaints of the difficulty in securing ballots, and – in some cases – even responses, after the submission of electronic requests for e-mail or fax ballots.

On the morning of November 5, 2012, a dispatcher ("M.T.") called the Election Protection Hotline on behalf of 10,000 emergency workers who were working throughout New Jersey to repair its battered infrastructure in the aftermath of the hurricane. M.T. told an Election Protection volunteer, "my guys need to vote," and informed her that 2,000 of the emergency workers were New Jersey residents while 8,000 were from out of state. The volunteer advised M.T. that all New Jersey displaced voters, including all resident emergency workers, could vote by provisional ballot in any polling place in the state. M.T. proceeded to schedule time off for voting for the 2,000 New Jersey workers who had been dispatched all over the state. Still, M.T. was seeking an option for the 8,000 workers from every other state in the country. Election Protection leaders sought to assist M.T. and called the chief election official in all fifty states alerting them to the problem and seeking their help. While accommodations and time off were made for some first responders from neighboring states, no solution was available for the majority of out-of-state workers; they lost the right to vote as they worked to repair the massive damage caused by Hurricane Sandy.

While the efforts of state executives in the affected areas cannot go unrecognized, Superstorm Sandy illuminated the need for contingency planning by election officials and expansive voting opportunities in order to ensure accessible and fair elections including:

- National legislation so that out-of-state first responders are able to vote
- Institutionalized early voting
- Permitting voters displaced by an emergency to cast provisional ballots in any polling place
- Permitting voters displaced by an emergency to request and return an absentee ballot outside the state's usual time constraints
- Creating an emergency ballot – similar to the Federal Write-In Absentee Ballot available to military and overseas voters – which would permit first-responders in need of an emergency ballot to go online and download, print, and vote a ballot-on-demand, which is prepopulated with the voter's candidates and ballot issues using the voter's address.

Had proper procedures been instituted prior to this disastrous storm, the election process in these affected areas could have run more smoothly and the voting rights of many would not have been forfeited.

North Carolina

Early Voting and Same Day Registration
North Carolina's robust early voting program has made it a national model and very popular voting method in North Carolina with over 60% of voters casting their ballots early in 2012. North Carolina also offers same-day registration during the early voting period and many counties offer this "One Stop" Voting option at multiple locations, such as Charlotte's Mecklenburg County where there were 22 early voting locations in 2012. Far fewer problems were reported to Election Protection from North Carolina on Election Day than states with less early voting opportunities, and North Carolina's voter turnout is among the highest in the country.

Beneficial Responses to Reported Problems
North Carolina experienced multiple issues including long lines, registration mistakes for over 100 college students in Buncombe County, missing voter registration from state agencies, and problems with voter identification. However, the North Carolina Board of Elections was generally very responsive to reports of problems and worked to address them on the ground. For example, in order to compensate for the long line, polling stations at the UNC-Wilmington polling location remained open to accommodate all voters who were in line at poll closing. Similarly, once county officials were made aware that poll workers were incorrectly asking for two forms of photo ID from first time voters, the Moore County Board of Elections issued clarification to poll workers, directing them to only request one form of photo ID from first time voters.

Ohio

Poll Worker Recruitment, Training, and Accountability
The Cuyahoga County Board of Elections ("BOE") recognizes the importance of having a diverse and robust poll worker workforce. The BOE's Community Outreach Department attends events throughout Cuyahoga County to spread voter awareness and recruit poll workers – including outreach to bilingual poll workers – and develops a calendar of community outreach events to target their efforts. The BOE also partners with local organizations, high schools, and public agencies for recruitment purposes. For Election Day, the BOE has in place a contingency plan in the event of an insufficient number of poll workers. This plan ensures back-up poll workers are available if an assigned poll worker does not show up or if polling place coordinators report a higher than expected turnout requiring heightened staffing levels. For example, in 2012, the BOE hired over 200 Election Day standby workers to be on call. The BOE promotes poll worker accountability by conducting mandatory performance evaluations against standards on training, policies, procedures, and compliance and by collecting and analyzing reports to identify non-compliant precincts for corrective action.

Resource Allocation
Ohio allocates one voting machine per a minimum number of registered voters per polling location, as well as a minimum number of accessible voting machines per polling location. Cuyahoga County develops a spreadsheet prior to Election Day based on this allocation to deploy the required number of voting machines at each polling location. In the event of machine failures or malfunctions, the BOE

has contingency plans to efficiently deploy replacement machines. The BOE also requires each polling location to have a minimum number of ballots on hand equal to 101% of all active and inactive registered voters assigned to each precinct. In establishing the overall ballot order, the BOE considers other factors such as voting trends of voter turnout from prior elections and highly contested areas, races, or issues.

Election Day Communication
Cuyahoga County has a comprehensive communications plan for contacting poll workers and polling locations. For the 2012 General Election, the BOE had a 50-person Election Day response team of phone operators to receive calls and troubleshoot from polling locations. Each polling location had a cell phone or land line phone which could only be operated by the polling location coordinator to contact the BOE in case assistance was needed, and the response team at the BOE had a list of numbers at each polling location to convey any emergent information to poll workers. Cuyahoga County also administers a "Plan B" if situations arise where the BOE and/or county does not have use of its telephone system: back-up cell phones are available to contact "rovers" who then transmit all messages to poll workers at the various polling locations. The BOE also has communication protocols for emergency situations and coordinates with the County engineer, public utility agencies, emergency management authorities, and local law enforcement agencies to respond to any issues prior to and on Election Day. Finally, the BOE also has a comprehensive plan for communication with the media, the public, and the Secretary of State's office.

Materials and Supplies
The BOE materials and supply checklist is critical to ensuring polling locations are prepared with an adequate supply of materials and supplies and are not burdened on Election Day by running out of basic items like provisional ballot envelopes, pens, sample ballots, and surge protectors. Other items included on the checklist include supplemental voter registration lists, the absentee list, poll worker handbooks and quick reference guides, signage, precinct, and polling location maps, emergency contact information, observer packets, and information for bilingual voters and poll workers. The BOE also prepares a timeline and establishes procedures for when and how precinct materials and supplies should be packed into supply bags and delivered to polling locations. The BOE also has contingency plans in place for handling additional quantities of election related materials and supplies on Election Day. Poll workers are instructed to contact the BOE hotline in the event of missing ballots or shortages experienced on Election Day, which the BOE handles by requiring a minimum number of ballots to be printed on demand and delivered to the precinct. Zone captains and rovers are on hand to rapidly deliver any additional supplies or materials needed throughout the day.

Working with Civic Organizations
In addition to its effective planning, essential to Cuyahoga County's success has been the turnaround in its leadership – specifically the BOE's capacity to work with community organizations and to generate constructive criticisms and suggestions as a means for improvement rather than antagonism. One prime example of the beneficial results of this change was seen during the last election: when a civic group discovered errors in verifying voter registration status, the BOE promptly ordered immediate review and correction. (By way of comparison, the Ohio Secretary of State ignored repeated requests by the group to notify the other 87 Ohio counties of this potential problem in verifying voters' registration status. After continued pressure, the Secretary of State sent out a notice only a few days prior to Election Day.) The BOE's willingness to engage community groups to improve Election Day operations was on display when the BOE set up phone stations at its central

facility so that Election Protection could receive calls from field volunteers about problems and coordinate with the BOE to resolve them.

Comprehensive Election Administration Planning Has Resulted in Clear Improvements, but No Silver Bullet
The foregoing provides a snapshot of the comprehensive election planning that takes place in Cuyahoga County. The institution of Election Administration Plans and willingness to work with civic organizations has resulted in dramatic improvements to voters' experiences compared to a decade ago. The 2004 Presidential election was a well-documented catastrophe with impossibly long lines to vote, poorly trained poll workers, rampant voter registration errors, and provisional ballots being wrongly rejected. Cuyahoga County now runs a professionalized and responsive system.

It is important to point out, however, that in addition to administrative planning, jurisdictions must provide adequate voting *opportunities* – both in time and place – to ensure lines do not hinder voters' ability to cast a ballot. For example, precinct consolidations have resulted in more and longer lines around the state in 2012 according to local Election Protection leaders. Montgomery County in particular experienced much longer lines than in 2008. In addition to machine breakdowns and other typical polling place issues, Montgomery instituted the most far-reaching precinct and polling place consolidation in Ohio after the 2008 General Election (operating only 360 precincts in 176 locations as opposed to the 588 precincts it operated in 352 locations during 2008). This forced many voters into locations that were unsuitable for large numbers of people and created more claustrophobic situations and longer wait times compared to four years ago.

Early voting is also becoming increasingly popular in Ohio, particularly weekend voting, and policy choices must reflect this understanding. Election Protection volunteers in Franklin and Cuyahoga Counties observed enormous hours-long lines at the early voting locations.

Pennsylvania

Poll Book Errors
Poll book errors were extremely widespread in Pennsylvania in 2012 and caused a large increase in the number of provisional ballots that were issued compared to previous elections. As voting began, it became apparent that an extraordinary number of voters were not appearing in the poll books. In some cases, poll workers were not checking the supplemental poll bookers and in other cases, the supplemental rolls were altogether missing from the polling location. The latter occurred in numerous districts across the state. Another problem was reported by many long-time voters who were in the correct polling place but missing from the regular poll books. One voter said he had voted for the past 26 years and reported his name missing from the poll books. Several other voters from counties across the state reported that although their names appeared in the Department of State's own voter registration database, they were not on the rolls, and they were not allowed to cast regular ballots.

Poll Worker Training and Photo ID Confusion
In Pennsylvania, poll worker training is not mandatory. The effects of the lack of training were clearly visible in the 2012 election. The legal battle over Pennsylvania's state photo ID bill resulted in a temporary injunction, where the state required poll workers to ask for photo ID but the state had to allow voters to cast regular ballots in the 2012 without showing photo ID. The state added to the confusion by continuing its "voter education" campaign which included advertisements stating. "If you have it, SHOW IT." On Election Day, confusion amongst both voters and poll workers regarding

photo ID persisted. In some instances, voters reported poll workers becoming defensive and hostile when they refused to show ID and accused voters of being "difficult." Other poll workers, however, proceeded as though the injunction were not in place, requiring voters to show photo ID in order to vote with a regular ballot. For example, at a poll location in Montgomery County, a poll worker was requiring voters without ID to vote with a provisional ballot. One voter in Erie County was turned away for lack of ID and was told that "some places may not require ID, but this one does."

Provisional Ballot Issues
Although the total number of voters who were disenfranchised due to missing registration records cannot be ascertained, and the number of provisional ballots cast across the state is still coming in, it is clear that record numbers of Pennsylvanians were affected. In Philadelphia alone, more than 27,000 provisional ballots were cast on Election Day, approximately double the number cast in 2008. Of these, approximately 5,000 were voters whose names were improperly omitted from the poll books, many apparently due to a Department of State programming error. Such problems led to long lines, compounding the frustrations felt by voters on Election Day.

The Philadelphia Office of the Controller conducted an audit reviewing provisional ballots in the 2012 election to determine why so many provisional ballots were cast. Additionally, the report issued recommendations to prevent a repeat occurrence of 2012. (The report is available here: http://www.philadelphiacontroller.org/publications/audits/ProvisionalBallotsAudit_2012PresidentialEl ection.pdf.) Their findings were that: (i) 39% of the provisional ballots were cast because of poll worker mistakes or errors arising in the creation of poll books; (ii) 33% of provisional ballots were the result of voters going to the wrong polling location; and (iii) 28% of provisional ballots were cast by individuals who were either not registered to vote, registered in another state or county, or had their registration cancelled.

Polling Place Problems
Several polling places reported long lines as a result of the identification and registration issues. There were also numerous instances of polling places being relocated without notifying voters. In Pittsburgh, for example, at the University of Pittsburgh campus, many students showed up at the polling place on their registration cards only to find that their precinct had been moved. Luckily, Election Protection volunteers were at that location and were able to redirect many of the voters to their correct location. As another example, one Philadelphia polling place had been moved to a different building without notifying voters. The Department of State's own website even reported that the polling place was located in the wrong building on Election Day.

Inadequate Language Assistance
The availability of language assistance in Pennsylvania was cause for concern, particularly (though not exclusively) in Philadelphia, Berks, and Lehigh Counties, which are covered by section 203 of the Voting Rights Act and have an obligation to provide materials and assistance to Spanish-speaking voters. However, in many locations, voters reported a lack of interpreters to assist Spanish-speaking voters. For instance, at a Philadelphia polling place, one voter reported that interpreters were not available as was required by law and that voters were becoming frustrated by the lack of assistance. Making matters worse was that the particular polling place had a history of disobeying federal law by preventing voters from selecting their own interpreter – such as a family member – to assist them in casting their ballots. The lack of interpreters and other forms of language assistance also exacerbated registration problems and confusion about voter identification requirements. In Allentown, one Spanish-speaking voter reported that poll workers could not locate her name on the rolls and that the

lack of interpreters prevented her from resolving the issue at the polling place after the poll workers prohibited her from voting. As a result of such problems, Spanish-speaking voters may have particularly borne the brunt of Election Day problems in Pennsylvania.

South Carolina

Resource Allocation
Voters waited in incredibly long lines in some parts of Richland County as a result of voting machine problems such as machine shortages and breakdowns in the face of high voter turnout. For example, in Columbia, at the Joseph Keels Elementary School, lines lasted for as long as six hours when only five voting machines were available. At the Summit Parkway Middle School, voters waited up to seven hours to cast a ballot. Some of voters left the polling location in frustration without having voted. The long lines also resulted in significant delays in the certification of the Richland County election results.

Polling Place Management
Under the Americans with Disabilities Act, election administrations are required to provide curbside access or alternate reasonable accommodations for disabled voters. However, many voters reported that their polling locations were unable to provide curbside voting due to long lines and understaffing. One voter said that poll workers refused her request to vote curbside.

Texas

Voter Registration
In Harris County, many first-time voters arrived at early voting sites to find they were not on the registration rolls or were told their registration was not active until Election Day, November 6. The law provides that if a voter registers by the registration deadline, that voter can vote during early voting. Despite receiving voter registration cards and registering by the deadline, these voters were told they could not participate in early voting and must return on Election Day. Such errors in administration could have been avoided if the county clerk had updated the poll books with the registrations of new voters prior to the start of the early voting period.

Polling Place Management
On Election Day, voters in Galveston County arrived at polling locations only to find that many of the locations were not yet open. 38 vote centers did not open on time because poll worker did not start the computer systems early enough. This setback prompted a judge to extend voting hours on Election Day.

Poll Worker Training
Harris County also had a great deal of confusion regarding proper voter ID requirements. Voters and poll workers alike were confused over the requirements, which are currently a voter registration card or a form of non-photo identification such as a utility bill. For example, a Houston voter was initially told that her passport was not an appropriate form of identification. However, she protested and another poll worker finally stepped in to allow her to vote.

Virginia

Long Lines
In Virginia, voting precincts are required to have one machine for every 750 registered voters. Precincts that used this absolute minimum faced the longest lines. At one Arlington precinct, voters reported waiting up to four-and-a-half hours to vote, and at Salem High School in Virginia Beach, a voter reported being in line from 8:45am until she finally got to cast her ballot after 3:00pm. At a poll in Richmond, 200 people stood in line while one of six voting machines was out of service. An Election Protection volunteer reported numerous voters leaving. Election Protection called the county registrars and State Board of Elections to report the delays across the state and urged the election administrators to increase staffing levels and machines.

Poll Worker Training
Poll workers in Southern Virginia did not have the capacity to deal with the various issues that were presented. Lack of proper training contributed greatly to the long wait times that voters in Southern Virginia experienced. For example, a poll worker in Tidewater Virginia announced to a line full of voters that first time HAVA voters were required to show two forms of ID. At that same location, voters struggled with poll workers who refused to collect curbside votes or who were unable to effectively and efficiently handle voters with special issues such as a change of name or address. At a poll in Chesapeake, voters reported being asked for multiple forms of identification after presenting a voter registration card (which is sufficient under the law). In Centerville, a voter reported waiting in line for an hour and a half only to be asked to show photo identification. He knew the non-photo identification was acceptable, but showed his driver's license nonetheless because he had spent so much time in line and wanted to cast his ballot.

Lack of Resources
Long lines across the state were a result of insufficient resources, poor allocation of resources that did exist, and frequent breakdowns of aging voting equipment. At the Salem High School precinct in Virginia Beach, for example, there were only two poll workers checking identification, creating a bottleneck once voters reached the check-in table. At a polling place with extremely long lines in Prince William County, it was reported that there were only six voting machines available. While Prince William County's population has greatly increased, it has not been able to buy new voting machines. Even more of a concern is the fact that the machines the County has been using since 2003 are aged and breaking down, leaving Prince William County with more voters and less machines. Prince William County was able to supply each precinct with the minimum number of machines required under law; however, the minimum was not enough and voters faced extremely long lines. In Hampton, one polling place had only a single working voting machine at one point on Election Day.

Wisconsin

Centralized Non-Partisan Election Administration
Throughout the year, the Wisconsin's independent Government Accountability Board ("GAB") provided voters with information designed to make Election Day run as smoothly as possible. For instance, the GAB issued helpful guidance for voters and poll workers that clearly improved voting administration state-wide by providing uniformity and clarity to new laws and regulations. As an example, not only did the GAB inform voters that they could provide electronic proof of their residency under state law, but it also responded to inquiries as to what proof was acceptable and clarified the law by creating a clear list of acceptable proof of residency documents.

Polling Place Coordinator/Greeters
Wisconsin has had success using polling place coordinators/greeters to maintain order and assist voters. The difference between polls with and without polling place coordinators/greeters is clear. In Milwaukee, polling places that had greeters or "site coordinators" ensuring that voters were in the correct polling place and, in sites with multiple wards, the correct line for registration, were able to move voters through the registration line much more quickly and avoid needless voter frustration. In multiple ward polling sites, the wait to vote is often longer in one ward than in another. Having greeters or site coordinators confirm each voter's ward and then having voters wait in separate lines according to the voter's ward increases efficiency and reduces voter frustration. In one polling place that did not have a polling place coordinator or greeter located in Oshkosh, a number of voters waited in line to vote only to learn they were not listed as registered and they had to go back to the registration line. Had there been a greeter or site coordinator, these problems may have been identified when the voters arrived.

Allowing for Electronic Identification
The GAB interpreted the state's law requiring voters to provide proof of residency to allow voters to provide electronic proof. As a result, on Election Day, voters were able to show utility bills, bank statements, and other acceptable proof on the screens of their mobile devices in order to prove residency. This made proving residency a much simpler task for voters by reducing their confusion, making the process easily accessible, and improving the overall efficiency of the process.

Deputizing Emergency Poll Workers
One practice embraced by some Wisconsin polling places was the emergency deputation of poll workers. This was incredibly helpful in those polling locations where only one poll worker had previously been staffing registration or check-in tables that served more than one voting ward, in locations where turnout was extremely high, or where expected poll workers were absentee. The benefit to allowing precinct captains to deputize additional emergency poll workers is clear. For instance, at one polling place, there were not enough deputies registering individuals to vote. This resulted in lengthy lines and caused some voters to leave prior to casting a ballot. However, at one polling location in Milwaukee, the chief was able to obtain permission to deputize several election observers when several poll workers unexpectedly failed to appear for work. The deputized emergency poll workers were able to help by handing out registration forms to voters waiting in lines in order to ease the congestion surrounding the registration and check in tables.

Same-Day Voter Registration
Another practice embraced by Wisconsin that improves voter experiences and increases voter turnout – and has for the 35 years it has been in effect – is same-day voter registration. Poll workers are not only accustomed to same day voter registration, but they are well trained in it and enthusiastic about its retention. Allowing voters to register – or to fix errors with their registration – on Election Day improves access to the ballot, makes voting a convenient "one-stop" process, and allows for recourse in the event of registration errors that ensures voters are empowered to cast their ballots. Evidence of the success of this measure is clear: Wisconsin's poll workers registered hundreds of thousands of voters on Election Day, with few problems state-wide. Milwaukee alone registered over 48,000 voters on Election Day, pushing turnout to an impressive 87%.

Conclusion

The Lawyers' Committee greatly appreciates the Commission's interest in the work of the Lawyers' Committee on election administration and voting issues and this opportunity to provide data and recommendations to the Commission. The Lawyers' Committee hopes that the Commission's leadership and efforts will lead to positive, meaningful, and true reform that results in a substantial reduction in the amount and frequency of problems that have plagued American voters for many years. If you would like additional information, please contact Jon Greenbaum, Chief Counsel, at jgreenbaum@lawyerscommittee.org or 202-662-8600.