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HEARING ON THE 2008 PRESIDENTIAL PRIMARIES AND CAUCUSES: WHAT WE'VE LEARNED SO FAR

HEARING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 9, 2008

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2008 PRESIDENTIAL PRIMARIES AND CAUCUSES: WHAT WE'VE LEARNED SO FAR

WEDNESDAY, APRIL 9, 2008

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 11:37 a.m., in room 1310, Longworth House Office Building, Hon. Robert A. Brady (chairman of the committee) presiding.

Present: Representatives Brady, Lofgren, Gonzalez, Ehlers, Lungren, and McCarthy.

Also Present: Representative Meek.

Staff Present: Liz Birnbaum, Staff Director; Thomas Hicks, Senior Election Counsel; Janelle Hu, Election Counsel; Jennifer Daehn, Election Counsel; Matt Pinkus, Professional Staff/Parliamentarian; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Daniel Favarulo, Legislative Assistant, Elections; Gregory Abbott, Policy Analyst; Gineen Beach, Minority Election Counsel; Ashley Stow, Minority Election Counsel; Bryan T. Dorsey, Minority Professional Staff; and Fred Hay, Minority General Counsel.

The CHAIRMAN. Good morning, everyone, and welcome all of you to our Committee on House Administration hearing. I would like to call our hearing to order.

The Presidential election of 2000 brought to light many troubles with our elective process. The problems with that election led to the passage of the Help America Vote Act, HAVA, developed by this committee.

Today, we sit just 30 weeks away from the next Presidential election, an election which, based on the turnout we have seen on the primaries to date, will test our system of election administration more than any election in the country's history. Despite all the problems that we have learned about from our recent elections, we are still hearing about long lines, machine failures, not enough ballots and other problems at the polls.

I am greatly concerned to learn about these repeated challenges. I hope this hearing will send a message to the States that America is coming to the polls in November, and we need to be ready.

The other message that I hope this hearing will offer us is that election officials need enough trained poll workers to help them run elections. Most election officials are dedicated public servants or volunteers who work long hours with little or no pay. We are not here to blame these volunteers—God knows, we need them—but to ask you how we can help voters who have experienced problems at the polls. I hope that by highlighting the important role poll work-

ers play in helping people vote, other citizens will be inspired to volunteer.

Since 2004, the MyVote1 hotline has worked with media outlets such as NBC News and the Tom Joyner Morning Show to collect, archive and analyze the audio recordings of real voters in real election settings confronting real problems. Tom Joyner's leadership as a national media partner presents a model for other media outlets to educate and engage voters.

The NAACP National Voter Fund, The Reform Institute and The National Coalition on Black Civic Participation have worked tirelessly with other civil rights and voting advocates in the area of election administration and reform. We recognize the list of concerned citizens and advocates devoting incredible time and resources to improve the election process is growing each day, and I am glad to have a few of these groups with us here this morning.

The hotline run by today's witness, Mr. Joyner, allows his extensive listener base to share their polling place experiences. Mr. Joyner has been a strong advocate for voter enfranchisement on a national level, and I applaud his work, and I share his goals.

I would like to know if any of our members would like to make an opening statement. Any statements?

Ms. LOFGREN. Mr. Chairman, I would just like to commend you for calling this hearing.

I think that we have learned some things so far in this election. This is an excellent opportunity for us to be apprised of what these excellent witnesses have discovered.

I would like to ask unanimous consent to put in the record testimony from the Lawyers Committee for Civil Rights and the People for the American Way.

The CHAIRMAN. Without objection.

[The information follows:]

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Statement for the Record of
Jonah H Goldman
Director, National Campaign for Fair Elections
Lawyers' Committee for Civil Rights Under Law

before the
U.S. House of Representatives Committee on House Administration

April 9, 2008

Election Protection is the largest non-partisan coalition dedicated to protecting the right of all eligible voters to cast a meaningful ballot. More than 150 non-profit organizations have come together since 2001 in a common effort to address the real barriers faced by traditionally disenfranchised voters as they exercise their most fundamental right – the right to vote. The coalition was founded by the Lawyers' Committee for Civil Rights Under Law, the NAACP, the People For the American Way Foundation, the National Coalition on Black Civic Participation and the National Bar Association. At the centerpiece of the Election Protection coalition lies the 1-866-OUR-VOTE voter services hotline. Administered by the Lawyers' Committee for Civil Rights Under Law, 866-OUR-VOTE and its sister hotline 888-VE-Y-VOTA, administered by the National Association of Latino Elected and Appointed Officials, is the only national voter protection hotline staffed by live volunteers trained to give voters state-specific information and solve election problems in real time. This has proven an invaluable piece of the electoral landscape over the past seven years. Over 250,000 voters from all 50 states, the District of Columbia, and Puerto Rico have received guidance from the coalition's live operators.

While the 866-OUR-VOTE hotline is the centerpiece of the coalition's activity, it is only one part of a comprehensive effort to protect voters. The coalition works year-round to improve election processes, advocate for meaningful reform and work with election officials to overcome barriers to the participation of eligible voters. The Lawyers' Committee serves as the coalition's legal lead, organizing thousands of trained legal volunteers, overseeing a national legal field deployment, establishing a support structure for non-partisan voter mobilization partners, creating comprehensive state-specific materials, and administering the 1-866-OUR-VOTE ("Hotline") voter services hotline.

In 2004, the Lawyers' Committee, through Election Protection, developed more than 25 Election Protection Local Committees ("EPLCs") in more than 20 states. The Hotline received more than 200,000 calls during the last two weeks of the election cycle, including over 100,000 on Election Day alone. Of the 25,000 Election Protection volunteers nationwide, more than 8,000 were legal volunteers. Our legal volunteers worked for months to support the work of our community partners and met with election officials to identify possible problems at the polls before they happened and to help overcome those problems.

Election Protection also established a new benchmark for illustrating the problems Americans face as they head to the polls through its data collection program. Using this data the Lawyers' Committee, together with our Election Protection partners, crafted targeted model legislation. The data collection project also helped the Lawyers' Committee identify plaintiffs for litigation resulting from poor election administration. At the federal level, the information gathered from Election Protection shaped the Count Every Vote Act introduced by Senator Hillary Clinton (D-NY) and the Deceptive Practices and Voter Intimidation Prevention Act introduced by Senator Barack Obama (D-IL).

Election Protection is in the midst of its most ambitious effort to date. In addition to targeting more than 25 states in 2008, the Lawyers' Committee and its coalition partners have already run three successful programs during primary season. On February 5th, February 12th, and March 4th, Election Protection received over 5,000 calls to the hotline,

recruited and trained almost 800 legal volunteers who answered over 100 phone lines in 7 call centers from coast to coast, and assisted voters on the ground at targeted polling places.

The coalition targets jurisdictions based on concentration of minority and low-income voting-age population, history of disenfranchisement, expected turnout, existing Election Protection infrastructure, local coalitions, and opportunity to build a lasting civic engagement movement. The Lawyers' Committee will lead the effort to assemble a diverse coalition of national and local organizations from across the non-partisan community to engage in making elections more responsive to the rights of our constituents. The Lawyers' Committee and our partners is engaging local grassroots organizations in targeted states early to provide the legal support necessary to ensure the voters they register get on the rolls, and that their constituencies do not face barriers to the ballot box.

As with past efforts, the 1-866-OUR-VOTE Hotline, the largest national voter services hotline in history, will again play a crucial role in the Election Protection program. Through well-trained legal experts and volunteers in national and local call-in centers, the Hotline will allow EP to answer voter's questions and solve Election Day issues effectively and efficiently. To increase the usage, reach, and impact of the Hotline, the Lawyers Committee has established a strategic relationship with NALEO's 1-888-Ve-Y-Vota hotline and other voter service hotlines run by national and local groups across the country to consolidate similar hotlines onto a common technological platform in order to coordinate training, information dissemination, data collection and organization.

On the ground, the Lawyers' Committee will take the lead in organizing lawyers, law students, and other legal professionals into Election Protection Legal Committees. The EPLCs will work throughout the voter mobilization process culminating on an ambitious legal deployment on Election Day. EPLCs will establish relationships with election officials and facilitate meetings with progressive grassroots voter registration and mobilization groups early in the election cycle, to provide them with specific information about laws and rules in each jurisdiction.

The Lawyers' Committee's strength in litigation will support voter protection efforts when there is a major failure in the system. The Lawyers' Committee's Voting Rights Project will bring significant litigation that complements legislative and administrative advocacy to protect the rights of voters.

As it did in 2004 and 2006, Election Protection will create a detailed report from data received through the program. This report will include a comprehensive analysis of election-related problems throughout the country.

Following are samples of the power of Election Protection. Each of the documents attached to this statement demonstrate the role of the 866-OUR-VOTE voter services hotline in solving real problems for real voters on the ground. The diversity and breadth of the coalition make the reach of Election Protection unparalleled in solving the problems voters face before they cast a ballot.

This year, we are proud to work again with scores of national partners including; the NAACP, Rock the Vote, The American Bar Association, the National Bar Association, the Native American Bar Association, the American Association of Justice, the Brennan Center for Justice, NAACP Legal Defense and Education Fund, Mexican American Legal Defense and Education Fund, the Service Employees International Union, the AFL-CIO, the National Association of Latino Elected and Appointed Officials, the Center for Community Change, the People for the American Way Foundation, Common Cause, the Asian American Justice Center, Vota Latino, U.S. PIRG, the Electronic Frontier Foundation, the Advancement Project, National Congress of American Indians, National Disability Rights Network, Demos, and hundreds of others.

We are also honored to work with hundreds of state and local organizations across the country to utilize the unique expertise they bring to this discussion. We will support the leadership and the activities of those on the ground to reach the voters they have worked with for years.

MEMORANDUM

To: April Pye, Interim Director, Fulton County Registration and Elections

From: Charles T. Lester, Jr., Georgia Election Protection Coalition

Date: February 28, 2008

Re: Report on February 5, 2008 Presidential Primary in Fulton County

This will summarize the incidents involving voters that reported that they live in Fulton County processed through the Telephone Call Center or otherwise reported to Georgia Election Protection Coalition ("GAEPC") for the February 5, 2008, Presidential Primary. Some of these calls may have occurred before the Primary, as we responded to more than 200 calls for Georgia before February 5, 2008. GAEPC had 98 volunteers on February 5, 2008, including 61 attorneys, 19 law students and 18 others.

Prior to February 5, 2008, we had selected the following precincts to monitor with volunteers near the precinct, but outside the 150 foot limit, or with mobile volunteers in vehicles to cover several precincts: (01J) Price Middle School, (01P1) Bible Way Ministries, (01R) Thomasville Recreation Center, (01S) Tull Waters Elementary School, (CP06) Camp Truitt Senior Center, (EP07) First United Methodist Church and (PA01) Palmetto Senior Center. These precincts did not have reports of problems on election day.

The precincts that reported problems to GAEPC and to which we sent mobile volunteers included the following: E. L. Connally Elementary School; Martin Luther King Tower, Welcome All Community House, Inman Middle School, West Manor Elementary School, Cliftondale School (Butner Road, SC05), Southwest Community Arts Center, and Church of Acts (11B2).

We entered 689 incidents from Georgia for the February 5, 2008, Primary, and 129 of those were identified as Fulton County. The largest number by far, 68, were polling place inquiries. We used the Secretary of State's or the National League of Women Voters' poll locators to help these voters confirm their registration and find their polling place. This is our most rewarding work as it helps voters vote.

We entered 23 incidents from 15 precincts where the complaint was about long delays caused by computer equipment problems, not enough computers for the precinct, slow data entry by poll workers and other bottlenecks at the check-in computers. The precincts and number of reports are as follows: Cathedral Towers (1); Cliftondale School (1); E. L. Connally Elementary School (2); Church of Acts (11B2) (3); Douglas High School (11C) (1); Druid Hills Baptist Church (1); Inman Middle School (3); Lakewood Library (1); PAL Gym (1); Park Lane Elementary School (EP05A) (1); Southwest Community Arts Center (1); Welcome All Park Community House (4); West Manor Elementary School (1); Youth Education Building (1); and one precinct that was not identified (1).

We had several other reports of problems at the polling place. (1) One caller reported that seniors who formerly voted at Israel Baptist Church, now voted at Coan Middle School which was too far from where they lived. (2) A voter a Gideon Middle School complained that the poll workers were giving children a tour of the polling place. New voters were very confused. The manager was rude. (3) Two voters, one at Dunwoody Springs Elementary School and one at Cathedral Towers reported that they were required to vote provisional ballots because poll workers erroneously marked them as having voted when serving earlier voters. (4) A voter at St James Church was given the wrong ballot. (5) A voter was sent to Flat Rock Middle School to vote and had not received notice of the precinct change. (6) A

voter at Youth Education Tower reported campaigning within 150 feet of the polling place. (7) A voter reported that there were two precincts right across the street from each other on Northside Drive and Mitchell St. – Central United Methodist Church and a senior center. The addresses are confusing, and therefore he went to the wrong one and waited in line a long time only to be sent across the street for another long wait.

There was one report of voter intimidation which involved an armed Elections Investigator for the Secretary of State. This was at the Welcome All Park Community Center. In response to a call in to our hotline from a voter who complained of being intimidated by the presence of the armed Elections Investigator inside the polling place, we sent a mobile field attorney team to that precinct. Voters at the precinct also expressed to our volunteers that they felt intimidated by the Investigator's presence inside the precinct. When our mobile volunteers arrived, the Investigator was standing behind a poll worker who was reviewing and entering identification at the check in. The poll worker did not know who he was or what he was doing. When our volunteers arrived, the Investigator was the only white person in the precinct. His identification was hard to read. He left shortly thereafter. I called the Secretary of State's office and reported the incident and the concern expressed by the voters.

We had 19 calls about registration, and 12 were routine questions about how to register. There were two that involved voters that had move from a different county before the registration deadline, and we told them to register in Fulton.. Three registered after the January 7 deadline, and we told them to check their registration after the election to be certain they were registered. Two registered through the Department of Motor Vehicles, but were not on the list. We told them to register with Fulton County.

We had two absentee ballot questions from voters. We had on question about the identification needed to vote. The voter had an expired drivers license, and we reported that it would satisfy the requirement.

MEMORANDUM

To: Beth Kish, Manager of Elections and Registration, Cobb County Board of Elections and Registration

From: Harold E. Franklin, Jr., Georgia Election Protection Coalition

Date: March 31, 2008

Re: Report on February 5, 2008 Presidential Primary in Cobb County

This will summarize the incidents involving voters that reported that they live in Cobb County processed through the Telephone Call Center or otherwise reported to Georgia Election Protection Coalition ("GAEPC") for the February 5, 2008, Presidential Primary. Some of these calls may have occurred before the Primary, as we responded to more than 200 calls for Georgia before February 5, 2008. GAEPC had 98 volunteers on February 5, 2008, including 61 attorneys, 19 law students and 18 others.

Prior to February 5, 2008, we had selected the following precincts to monitor with volunteers near the precinct, but outside the 150 foot limit, or with mobile volunteers in vehicles to cover several precincts: (1) CA01 Cobb Chamber of Commerce; (2) FO03 Calvary Presbyterian Church; (3) LI01 Lindley Middle School; (4) MR3A Marietta Middle School Gym; (5) SN1A Argyle Elementary; (6) SN5A Belmont Hills Elementary School; and (7) SN7B Smyrna Assembly of God.

We entered 689 incidents from Georgia for the February 5, 2008 Primary, and 55 of those originated in Cobb County. The large majority of those calls, 39 of 55, concerned polling place inquiries. We used the Secretary of State's (SOS) or the National League of Women Voters' poll locators to help these voters confirm their registration and find their polling place. Of the remaining 14 incidents, 7 involved routine registration inquiries, 3

involved voting equipment problems, 2 involved disability access problems, and 2 involved polling place problems.

The registration inquiries included a voter who's precinct information was changed to an "ambiguous" address and an inquiry from a convicted felon regarding whether he was eligible to vote. The voting equipment incidents involved complaints that machines were not working or that too few were working, resulting in extended wait times. As in many other counties, the fact that there was a disparity in the number of check in machines compared to voting machines resulted in "bottleneck" at numerous locations, including precincts in Mableton, Acworth, Marietta, and Austell, Georgia. One of the disability access incidents (at a precinct in Kennesaw, Georgia) involved an inquiry regarding a daughter's ability to assist her father, who had poor vision. In addition, there was a report from a precinct in Kennesaw, Georgia that "police wanted voters to go to the other side of the building" and that people were "unaware and leaving." There were numerous inquiries from voters regarding the location of their polling place. Each voter's registration was checked using the SOS website and voters were directed to their proper polling location.

We thank you again for your ongoing support and for your help and suggestions during the 2008 Georgia primaries. The suggestions regarding the Voter Bill of Rights were very helpful. We look forward to seeing you at the meeting with election officials from various counties on April 9th at 2:00 pm at the State Bar of Georgia, located at 104 Marietta Street in Atlanta. The meeting will be a debriefing session in which we will share feedback and suggestions regarding issues encountered during the Georgia primary election and suggestions as we prepare for the general election. Please let me know if you have any questions. Take care.

MEMORANDUM

To: Lynn Ledford, Voter Registration and Elections Director, Gwinnett County

From: Jim Mayberry., Georgia Election Protection Coalition

Date: April 2, 2008

Re: Report on February 5, 2008 Presidential Primary in Gwinnett County

This memorandum summarizes incidents involving Gwinnett County voters processed through the Telephone Call Center or otherwise reported to Georgia Election Protection Coalition ("GAEPC") for the February 5, 2008, Presidential Primary. Some of these calls may have occurred before the Primary, as we responded to more than 200 calls for Georgia before February 5, 2008. GAEPC had 98 volunteers on February 5, 2008, including 61 attorneys, 19 law students and 18 others. We provide this summary to help you in your efforts for future elections.

An "incident" includes any inquiry from a voter to our hotline. These inquiries may include questions about polling places, registration, and voter ID. They also may include specific incidents that affected or could have affected an individual's ability to vote.

Prior to February 5, 2008, we had selected the following precincts to monitor with volunteers near the precinct, but outside the 150 foot limit, or with mobile volunteers in vehicles to cover several precincts: (3) Hebron Baptist Church, (16) Gwinnett Co. Fairgrounds, (23) Meadowcreek Elementary, (66) Atlanta Chinese Christian Church, (139) St Marguerite d'Youville Catholic Church, and (144) Gwinnett Co. Dept. of Public Utilities. Although these precincts were pre-selected, we decided not to position any volunteers at the precincts at the beginning of the day. Instead, we chose to position volunteers in Gwinnett County based on any reports or availability of manpower during the day of the primary.

We entered 689 incidents from Georgia for the February 5, 2008, Primary, and 33 of those were identified as Gwinnett County. The largest number by far, 20, were polling place inquiries. We used the Secretary of State's or the National League of Women Voters' poll locators to help these voters confirm their registration and find their polling place. This effort is our most rewarding work as it helps voters vote.

Five additional incidents related to whether the resident was registered to vote. These incidents included Gwinnett County residents that had moved to the county from either out-of-state or from other counties in Georgia and did not re-register. We provided them with registration information so that they can be properly registered for future elections.

We had one call regarding voter ID. The caller wanted to know if a valid out-of-state drivers license was proper ID.

We entered 5 additional incidents for Gwinnet County. These incidents were:

- A campaign sign was in a car windshield, which was parked within 150 feet of the polling place. Precinct: Gwinnett Public Utilities.
- Voter was unable to find exact place for voting at a large church. Precinct: First Baptist Church of Lawrenceville.
- Voter complained about long lines at polling place. The polling place had only two workers. One of the workers had difficulty working with the electronic registration rolls. At first, the worker could not find the voter. After some additional effort, the voter was found. Polling place: Benefield Elementary
- Campaign sign at the entrance of the polling place. Polling place St. Margaret's Church.

- Voter called to see if an exit poll was proper at her location. Polling place: Bethany Church Road.

MEMORANDUM

To: Linda Latimore, Director of Voter Registration and Elections, DeKalb County Board of Elections; Samuel E. Tillman, Member, DeKalb County Board of Elections

From: Jason M. Prine, Georgia Election Protection Coalition

Date: April 3, 2008

Re: Report on February 5, 2008 Presidential Primary in DeKalb County

This will summarize the incidents involving voters that reported that they live in DeKalb County processed through the Telephone Call Center or otherwise reported to Georgia Election Protection Coalition ("GAEPC") for the February 5, 2008, Presidential Primary. Some of these calls may have occurred before the Primary, as we responded to more than 200 calls for Georgia before February 5, 2008. GAEPC had 98 volunteers on February 5, 2008, including 61 attorneys, 19 law students and 18 others.

Prior to February 5, 2008, we had selected the following precincts to monitor with volunteers near the precinct, but outside the 150 foot limit, or with mobile volunteers in vehicles to cover several precincts: (1) 307EA: East Lake Elementary School; (2) 309TB: Tilson Elementary School; (3) 234EE: Epworth United Methodist Church; (4) 203CO: Cross Keys High School; (5) 121CE: Chamblee Civic Center; (6) 208DC: Dresden Elementary School; (7) 132EF: Evansdale Elementary School; (8) 126HC: Henderson Mill Elementary School; (9) 124OB: Oakcliff Elementary School; (10) 532CF: Candler-Murphey Elementary School; (11) 405CK: Clarkston International Bible Church; (12) 210HI: Hambrick

Elementary School; (13) 413MM: Memorial North—Memorial Drive Presbyterian Church; (14) 428SK: Shadow Rock Elementary School; (15) 431ST: Stephenson Elementary School.

We entered 689 incidents from Georgia for the February 5, 2008 Primary, and 114 of those originated in DeKalb County. The large majority of those calls, 65 of 114, concerned polling place and registration inquiries. These callers wanted to know whether they were registered, and if so, where they should vote. We used the Secretary of State's (SOS) or the National League of Women Voters' poll locators to help these voters confirm their registration and find their polling place. This is our most rewarding work as it helps voters vote.

Of the remaining 49 incidents, thirteen (13) calls were received complaining of the bottleneck created by the use of the new electronic registration verification system. In many precincts, there were only two such machines even though there were several more voting machines. So, while many more voters could have been accommodated at voting machines, the scarcity of registration verification machines meant that some busy precincts experienced waits of up to 2 hours. Voters were uniformly unhappy about this situation.

Several voters, five (5), also complained that the age of the polling place staff and their lack of familiarity with new technology exacerbated the numerical bottleneck discussed above.

We received calls from twenty (20) voters who were turned away from the Candler-Murphey precinct and told that their polling place had been move to Flat Rock Elementary. Each of these callers insisted that they had received no notice of this change, and several were upset that the new polling location was much farther from their residences than the old location.

Six (6) voters had trouble with their registrations submitted as parts of registration drives at Clark Atlanta University and Anointed Tabernacle Church. Each indicated that they had submitted a registration form, but they had not received a notice of polling place location. Each person's registration was checked on the SOS website, four (4) of the voters were found to be registered and informed of their proper polling location. The remaining two (2) were given the DeKalb County Board of Elections information and told to check with the county and re-register if necessary.

The remaining calls were limited to problems with individual voters. There was one (1) incident involving City of Atlanta police where a voter felt intimidated. The police had set up a roadblock on Cottage Grove Ave near the East Lake Elementary School precinct. Officers were checking drivers' identification. When the Election Protection headquarters sent someone to investigate, they were also stopped at the roadblock. Although the roadblock was quickly removed after this, several police remained in the area. Even though this incident did not involve DeKalb County Police officers, it did occur within DeKalb County.

One voter called to alert us to the presence of an exit pollster within the 150 ft. boundary at the Rockbridge Elementary School Precinct.

One voter was surprised to learn that the precinct notice card was not a sufficient form of photo identification under Georgia's new voter id law. He was able to vote with a picture id and informed of the acceptable forms of id under the new law.

Another voter indicated that her employer scheduled meetings on election day such that voting would not be possible. The employer informed her that she should vote during

advanced voting. She was given information about Georgia law regarding employers' duties to make time for employee voting.

A poll worker informed one voter that she was on the "inactive" list when she had in fact been purged from the rolls. The voter was told why this happened and how to re-register.

Finally, another voter was convicted of a misdemeanor and was released from prison in 1999. She was able to vote with release papers in 2000 and 2004 without re-registering. However, when she went to the DeKalb Election Office to vote she was told she was ineligible to vote based on being removed from the rolls in 1999. The Election Office employee re-registered her and told her that she would be able to vote in July, but she was very unhappy about this because she was very interested in the outcome of the primary.

MEMORANDUM

To: Annie Bright, Director, Clayton County Board of Elections and Registration

From: Jason M. Prine, Georgia Election Protection Coalition

Date: March 5, 2008

Re: Report on February 5, 2008 Presidential Primary in Clayton County

This will summarize the incidents involving voters that reported that they live in Clayton County processed through the Telephone Call Center or otherwise reported to Georgia Election Protection Coalition ("GAEPC") for the February 5, 2008, Presidential Primary. Some of these calls may have occurred before the Primary, as we responded to more than 200 calls for Georgia before February 5, 2008. GAEPC had 98 volunteers on February 5, 2008, including 61 attorneys, 19 law students and 18 others.

Prior to February 5, 2008, we had selected the following precincts to monitor with volunteers near the precinct, but outside the 150 foot limit, or with mobile volunteers in vehicles to cover several precincts: (1) FP5 Philadelphia Presbyterian Church; (2) JB02 Callaway Elementary School; (3) JB07 Mount Zion High School; (4) M06 The Rock Baptist Church; (5) OAK4 Christian Fellowship Baptist; (6) EW1 East Clayton Elementary School; (7) FP1 Forest Park Middle School; (8) FP2 Huie Elementary School.

We entered 689 incidents from Georgia for the February 5, 2008 Primary, and 38 of those originated in Clayton County. The large majority of those calls, 26 of 38, concerned polling place inquiries. We used the Secretary of State's (SOS) or the National League of Women Voters' poll locators to help these voters confirm their registration and find their polling place. This is our most rewarding work as it helps voters vote.

Of the remaining 8 incidents, 5 involved routine registration inquiries. Each voter's registration was checked using the SOS website. For those voters, 3 of 5, who were not registered, instructions were given on how to register as well as the contact information for the Clayton County Board of Elections and Registration. The remaining 2 inquiries were directed to their proper polling location.

There was one absentee voting inquiry. The voter wanted to know how to vote by absentee ballot and whether he/she was registered. Using the SOS website, the voter's registration was confirmed and directions for absentee voting were provided.

There were 2 polling place problems. The first incident involved the presence of Sen. Edward's name on the ballot. In addition, this voter stated that there were signs for a sheriff's election on the way to polling facility, but there were no names of candidates standing for sheriff listed on the ballot. It was explained to the voter that Sen. Edward's had been certified to appear on the ballot before he withdrew from the race, but that his name could not be removed after the candidate certification deadline had passed. It was also explained that this was only a Presidential Primary, and there was not to be any sheriff's candidates' names listed on the ballot.

The second incident involved a voter who had not been informed of a change in polling place location. The voter was directed to the correct location.

MEMORANDUM

To: April Pye, Interim Director, Fulton County Registration and Elections

From: Charles T. Lester, Jr., Georgia Election Protection Coalition

Date: April 9, 2008

Re: Report on February 5, 2008 Presidential Primary in Fulton County

This will summarize the incidents involving voters that reported that they live in Fulton County processed through the Telephone Call Center or otherwise reported to Georgia Election Protection Coalition ("GAEPC") for the February 5, 2008, Presidential Primary. Some of these calls may have occurred before the Primary, as we responded to more than 200 calls for Georgia before February 5, 2008. GAEPC had 98 volunteers on February 5, 2008, including 61 attorneys, 19 law students and 18 others.

Prior to February 5, 2008, we had selected the following precincts to monitor with volunteers near the precinct, but outside the 150 foot limit, or with mobile volunteers in vehicles to cover several precincts: (01J) Price Middle School, (01P1) Bible Way Ministries, (01R) Thomasville Recreation Center, (01S) Tull Waters Elementary School, (CP06) Camp Truitt Senior Center, (EP07) First United Methodist Church and (PA01) Palmetto Senior Center. These precincts did not have reports of problems on election day.

The precincts that reported problems to GAEPC and to which we sent mobile volunteers included the following: E. L. Connally Elementary School; Martin Luther King Tower, Welcome All Community House, Inman Middle School, West Manor Elementary School, Cliftondale School (Butner Road, SC05), Southwest Community Arts Center, and Church of Acts (11B2).

We entered 689 incidents from Georgia for the February 5, 2008, Primary, and 129 of those were identified as Fulton County. The largest number by far, 68, were polling place inquiries. We used the Secretary of State's or the National League of Women Voters' poll locators to help these voters confirm their registration and find their polling place. This is our most rewarding work as it helps voters vote.

We entered 23 incidents from 15 precincts where the complaint was about long delays caused by computer equipment problems, not enough computers for the precinct, slow data entry by poll workers and other bottlenecks at the check-in computers. The precincts and number of reports are as follows: Cathedral Towers (1); Cliftondale School (1); E. L. Connally Elementary School (2); Church of Acts (11B2) (3); Douglas High School (11C) (1); Druid Hills Baptist Church (1); Inman Middle School (3); Lakewood Library (1); PAL Gym (1); Park Lane Elementary School (EP05A) (1); Southwest Community Arts Center (1); Welcome All Park Community House (4); West Manor Elementary School (1); Youth Education Building (1); and one precinct that was not identified (1).

We had several other reports of problems at the polling place. (1) One caller reported that seniors who formerly voted at Israel Baptist Church, now voted at Coan Middle School which was too far from where they lived. (2) A voter a Gideon Middle School complained that the poll workers were giving children a tour of the polling place. New voters were very confused. The manager was rude. (3) Two voters, one at Dunwoody Springs Elementary School and one at Cathedral Towers reported that they were required to vote provisional ballots because poll workers erroneously marked them as having voted when serving earlier voters. (4) A voter at St James Church was given the wrong ballot. (5) A voter was sent to Flat Rock Middle School to vote and had not received notice of the precinct change. (6) A

voter at Youth Education Tower reported campaigning within 150 feet of the polling place. (7) A voter reported that there were two precincts right across the street from each other on Northside Drive and Mitchell St. – Central United Methodist Church and a senior center. The addresses are confusing, and therefore he went to the wrong one and waited in line a long time only to be sent across the street for another long wait.

There was one report of voter intimidation which involved an armed Elections Investigator for the Secretary of State. This was at the Welcome All Park Community Center. In response to a call in to our hotline from a voter who complained of being intimidated by the presence of the armed Elections Investigator inside the polling place, we sent a mobile field attorney team to that precinct. Voters at the precinct also expressed to our volunteers that they felt intimidated by the Investigator's presence inside the precinct. When our mobile volunteers arrived, the Investigator was standing behind a poll worker who was reviewing and entering identification at the check in. The poll worker did not know who he was or what he was doing. When our volunteers arrived, the Investigator was the only white person in the precinct. His identification was hard to read. He left shortly thereafter. I called the Secretary of State's office and reported the incident and the concern expressed by the voters.

We had 19 calls about registration, and 12 were routine questions about how to register. There were two that involved voters that had move from a different county before the registration deadline, and we told them to register in Fulton.. Three registered after the January 7 deadline, and we told them to check their registration after the election to be certain they were registered. Two registered through the Department of Motor Vehicles, but were not on the list. We told them to register with Fulton County.

We had two absentee ballot questions from voters. We had on question about the identification needed to vote. The voter had an expired drivers license, and we reported that it would satisfy the requirement.

March 7, 2008

Secretary of State Debra Bowen
1500 11th Street
Sacramento, CA 95814

Re: February 5, 2008 Election Day Voting Problems

Dear Secretary of State Bowen,

On behalf of California Common Cause and a broad coalition of organizations, we are writing to request a meeting with you to discuss the major problems and difficulties many voters faced on Election Day to help ensure that these issues are addressed before the next election. This coalition includes American Civil Liberties Union of Southern California, Asian Law Alliance, Asian Pacific American Legal Center, California Council for the Blind, Korean Resource Center, League of Women Voters, Mexican American Legal Defense and Education Fund (MALDEF), National Association of Latino Elected and Appointed Officials (NALEO), Protection and Advocacy, Inc. and many others.

On February 5, 2008, we worked with a coalition, including Lawyers Committee for Civil Rights, to run a national Election Protection Hotline (1-866-OUR-VOTE) to provide voter assistance and to report various problems throughout the state. We received over 1200 calls from Californians on Election Day. Additionally, several organizations organized poll monitoring and multi-lingual hotlines to monitor and help rectify problems. For instance, Asian Law Alliance monitored polls in Santa Clara County and observed twenty four precincts for a minimum of 30 minutes each. We have included specific incidents from these efforts, where relevant. In the incidents listed below, we have not included the voters' names, for privacy reasons, but will provide that information to the appropriate election officials.

From these reports, a pattern of problems surfaced. Based on these problems, we have identified 8 areas for improvement:

1. **Voting Systems and Ballot Problems**- A number of voters throughout California had multiple problems with the voting equipment at their polling place, including broken or malfunctioning machines and devices, voter confusion over how to mark ballots or use voting machines, and poll workers not knowing how to use the systems or hiding certain machines. We also received calls about precincts running out of ballots.

   (a) K.F. of Montrose (LA County) reported showing up to her pollsite, being handed a ballot, and not given any help on which booth to go to. She had never used the Ink-a-Vote marking device and had no idea how to slide the ballot in and secure it to the pins. She was given no instructions from the pollworkers and had to look around to figure out how to vote. After voting, she observed one voter struggling to figure out how to insert the ballot into the marking device and another pulling out his own pen to mark the ballot. Pollsite information: Fellowship Hall/Green Table, Light on the Corner, 1911 Waltonia Drive, Montrose, CA (CCC Report).

(b) Voter called to report that precinct 9007228C, Westside Jewish Community Center, 5870 W. Olympic Blvd., LA 90036, had run out of markers and ball point pens and were turning voters away. (1-866-OUR-VOTE Report)

(c) According to one elections officer in Santa Clara County, the pollworkers were trained to discourage voters from using the one Direct Record Electronic voting machine (DRE) assigned to each of the polling places. From observations, the pollworkers did a good job in keeping the DRE a big secret. Most election officers discouraged voters from using the DREs by keeping the DRE folded up so that it did not look like it was set up. (Precincts 1114, 1336, 1338, 1411, 1414, 1415, 1421, 1423, 1428, 1465, 1707, 1723, 4087, 4415, 4416, and 4429). In one precinct, election officers placed the folded up DRE behind them on the opposite side of the room from the paper ballot booths (Precinct 4416-Weller School). One election officers stated that this election was "strictly paper" while others stated that the DRE was not available (Precinct 4413 – Curtner School). In some precincts, disgruntled voters did not ask about the use of the DRE until after they voted by paper (Precinct 4087- Valley Church, Precinct 4416 – Weller School). Finally, some election officers did not know if the votes on the DRE would count if there were less than 5 votes on the machine (Precinct 4413 – Curtner School, Precinct 1421 – Berryessa Library). (Asian Law Alliance poll monitors)

(d) In Santa Clara County, the elections officials did not give voters instructions on how to fill out their ballot. When using the paper ballot, some voters circled their choices invalidating their votes (Precinct 4087 – Valley Church). .Some pro-active pollworkers started to explain to voters how to complete the paper ballot. Those proactive precincts included Precinct 1421 (San Jose Berryessa Branch Library), and Precinct 4415 (John Sinnott School). (Asian Law Alliance poll monitors).

(e) LA voter called to report that Precinct Number 6250038A was running out of Democratic ballots (7:15 pm). (1-866-OUR-VOTE Report)

(f) Precinct Number 625000 ran out of ballots and was sending people to precinct 6250038A. (1-866-OUR-VOTE Report)

Recommendation: These specific complaints are an indication of an even broader problem. While we agree that is vital to ensure secure and accessible voting systems, the review process for certification of voting systems should not leave counties in a state of uncertainty less than 6 months leading up to a major election[1]. Placing major new conditions just a few months before Election Day leaves local elections officials scrambling to implement or modify voting systems. Additionally, this removes the focus

[1] While the decertification of certain voting systems occurred six months prior to the February 5th election, the Secretary of State continued to review voting systems in the months leading up to Election Day, placing additional conditions on the use of certain voting systems. This includes the October 25, 2007 Withdrawal of Approval/Conditional Reapprovals of Diebold Election Systems, Inc systems and Sequoia Voting Systems, the December 6, 2007 Withdrawal of Approval/Conditional Reapproval of Hart InterCivic and the January 2, 2008 Conditional Approval of the ES&S InkaVote Plus system.

of elections officials from a number of other important aspects of preparing for an upcoming election such as materials distribution, pollworker training, and voter education.

It is vital for there to be stability leading up to an election. Stability allows local election officials to plan, prepare to troubleshoot, invest in greater voter and pollworker education, and better engage community groups to provide voter assistance.

2. **Double Bubble Trouble** – In Los Angeles County, many Decline-to-State California voters were effectively disenfranchised because they did not mark the bubble at the top of their ballot indicating whether they were voting in the Democratic or the American Independent primary. The following incidents are among those reported in Los Angeles County:

(a) R.M. of precinct 522889145 (West Hills) heard on the radio that she had to mark the extra party bubble. She had voted already and did not mark the bubble. She went back to the pollsite. The pollworkers insisted that the bubble did not need to be filled in, even when the voter insisted. The pollworkers said that the technology was sophisticated and could sort voters out. (1-866-OUR-VOTE Report)

(b) Mr. C residing at zip code 90401 in Santa Monica called expressing concern about his vote being counted, having heard on the news that he should have filled in a bubble on his Decline-to-State ballot specifying a party. (1-866-OUR-VOTE Report)

(c) A poll-worker stationed at precinct no. 3450092A called the EP Hotline and reported that she was not trained on the double bubble requirement. She was worried that she was not giving the correct information to voters. (1-866-OUR-VOTE Report).

(d) A pollworker called about a Decline to State voter, B.S., who wanted to vote in the Democratic primary but was not instructed to fill in the bubble indicating which party ballot he was voting on. The ballot had already been cast. The precinct was 9002921A. (1-866-OUR-VOTE Report)

In the final canvass, LA County reported that approximately 59,000 Decline-to-State voters intended to vote in a partisan primary, but failed to mark the extra bubble. Acting LA Registrar of Voters Dean Logan and his staff met with us to discuss possible solutions. Within 2 weeks, LA County was able to implement a plan to ascertain the intent of 47,000 voters and "rescue" and count their ballots.

Moving forward, LA County has convened a group of community organizations with extensive election assistance and monitoring experience to advise the county on how to re-design the ballot, and improve pollworker and voter education in order to avoid the Double Bubble problems in the June and November 2008 elections.

Recommendation: We recommend the Secretary of State works with Los Angeles County to change voting systems. The voting system that Los Angeles uses, Ink-a-Vote, is fundamentally flawed. Although it is a paper-based system, the scantron ballot is inherently difficult for voters to verify that they have marked it correctly. For voters

who vote in a polling location, they must use a ballot marking device. This device is limited in its capacity to handle a large number of choices and is difficult for individuals with manual dexterity disabilities. Moreover, it is English only, putting voters who have language assistance needs, in one of the 6 languages LA is required to provide assistance for under the Voting Rights Act, at a serious disadvantage. Even with the precinct scanners and changes to the ballot design, Ink-a-Vote is a poor election choice for a county as diverse as Los Angeles.

Additionally, Los Angeles uses a central count tally system that is increasingly unable to keep up with its needs. We recommend that the Secretary of State support Los Angeles County (and the major cities within it) to explore a collaborative partnership to develop a new system in-house. Los Angeles' size and diversity has meant that there are very few outside vendors willing or able to bid on providing a tabulation system. At the same time, LA's size makes it possible to muster the resources needed to research and develop a system in-house. In the long run, this type of investment may lead to a system that other California counties (or other out of state jurisdictions) can use.

3. **Voters dropped from Voter Registration Database** - Many California voters were effectively disenfranchised because they were dropped from the registration rolls. The following incidents are among those reported:

(a) A voter and her spouse (Mr. and Mrs. K residing in Los Angeles at zip code 90001) had received their voter cards in the mail, but when they arrived at their polling place, they were not on the registration rolls and were forced to vote provisionally. (1-866-OUR-VOTE Report)

(b) Ms. S of Northridge, zip code 91324, who had registered two years ago had called the Secretary of State's posted phone number to confirm her registration two weeks prior the election, but was not on the registration list when she went to cast her vote. (1-866-OUR-VOTE Report)

(c) Several Santa Clara County voters showed up and found they were not on the Precinct Roster. Pollsite information: Santa Clara County Precinct No. 1338 - First Immanuel Lutheran Church, Precinct No. 1715 - Tully Community Library, and Precinct No. 4087 - Valley Church.) (Asian Law Alliance poll monitors)

(c) A Santa Clara County voter at Precinct 1718 (Tully Community Library) left without voting as Election Officers looked for her name. Pollsite information: Santa Clara County Precinct No.1718 - Tully Community Library. (Asian Law Alliance poll monitors)

(d) J.F. of San Mateo reports that she was dropped from the registration rolls. She called the Secretary of State's office and believes someone helped her re-register. However, she never received her absentee ballot. She finally went to her polling place to vote and was told she could only cast a provisional ballot. Pollsite information: Panorama School, Multipurpose Room, 25 Bellevue, Daly City. (CCC Report)

Recommendation: We recommend the Secretary of State work with the county registrars to conduct an audit of these types of complaints. While some of these complaints may be explained by voter confusion, we believe that we received many more this year as compared to previous similar elections and are concerned there may be a systemic problem. We ask that particular attention be paid to list maintenance and purging procedures.

Additionally, pollworkers need to have the provisional ballot option emphasized in trainings. If all else fails, a person who believes they have a right to vote should not go home frustrated. They should be given a provisional ballot.

4. **Voters' Partisan Affiliation Registration Switched** - Many California voters were effectively disenfranchised because their party affiliations were wrongly designated on the registration rolls at the voters' polling places. The following incidents are among those reported:

(a) There were extensive reports of registered Democrats being listed as Decline-to-State voters. For example, Mr. T residing in Los Angeles, zip code 90001. (1-866-OUR-VOTE Report)

(b) Registered Democrats were listed as Republicans on the registration rolls, and were not allowed to vote in the Democratic primary. For example, Ms. M residing in Los Angeles, zip code 90001. (1-866-OUR-VOTE Report)

(c) Many registered Republicans were listed on the registration rolls as Decline-to-State voters, and were not permitted to vote in the Republican primary. Included among those who reported this problem was Mr. G of Long Beach, zip code 90815, who had been a registered Republican for over 30 years. (1-866-OUR-VOTE Report)

(d) Republicans were listed on the registration rolls as Democrats and were not allowed to vote in the Republican primary. Included among those who reported this problem were a mother and daughter (Ms. B and Ms. B residing in Marina Del Rey at zip code 90292 and voting at Oakbrook Apartments) who were both registered Republicans, but were listed on the registration roll as Democrats and could not vote in the Republican primary. (1-866-OUR-VOTE Report)

(e) Mr. K of Culver City, zip code 90230, had changed his party designation to Republican, and had called the Board of Elections prior to the election to verify his status as a Republican. However, when the voter went to cast his ballot, he was given a Decline-to-State ballot. (1-866-OUR-VOTE Report)

(f) Ms. M, residing in Los Angeles at zip code 90049, had switched her designation to Republican a month before the primary, and her voters' manual reflected the change. When she went to vote, however, she did not show up as a Republican and was forced to vote provisionally. (1-866-OUR-VOTE Report)

(g) A registered Republican, Ms. K of Glendale, zip code 91207, who had been a registered Libertarian in the 1990s, but had switched her party designation to Republican approximately ten years ago, was listed on the registration roll as a Libertarian, and had to cast a Libertarian ballot. (1-866-OUR-VOTE Report)

(h) Ms. S of Los Angeles, zip code 90068, has been registered as a Democrat since she was 18 years old; she is now 41 years old. The poll workers at her polling place told her that she showed up as a registered American Independent. The voter went home and saw that she had received an American Independent sample ballot, but had not noticed. Interestingly, the voter's husband showed up on the registration rolls as a nonpartisan voter, but he actually is a registered American Independent voter. Pollsite information: Los Angeles County Precinct No. 9001182 (1-866-OUR-VOTE Report)

(i) C.M. of Oceanside (San Diego County) reported that he and his wife have been registered as Democrats since 1988 and voted as such in every election. They were surprised to find out that they were listed as Decline-to-State voters when they showed up to their pollsite. Pollsite information: San Diego County Precinct No. 404060.0, Alamosa Park Elementary School-MPR, 5130 Alamosa Park Drive, Oceanside, CA 92057. (CCC Report)

Recommendation: We recommend the Secretary of State work with the county registrars to conduct an audit of these types of complaints. While some of these complaints may be explained by voter confusion, we believe that we received many more this year as compared to previous similar elections and are concerned there may be a systemic problem.

We also recommend that the Secretary of State investigate how pollworkers are trained to handle these types of issues. It appears that some counties instruct pollworkers to give a ballot that reflects the voters' belief about their registration, and others instruct pollworkers to only give ballots according to what is in the roster.

5. **Accessibility Difficulties** - Many California voters encountered accessibility difficulties when trying to cast a ballot. Voters were faced with inaccessible polling sites and voting systems. These include:

(a) Voters unable to access poll sites marked as accessible. Examples include: lack of signage directing voter to accessible entrance; accessible entrances that were locked; poll sites marked accessible that contained inaccessible stair cases but lacked a ramp or elevator which could have made the site accessible. (Protection & Advocacy Inc.)

(b) A precinct in a San Jose Fire Station's gym was too small and crowded with workout equipment. The precinct needed chairs for elections officials and voters and tables for voting materials. A person in a wheelchair would not have been able to access the room to vote. Precinct information: Santa Clara County Precinct No. 1411 (Asian Law Center poll monitors)

(c) Several precincts in Santa Clara County had accessibility problems including Precinct 1721 (Spanish Cove Mobilehome Park) (steps but no ramp) and Precinct 4415 (John Sinnott School) which had stairs. (Asian Law Alliance poll monitors)

(d) Lack of privacy due to position and location of the voting machine. For example, at a poll site in Contra Costa County, the voting machine was positioned in a manner in which people at the door could watch votes being cast. (Protection & Advocacy, Inc.)

(e) Non-responsive touchscreen machines. Some touch screen machines did not respond to the touch of voters with manual dexterity disabilities (Protection & Advocacy, Inc.)

(f) Inaccessible location of poll places due to lack of nearby public transportation. (Protection & Advocacy, Inc.)

(g) Lack of response from County Election Officials regarding complaints about inaccessible poll sites. Complaints made to the Los Angeles County Registrar prior to the election about inaccessible poll sites that were designated as accessible were never answered. Similarly, complaints made on the day of the election in Los Angeles and Contra Costa Counties also remain unanswered. Under both scenarios, to our knowledge, the poll sites complained about are still inaccessible. (Protection & Advocacy, Inc.)

Recommendation: We recommend that the Secretary of State re-convene the Disability Advisory Committee to look at how counties can do a better job of assisting voters with disability needs.

We also recommend the creation of a system in which voter complaints can be tracked and issue a timeline by which County's must act on a complaint.

Additionally, we request that you issue a directive to the County Election Officials requiring compliance with of the Help America Vote Act (Section 301(a), which requires a private, independent, and accessible vote for voters with disabilities, the accessibility provisions the California Elections Code (Section 12280) and the Department of Justice's Americans with Disabilities Act Checklist. We also ask that you issue a directive to County Election Officials requiring them to consult with local public transportation agencies as well as Independent Living Centers and other disability organizations when selecting poll site locations so they are near public transportation.

We also request that you seek damages from vendors who fail to comply with the Accessibility findings of your Top-to-Bottom review just as you brought suit against ES&S for failing to comply with the Security portion of your Top-to-Bottom review.

Finally, we recommend that counties need to move away from using single-family home garages, and other locations that are inherently inaccessible. In order to do this, we also recommend that Secretary of State examine whether increasing the number of people per precinct would alleviate this problem.

6. **<u>Language Assistance Problems; Discriminatory Treatment of</u> Voters Speaking Second Language** - The Voting Rights Act and state laws require counties with large non-English speaking voting populations to provide assistance in the form of bilingual pollworkers, translated materials and signage, and other forms of assistance to voters to ensure they can cast their ballots. Many California voters were effectively disenfranchised because of a lack of non-English voting materials and poll workers. This includes:

(a) Problems in Los Angeles County with some of the translated election materials not being present. (Asian Pacific American Legal Center poll monitors)

(b) In Los Angeles County, one pollworker overheard a conversation between two Chinese voters. The pollworker said, "Gosh, you'd think they're yelling at each other in their language. So loud." She called the women, "Orientals." Pollsite information: Rowland Heights - Hillside Community Church of the Nazarene (Asian Pacific American Legal Center poll monitors)

(c) In Santa Clara County, while almost all of the precincts had bilingual posters prominently displayed at the polling places, when it came to sample ballots and voter registration forms, the sample ballots and/or the voter registration forms were stacked on a table or behind the election officers in 2/3 of the precincts. Only 1/3 of the precincts had sample ballots and voter registration forms that were readily visible and accessible to voters. Pollsite information: Santa Clara County Precinct No. 1317 (Northside Community Senior Center), Precinct No. 1319 (Town Park Towers), Precinct No. 1336 (First Immanuel Lutheran Church), Precinct No. 1422 (Education Center – District West Wing), Precinct No. 1707/1722 (Franklin McKinley), Precinct No. 1721 (Spanish Cove Mobilehome Park), and Precinct No. 4435 (Milpitas Police Community Room). (Asian Law Alliance poll monitors)

(d) A lack of bilingual poll workers was seen in Santa Clara County. In Precinct 4087 (Valley Church), two limited English proficient voters needed assistance from the bilingual election officer for 20 minutes in order to complete their provisional ballots. There was a need for an additional Chinese-speaking Election Officer at Precinct 4424 (Terrace Gardens Senior Housing). Precinct 1336 (First Immanuel Lutheran Church) did not have a Chinese speaking election officer so the EO called the Registrar's office and found someone who could speak to her over the telephone. At Precinct 1414 (Church of Scientology), the Vietnamese speaking EO was at dinner so another voter helped out. (Asian Law Alliance poll monitors)

(e) A poll site in Long Beach was not targeted by Los Angeles County for a Korean-speaking poll worker. The poll site lacked a telephone referral card listing L.A. County's multilingual hotline. Poll monitor assigned to this site had to help over six LEP Korean American voters cast their vote between 7:00 am and 9:30 am. Pollsite information: Long Beach - New Hope Home. (Asian Pacific American Legal Center poll monitors)

(f) During the Asian Law Alliance's 30 minute poll observation period in Santa Clara County, Chinese language assistance was needed at Precincts 1114, 1336, 4087 and 4413. Vietnamese speaking voters needed assistance in Precincts 1707, 1715, 1718, 1722, 1723,

4413 and 4415 while Spanish language assistance was needed in Precincts 1718 and 1722. (Asian Law Alliance poll monitors)

(g) Bilingual poll workers were not being identified as such in Santa Clara County. Even in precincts with a full complement of bilingual election officers, some EOs were remiss in wearing badges indicating their bilingual language ability. Only 5 of the 24 precincts observed had all bilingual election officers wearing bilingual language badges Pollsite information: Santa Clara County Precinct No. 1319, 1414, 1421, 1422, and 1707. (Asian Law Alliance poll monitors)

(h) NALEO received hundreds of calls to their hotline from Spanish speaking voters needing assistance.

Recommendation: We recommend that the Secretary of State convene a Language Assistance Advisory Committee to look at how counties can do a better job of assisting limited English proficient or monolingual voters

We also recommend that the local county offices work closely with community groups to recruit volunteer bilingual poll workers. For example, recruitment flyers could be distributed to community groups who have worked in civic engagement and voter education programs.

Additionally, election officials should be encouraged to place advertisements in ethnic media (print, radio, and television) to recruit volunteer bilingual poll workers. To best outreach and recruit from the different ethnic communities in California, ethnic media must be utilized. For example, in California, 67% of the Chinese American community feel most comfortable in their native language, as does 75% of the Korean American community, and 66% of the Vietnamese community. Furthermore, 75% of Asian Americans in California use ethnic media.

7. **Lack of Knowledgeable Poll Workers** - Many California voters were effectively disenfranchised due to a general lack of knowledge of the poll workers, including poll workers providing inaccurate information and not knowing specific voting procedures and elections laws. This includes:

(a) A poll-worker stationed at precinct no. 3450092A called the EP Hotline and reported that she was not trained on Los Angeles County's Double Bubble problem. (1-866-OUR-VOTE Report)

(b) Some confusion with election officers in Santa Clara County about disclosing that Decline-to-State voters could vote in the 2 open primaries. (Asian Law Alliance poll monitors).

(c) Some pollworkers in Los Angeles County were not trained well enough to help voters cast provisional ballots. Pollworkers didn't know which party DTS voters could vote

in. Pollsite information: Torrance - New Horizons South Bay (Asian Pacific American Legal Center poll monitors)

(d) In Los Angeles County, monitors observed that pollworkers did not know that voters could cast provisional ballots if the voters' name was not in roster. Pollworkers did not know what to do with absentee ballot being dropped off by voter if the voter did not have the lavender absentee ballot envelope. Pollsite information: Monterey Park - Christ Lutheran Church. (Asian Pacific American Legal Center poll monitors)

(e) In Santa Clara County, the elections officials did not give voters instructions on how to fill out their ballot. When using the paper ballot, some voters circled their choices invalidating their votes (Precinct 4087 – Valley Church). .Some pro-active pollworkers started to explain to voters how to complete the paper ballot. Those proactive precincts included Precinct 1421 (San Jose Berryessa Branch Library), and Precinct 4415 (John Sinnott School). (Asian Law Alliance poll monitors).

(f) K. F. of Montrose (LA County) reported showing up to her pollsite, being handed a ballot, and not given any help on which booth to go to. She had never used the Ink-a-Vote marking device and had no idea how to slide the ballot in and secure it to the pins. She was given no instructions from the pollworkers and had to look around to figure out how to vote. After voting, she observed one voter struggling to figure out how to insert the ballot into the marking device and another pulling out his own pen to mark the ballot. Pollsite information: Fellowship Hall/Green Table, Light on the Corner, 1911 Waltonia Drive, Montrose, CA (CCC Report).

(g) Some poll workers inappropriately asked for identification in order to vote. (Asian Pacific American Legal Center poll monitors)

(h) In Santa Clara County, a number of voters had a relative drop-off their VBM ballots at the precincts. Unfortunately, some of the voters did not sign the back of the ballot. In at least one case, the two voters' signatures could not be obtained so those votes did not count. (Precinct 4415 – John Sinnott School). In some precincts, Election Officers took the unsigned ballots, but in other precincts, they did not. (Asian Law Alliance poll monitors)

(i) L.F. of Fresno reported that she surrendered her absentee ballot at her polling place so she could cast a vote by regular ballot. The pollworkers were very confused about the procedures and tried to make her vote by provisional ballot. Only after she insisted on a regular ballot, did she get one. Pollsite information: Korean Presbyterian Church on Maroa Avenue, Fresno, CA (CCC Report)

(j) G.R. of Alameda County reported that he went to vote at the pollsite and was told he was not in the roster. After minutes of searching, the pollworker finally gave him a provisional ballot. After marking the provisional ballot, G.R. decided to ask the roster pollworker if he could look at the roster himself to see if he was in the

book. Indeed, he found his name and was given a regular ballot. Pollsite information: Oakland, a church at 21st street and 5th avenue. (CCC Report)

(k) R.P. of Pasadena (LA County) reported that he went to his pollsite to vote. He is registered as a Decline-to-State voter. He asked to vote in the Democratic primary. He was given a ballot that he believes was the wrong ballot. After casting his ballot and handing it to a pollworker, she examined it closely and declared that he had voted on the wrong ballot. The pollworker proceeded to get into an argument with the other pollworkers about which ballot was the correct ballot to give to a DTS voter who wanted to vote in a partisan primary. The voter tried to ask the pollworkers to spoil the ballot and give him another one, and the pollworkers refused. The voter called the Secretary of State and filed a complaint, #1313. Pollsite information: Pasadena Braille Club, 386 S. Los Robles Ave., Pasadena, CA (CCC Report)

(l) In Los Angeles County, the Job Corp building didn't open until 7:20 am causing the poll site to open late. At 11:00 am, this site was still missing the blue supplemental roster. 40 voters cast provisional ballots before 11:00 am. Pollsite information: Los Angeles Job Corp, Downtown Los Angeles. (Asian Pacific American Legal Center poll monitors)

Recommendation: We recommend the Secretary of State dedicate staff to follow up with counties on the implementation of the 2006 Secretary of State and Institute of Governmental Studies, UC Berkeley, pollworker training guidelines (attached). We recommend mandatory hands-on training for all pollworkers, including both inspectors and other pollworkers. We strongly support supplemental training that includes options for pollworkers to be trained over the web or with DVDs. Recruitment of pollworkers should happen year-round.

8. **Lack of Decline-to-State Information** - Many California voters were effectively disenfranchised because of the lack of information provided to Decline-to-State voters regarding their voting options. This includes:

(a) Problems in Santa Clara County with Decline-to-State voters voting by mail and then showing up at the polls to vote for president (15 in Precinct 1411 – San Jose Fire Station #23). Some of these voters did not surrender their VBM ballots while others already voted as DTS, but thought that they could vote for President at the precinct. These problems occurred at: Precinct 1423 (Education Center), Precinct 4087 (Valley Church), Precinct 4415 (John Sinnott School), and Precinct 4416 (Weller School). (Asian Law Alliance poll monitors)

(b) In Santa Clara County at Precinct 4087 (Valley Church), 9 voters were waiting in line while bilingual Election Officers helped two DTS VBM voters complete provisional ballots. Pollsite information: Santa Clara County Precinct No. 4087 Asian Law Alliance poll monitors)

(c) Some confusion with poll workers in Santa Clara County about disclosing that Decline-to-State voters could vote in the 2 open primaries. Election officers were trained not to mention anything about non-partisan voter options unless specifically asked by the voter. As mentioned before, some of the DTS VBM voters voted by mail and then showed up at the precincts to vote for president. These voters were either turned away or given a provisional ballot. Other voters asked why they could not vote for president. One election officer stated that non-partisan voters can not vote for president instead of explaining the Modified Open Primary. Pollsite information: Precinct No. 1336 – First Immanuel Lutheran Church. (Asian Law Alliance poll monitors)

Recommendation: The Secretary of State should work with county registrars to develop standards for how to handle crossover voting and guidelines based on best practices for educating voters and training pollworkers on this issue, and developing a better voter education plan.

This is a brief overview of the numerous problems voters faced on Election Day. You can view additional reports and recommendations online at www.CalVEC.org/ElectionDayProblems, including the Asian Law Alliance's Final Poll Watch Results and Recommendations as well as the 2006 Secretary of State's Pollworker Training Guidelines, Institute for Governmental Studies (IGS) report on the results of their poll worker survey in 24 counties in the 2006 Primary, which includes recommendations for how counties can improve poll worker programs and the IGS report 'Voices' which includes state recommendations. Other reports from Asian Pacific American Legal Center, League of Women Voters, and NALEO are forthcoming.

It is vital that these issues are resolved before future elections to help ensure that California voters are not disenfranchised. When you were Chair of the Senate Elections Committee, we were excited and pleased to work with you on a number of elections related issues. You were a champion for these causes and we hope to continue to work with you on these issues in your role as California's Secretary of State. We urge you to look into these concerns and ask that you meet with us to discuss them further.

Should you need additional information, please contact either Kathay Feng at 213-252-4552/KFeng@commoncause.org or Christina Lokke at 916-443-1792 x. 10/CLokke@commonCause.org.

Sincerely,

Kathay Feng, Executive Director
California Common Cause

Christina Lokke, Policy Advocate
California Common Cause

Jacquelyn Maruhashi, Staff Attorney
Asian Law Alliance

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NYU School of Law

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cc:
Senator Ron Calderon, Chair, and Committee Members
Senate Committee on Elections, Reapportionment and Constitutional Amendments

Senator Jenny Oropeza, Chair, and Committee Members
Senate Select Committee on Integrity of Elections

Assemblymember Curren D. Price, Chair and Committee Members
Assembly Elections and Redistricting Committee

ELECTION PROTECTION

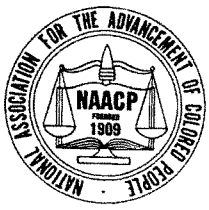
Report on the March 4, 2008 Primary in Cuyahoga County, Ohio

March 2008

Produced by

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

For



Election Protection is the nation's largest non-partisan voter protection coalition. The Lawyers' Committee, NAACP, Advancement Project, People for the American Way Foundation, and SEIU worked together on a comprehensive legal field program in Cuyahoga County on March 4th.

Introduction

On March 4, 2008 Election Protection received over 1,000 calls to the 1-866-OUR-VOTE hotline – administered by the Lawyers' Committee for Civil Rights Under Law – from voters in all four states holding primaries. About half of those calls came from the state of Ohio. In addition, Election Protection had 20 legal volunteers on the ground monitoring targeted precincts throughout Cuyahoga County, assisting voters, helping poll workers, and gathering information. The coalition also placed legal volunteers at select board of elections offices in Cuyahoga County and across the state.

The majority of the problems reported into the Election Protection Hotline (1-866-OUR-VOTE) and by mobile legal volunteers were a result of insufficient information, a lack of resources, and inclement weather. While Election Protection and the Cuyahoga County Board of Elections worked to fix problems as they arose, countless Ohioans were disenfranchised due to these problems.

Some of the problems reported to the Hotline or by mobile legal volunteers included a large amount of confusion among voters and poll workers during morning voting on whether or not to remove Stub A from paper ballots. The stub was clearly marked, "Do Not Remove Or Vote Will Not Be Counted." It was not clear to voters or poll workers that the warning was to not remove the stub prior to a voter marking the ballot. The new paper ballot system also raised privacy issues across the county because poll workers were having voters vote out in the open due to an insufficient number of privacy screens. Additionally, multiple precincts began to run out of paper ballots in the evening and poll workers reported problems getting more from the board.

In addition to problems with paper ballots, numerous polling places across the county reported problems with the disability access machines. Also, many Polling Location Coordinators could not report problems to the Cuyahoga County Board of Elections because their direct line was busy all day. Election Protection mobile legal volunteers provided valuable support for these Polling Location Coordinators by contacting volunteers stationed at the Board of Elections. This support helped fix problems in minutes thereby protecting the right to vote for countless Ohioans.

Cuyahoga County – By the numbers

From the over 1,000 calls received by the Election Protection Hotline and reports taken by volunteers in the field, 373 reports were entered into the coalition's online database. Of the 373 reports, slightly less than half were from Cuyahoga County. Over half of the reports from Cuyahoga County dealt with polling place inquiries or polling place problems. Other incidents with a significant number of reports include registration problems and inquiries, and voting equipment problems.

Problems on March 4th

The following is a summary of the type of incidents reported to the Election Protection Hotline (1-866-OUR-VOTE):

1. **Stub Trouble** – Poll workers across Cuyahoga County were confused about whether or not to remove a stub on paper ballots. At multiple precincts, polling location coordinators were asking Election Protection volunteers whether or not they were supposed to remove the stub. Working with the election officials, the coalition was able to help to disseminate the proper information to poll workers and ensure that those ballots counted.

    a. Numerous voters called the Hotline concerned their vote would not be counted because the poll worker tore off the stub marked, "Do Not Remove Or Vote Will Not Be Counted," or insisted that the voter do so. Call station volunteers were able to inform voters their vote would in fact be counted.

2. **Lack of Privacy** – Polling places across Cuyahoga County failed to provide adequate privacy thereby infringing upon Ohioans' right to cast a secret ballot.

    a. Mobile legal volunteers observed multiple polling locations that lacked sufficient privacy screens forcing many voters to cast their ballot in the open.

    b. A caller reported that her husband was not given an envelope for his completed ballot, making it difficult for him to keep his vote secret.

3. **Problems with Access to the Polls** –Disabled and elderly voters were not afforded adequate access at several polling places due to faulty machinery, ill-equipped polling sites, or misinformation regarding polling place locations.

    a. At Cleveland Heights High School, a mobile legal volunteer reported that a teacher conference on site filled the parking lot with cars. As a result, voters had to walk 2-3 blocks to cast their vote.

    b. At King Kennedy High Rise, the polling location coordinator had been trying to contact the Board of Elections starting at 5:50 a.m. and could not reach

anyone to report that the disability access machine was not working. A mobile legal volunteer relayed the problem to the Election Protection Command Center and contacted the Board of Elections who said that they were sending somebody to fix it. At 12:50 p.m., the machine was still not fixed.

c. At a number of other locations in Cuyahoga County, the disability access and electronic reading machines were down—some were not working since the early morning.

d. A caller reported that at one polling location, the person with knowledge to operate the special disability equipment failed to show up on primary day.

4. **Problems at the Polls** –Callers to the Hotline and mobile legal volunteers reported numerous incidents where polling locations possessed inadequate voting materials, insufficient parking or ran out of proper ballots.

   a. At some polling locations there were reports of a shortage of Democratic ballots and difficulty with getting in touch with the Board of Elections to request additional ones.

   b. When precinct 14Q at the Orchard Elementary School ran out of paper ballots, poll workers began handing out ballots for another precinct within the polling location despite the fact precinct 14Q was Congressional District 10 and the other precinct in the polling place was Congressional District 11. Election Protection was able to quickly notify the Board of Elections, but it is unclear how many voters cast incorrect ballots.

   c. Election Protection received multiple reports of polling locations with little or no pens for voters to mark paper ballots. In one instance, voters were forced to share one pen causing long lines, and in another were only able to vote if the voter had brought his or her own pen to the location.

      i. At one polling location, an Election Protection mobile legal volunteer brought a new box of pens because the poll workers could not get through to the Board of Elections and workers were concerned that voters would be turned away.

   d. At multiple polling places, Polling Location Coordinators were concerned that, because there was no Republican to sign-in at closing, the ballots cast throughout the day would not count.

   e. During early voting, a concerned caller reported to the Hotline that voters were not being permitted to park temporarily at a free parking lot behind the Cuyahoga County Board of Elections and were instead directed to pay for parking at lots costing $4.00-$10.00. One woman, who could not pay for

parking, was in tears because she was unable to vote. Election Protection's coalition partners on the ground contacted the Cuyahoga Board of Elections. In response, the Board issued a new rule that they were clearing the employee lot to allow any voter free parking for the remainder of the early voting period. The Board also delivered an absentee ballot to her house of the elderly woman who was turned away the following day.

5. **Dropped from Roster** –Numerous voters in Cuyahoga County were unable to vote with regular ballots because their names did not appear on the electoral rolls or appeared on the rolls incorrectly.

    a. Voters, including those who had previously voted at the same polling location, had been told that their names were not on the list while their spouses and/or other family were listed. These voters were forced to vote with a provisional ballot.

    b. Upon reporting to Prospect Elementary—the polling location the caller has gone to for 30 years—the voter was redirected to Shaw precinct across the parking lot from Prospect where she was again told that she was not on the list. Election Protection confirmed on the Ohio Secretary of State's Website that the voter was registered to vote at Prospect Elementary.

    c. Voters called who had completed their registration or change-of-address forms prior to the primary—in one case a voter had completed his change-of-address in December—but these changes were not reflected in the online databases.

    d. A female voter, who had voted at the Holy Cross polling location for eight years, was told that she was not on their registration rolls even though she had brought her registration card with her. Election Protection confirmed her registration on the computer and that it should not have been a problem at the polls.

6. **Long Lines** – A number of callers reported an extended wait time while trying to cast their ballots at the polls due to long lines often caused by inefficient set-up or equipment problems.

    a. Disorganization— a caller reported that at the voter's polling location, voting booths were unevenly allocated to two precincts and a line was forming for one set of booths while the other set remained unused causing an extended wait that prompted some voters to leave without voting.

    b. Voters called reporting long lines and/or slow times—in some cases, over one hour—at their polling locations and in some cases forced people to leave before casting their ballots.

Statement on Election Protection and the 2008 Elections

Submitted by
People For the American Way and
People For the American Way Foundation
Committee on House Administration

People For the American Way is a national, nonprofit social justice organization with more than hundreds of thousand members and supporters, and more than a quarter century of commitment to nonpartisan civic participation efforts. Since our founding by Norman Lear, Barbara Jordan, and other civic, religious, business and civil rights leaders, People For has urged Americans to engage in civic participation, and we have sought to empower those who have been traditionally underrepresented at the polls, including young voters and people of color.

Since the 2000 Presidential Election, our non-partisan sister organization, People For the American Way Foundation has been a leader in **the first nationally established non-partisan Election Protection Coalition (1-866-OUR VOTE)** along with its partners the Lawyers' Committee for Civil Rights under Law, the NAACP, the National Bar Association and over 150 other voting and civil rights organizations.

The scale of Election Protection is inspiring; the complexity of this multi-faceted undertaking has made it extraordinarily comprehensive. Election Protection's multiple components have included:

- Pre-election advocacy, including litigation, grassroots organizing and media
- Large-scale recruitment, training and deployment of poll monitors, operating out of Field offices, to provide same-day assistance to voters in targeted precincts
- National toll-free Voters' Rights Hotline (1-866-OUR-VOTE)
- Collection of voter complaints through the Election Incident Reporting System (EIRS)
- Web sites, including www.EP365.org; www.workingfordemocracy.org; www.866OURVOTE.org
- GOTV and voters' rights public service announcements and paid radio spots featuring stars such as Angela Basset, Danny Glover and Chris Rock
- Extensive earned media coverage
- Preparations of state specific legal manuals and millions of Bills of Rights summarizing state and local electoral procedures
- Election Official Surveys and meetings with state and local election officials
- Legal command centers in over 30 states with trained attorney volunteers helping voters on and before Election Day overcome legal obstacles

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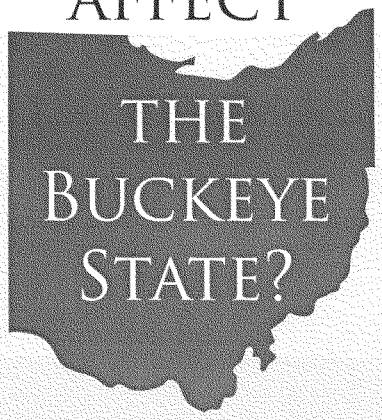
The Election Protection Voter Assistance Hotline – 1-866-0UR VOTE received over 200,000 calls during the 2004 Presidential Election cycle and the Election Protection Coalition was able to provide same-day legal and other assistance to voters who reported complaints to the Hotline. This invaluable service has continued during the 2006 mid-term elections and most recently for the 2008 primary season.

Integral to Election Protection in 2004 and 2006 was the deployment of thousands of volunteers across the country to serve as poll monitors to assist voters and document the problems voters faced as they attempted to exercise their right to vote. The data collected from volunteers and voters through reports from the field and through the Election Protection Hotline clearly evidence a need for election officials to address the real problems created by voter harassment and intimidation, the lack of machines at low-income and minority poll sites, improperly trained poll workers and the creation of overly burdensome voter registration procedures by partisan election officials just to name a few.

In our view, this Administration has placed an inordinate and inappropriate amount of focus on supposed "voter fraud" claimed to exist by voter ID proponents while the above mentioned real problems continue and deserve the priority of election officials. People For the American Way fundamentally rejects the notion that the use of voter ID would remedy the perceived threat of in-person impersonation fraud - which by all reputable accounts - does not present a serious threat to our electoral process. Instead of lawmakers focusing on real documented threats that have disenfranchised thousands, if not millions of voters, unsubstantiated allegations of voter fraud have infected policy discussions regarding elections since Reconstruction with lawmakers using alleged, and nonexistent fraud as a pretext to justify restrictive and burdensome laws against black voters. The same types of baseless claims are being used once again to impose extra burdens on the most vulnerable among us, particularly minorities, immigrants, students and the elderly.

The right to vote is fundamental and Congress should be focused on ways to open the franchise to all eligible citizens, not restrict it to selected communities. PFAW and PFAW Foundation looks forward to working with Congress and through the Election Protection Coalition to protect this right to vote for all Americans.

Will Problems in Early Primaries Affect



The Buckeye State?

WWW.PFAW.ORG

Will Problems in Early Primaries Affect the Buckeye State?

Voting in Early Primaries Points to Potential Problems in Ohio

The 2008 election is historic in many ways, and voter involvement is expected to be the highest ever seen. On Super Tuesday, according to the Center for the Study of the American Electorate, 12 states saw record turnouts in their Democratic primaries and eleven in their Republican contests. The Chesapeake Primary (Maryland, Virginia, and Washington, DC) also saw exceptionally high turnout. Especially exciting are exit polls in many states that indicate that turnout increased exponentially among historically disenfranchised communities – in some places over 50 percent.

With the increased turnout in the primaries, we have seen increased pressure on our already burdened voting system. High turnout led to long lines at some polling stations, exacerbated by machine failures, too few ballots and too few check-in machines. Poll workers were not prepared to handle so many voters; they were inadequately trained on the use of provisional ballots and machine functions.

During some of the early the 2008 primaries, the Election Protection Coalition mobilized and dispatched trained Election Protection (EP) poll monitors to polling locations in targeted communities and provided legal support and technical assistance to citizens who experience difficulties voting. To date, EP has recorded more than 2900 incidents.

The problems seen in the early primaries are significant not only because of high numbers of incidents, but because they indicate what we might see in the upcoming Ohio Primary on March 4th. In the past, Ohio has seen its share of election problems. In a report on the 2004 general elections released by People For the American Way Foundation, the NAACP and the Lawyers' Committee for Civil Rights Under Law called "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," we reported a variety of voting problems that the EP coalition documented in its Election Incident Reporting System (EIRS), including:

- Improper requests for and non-uniform acceptance of identification
- Improper instructions on when to offer a provisional ballot

- Long lines due, in part, to poorly trained poll workers, inadequate staffing or machine failures
- Long-time voters showing up at the polls and finding themselves no longer listed
- Non-uniform procedures for handling voters who requested, but did not receive absentee ballots
- Inequitable distribution of voting materials (e.g. ballots or machines)
- Deceptive practices and intimidation tactics

On Super Tuesday and during the Chesapeake Primaries, voters across the country reported many of the same problems, but the most common issues included:

- Registration processing and long-time voters showing up at the polls and finding themselves no longer listed
- Machine failures resulting in long lines
- Strict voter ID requirements and poll worker confusion about when to ask for ID
- Inadequate poll worker training and limited resources also resulting in long lines and other problems

This summary provides a snapshot of the types of problems and reports the EP coalition has documented and experienced during this year's primary elections and what we could potentially see in the upcoming Ohio primary. Based on the potential problems that voters could experience in Ohio, People For the American Way Foundation (PFAWF) and other members of the EP coalition will be on the ground providing legal and informational support to voters at the polls.

PROBLEMS SEEN IN THE EARLY PRIMARIES

HIGH VOTER TURNOUT

Most of the 2008 primary election issues relate to the higher-than-expected voter turnout. Missouri, Illinois, New York, New Jersey, Massachusetts, and Arizona all reported record number of Democratic voters—in some cases more than a 47 percent increase over voter turnout in 2006.[1] Virginia saw exceptionally high turnout. Edison Media Research and Mitofsky International, the firm that conducts the National Election Pool exit polls, estimated that 930,000 voters participated in the Virginia primary on February 12, up more than 130 percent from the 396,223 who voted the Virginia Democratic primary in 2004.

In Santa Clara County California, higher-than expected turnout caused shortages in ballots, particularly Democratic ballots.[2] Election officials provided temporary ballots and asked voters to bring and use their sample ballots they had received previously in the mail. Young voter turnout was twice as high in Massachusetts, three times higher in Georgia and four times higher in Tennessee than in the last election.[3]

With the increased voter turnout, problems that would normally be minor inconveniences created major Election Day snarls that were reflected in the hotline calls we received:

» One voter at the Verde Valley Church of Christ in Camp Verde, Arizona reported that when she went to vote there were 300 people waiting in line. The voter waited for two and a half hours before being able to vote.

» Voters in Atlanta, Georgia reported that the number of electronic voter look-up machines were too few to accommodate the large number of voters. When two of the three machines broke down, voters were forced to wait as long as an hour an a half. Many voters left before voting.

» In DeKalb County, Georgia, the overwhelming number of voters caused bottlenecks at the check-in table where there were too few poll workers and check-in machines. There were eight voting machines, but only two at a time were being used because of the bottlenecks.

» One polling place in Memphis, Tennessee ran out of ballots due to the large number of voters. Over 100 people waited more than an hour and a half to vote while others had to leave without voting.

PROVISIONAL BALLOTING V. EMERGENCY BALLOTS

The Help America Vote Act of 2002 (HAVA) set new nationwide standards intended to protect every American's right to vote. The new rules include the provisional ballot, which voters can use if their eligibility is in doubt. The original intent of these provisional ballots was to guarantee a ballot to all voters at the polls. However,

1. http://www.democrats.org/a/2008/02/democrats_shatt.php
2. See Press Release: http://www.paloaltoonline.com/media/reports/1202254053.pdf
3. See Press Release: http://www.newvotersproject.org/news-room/releases/news-releases/youth-turnout-up-sharply-in-key-super-tuesday-states

because HAVA does not specifically require those provisional ballots to be counted, this law gives states wide latitude in determining which, if any, provisional ballots to count, resulting in a vast number of them going uncounted.

In general, provisional ballots will only be counted if they are cast in the correct precinct or polling place. Some states do allow for the counting of a voter's provisional ballot for federal races if cast in the wrong precinct, but this is a rarity. Because HAVA fails to create a uniform system of counting provisional ballots, enormous confusion has been created by inadequately trained election officials and poll workers alike who inappropriately distribute, or sometimes fail to distribute, provisional ballots.

Emergency ballots, on the other hand, are just that: ballots voters can cast in "emergencies," (i.e. – when voting machines crash or are otherwise unavailable on Election Day). These ballots are meant as a back-up paper option when technology fails. But even emergency ballots are not failsafe. When mass problems require their usage, and supplies are not adequate, the potential arises for poll workers to run out of emergency ballots, causing voters to be left without the ability to cast their ballot. Further, some poll workers and election officials have been improperly treating emergency ballots and provisional ballots in the same manner. This poor training can lead to a delay in counting the ballots of otherwise eligible voters. For example, "emergency voters" who are forced to cast paper ballots when systems fail are not the same as "provisional voters" or subject to after-the-fact investigations of their eligibility as required under HAVA.

During the 2004 election cycle, the EP coalition reported more than a thousand complaints concerning provisional ballots, including widespread confusion over the proper use and counting of provisional ballots because of widely differing regulations from state to state and even from one polling place to the next. Many voters reported that poll workers were either refusing to give out provisional ballots or were simply unaware of the federal requirements to distribute them. Notably, many voters who complained of not being listed on the voter registration list subsequently complained either about not being offered provisional ballots or of not knowing whether these ballots would ultimately be counted.

Unfortunately, in 2008, the confusion over the proper use of provisional ballots and emergency ballots persisted. For example:

- On Super Tuesday, voters at the Westside Jewish Community Center in Los Angeles, California were turned away because voting machines still had not arrived at the polling place as of 10:45 a.m., more than three hours after the polls opened. Instead of being provided with emergency ballots, voters were simply turned away, while others chose to cast provisional ballots at other local polling places.
- On Super Tuesday, at John Jay College in New York City, New York, a voter called to report that all the machines at the precinct were broken. Poll workers gave voters provisional ballots rather than emergency ballots. Many voters chose simply not to vote.
- In Santa Monica, California, a poll worker gave one voter a provisional ballot when it was taking him too long to find her address in the book. When the voter insisted that she wanted a regular ballot, another monitor looked for her name and found it. She was eventually able to vote a regular ballot.

VOTING MACHINE PROBLEMS

HAVA also requires all states to replace lever and punch card voting equipment with more updated technology and requires each voting precinct to have at least one accessible voting machine system. In 2004, EP received thousands of complaints concerning machines inaccurately recording their choice in various races or not recording their votes at all. In 2006, of the 47.7 percent of EIRS entries that reported voting related problems to EP, nearly 21 percent were from individuals reporting voting equipment problems. Voters in over 35 states reported some type of voting machine related problem.

Common voting machine problems reported to the EP hotline and local command centers throughout the country, including all of our targeted states, in past years include:

- Broken down machines or missing ballot activator cards that caused late opening of poll places and voters leaving the polls without voting
- Vote switching/flipping, where voters voted for one candidate but voting machines showed that they voted for a different candidate
- Incomplete ballot choices showing on voting machines
- Missing votes or votes not displayed on review screens before voters cast their ballots
- Machines or devices on machines for voters with disabilities failing to function
- Machines destroying ballots
- Poll workers mistakenly giving voters the wrong ballots or ballot cards for voting machines.

Perhaps the biggest fiasco in 2006 involving voting machines was the congressional race in Sarasota County, Florida, where evidence suggests voting machine errors caused more than 18,000 votes simply to disappear in a congressional race where only 373 votes separated the top two candidates.

In the 2008 primaries, voting machine problems have once again been a source of frustration for many voters. Reports have come in about machines not working properly, ballots being improperly handled or possibly not counted at all or complete malfunction of voting machines at polling places. In a few places, polling places opened late when the machines were not working properly.

The types of problems recorded include:

- On Super Tuesday, at the Nativity Church in El Monte, California, voters reported all of the Republican ballots were rejected repeatedly. The poll worker placed the rejected Republican ballots in a bucket underneath the table and said they would be counted at a later time.
- A voter in Barnesville, Maryland arrived at the polls at 7:00am only to discover that none of the machines had working printers and no voters were able to vote at that time. The voter waited until 7:45am and then left to go to work without voting.
- At Ebenezer Baptist Church in San Francisco, California, the ballot tally machine was not working. Voters were told to leave their ballots and that they would be counted later.
- At Theater for a New City in New York, New York,

a voter found that the only voting machine for his district was out of order. Voters were directed to a table without privacy to vote on an emergency ballot. Ballots were folded into quarters and placed in a plain cardboard box to be counted later.

VOTER ID ISSUES

Since the passage of HAVA in 2002, which first introduced federal voter identification requirements, many state legislatures have passed new voter identification rules purporting to help prevent voter fraud. However, study after study has proven that there is no evidence to support the claim that significant voter fraud exists in the United States or that identification requirements would fix such a problem if it were to exist. The Carter-Baker Commission on Federal Election Reform itself acknowledged that "there is no evidence of extensive fraud in U.S. elections or of multiple voting."[4] In addition, according to a 2005 study by the Ohio League of Women Voters, only four in more than nine million ballots cast in Ohio in the 2002 and 2004 elections were found to be fraudulent.[5] Furthermore, as explained in PFAWF's amicus brief in the Supreme Court for the Indiana voter ID cases, *Crawford v. Marion County Election Board* and *Indiana Democratic Party v. Rokita*, voter ID is an unnecessary response to the purported existence of voter impersonation fraud.[6]

On the contrary, there is significant evidence to illustrate one thing that these new voter identification rules have done; they have posed a significant burden to approximately 12 percent of voting-age Americans—primarily voters in typically disenfranchised communities: the poor, racial minorities, senior citizens, and students—who do not have driver's licenses.[7] Under HAVA, only first-time voters who register by mail are required to show ID before voting, and they can choose from a number of different types of identification. The ID requirements in more than half of the country, however, are significantly more restrictive.[8] Twenty-four states now require all voters to present ID at the polls on Election Day.[9]

4. Jimmy Carter and James Baker, "Building Confidence in U.S. Elections Report of the Commission on Federal Election Reform," CFER Sept. 2005, at 18, *available at* http://www.american.edu/ia/cfer/report/full_report.pdf. (visited Dec. 15, 2006).

5. Ian Urbina, "New Registration Rules Stir Voter Debate in Ohio," New York Times, *available at* http://www.nytimes.com/2006/08/06/us/06ohio.html?ex=131251600&en=6090bc7fc7dce139&ei=5088&partner=rssnyt&emc=rss (visited Aug, 22. 2006).

6. Brief of Amici Curiae the Brennan Center for Justice; Demos: A Network for Ideas & Action; Lorraine C. Minnite; Proeject Vote; and People For the American Way Foundation in Support of Petitioners, *Crawford v. Marion County Election Board; Indiana Democratic Party v. Rokita, available at* http://moritzlaw.osu.edu/electionlaw/litigation/documents/Rokita-BriefamicuscuriaeofBrennan.pdf

7. Spencer Overton, "The Carter-Baker ID Card Proposal: Worse Than Georgia," Roll Call, 2005, *available at* http://www.carterbakerdissent.com/rollcall.php (visited Dec. 15, 2006).

8. 19 states require ID for all voters (accepting both photo and non-photo ID), 2 states require all voters to show photo ID, 3 states request all voters how photo ID, and 2 states require ID of all first-time voters, according to Electiononline.org, *available at* http://www.electiononline.org/Default.aspx?tabid=364 (visited Dec. 12, 2006).

9. *Id.*

Problems Seen in the Early Primaries

During the early 2008 primaries, several types of ID-related problems have been reported. For example:

- Voters in DeKalb and Fulton Counties in Georgia experienced long delays at polling places as the poll workers implemented new voter ID laws that required each voter to be confirmed as eligible to vote by looking them up in an electronic voter registration machine.
- Poll workers at Westfield Elementary School in Glen Ellyn, Illinois required all voters to show identification. They turned away voters without ID despite information provided by poll watchers indicating that voters do not need to show ID in most cases.
- Long-time voters at Gospel Temple Baptist Church in Chicago, Illinois were surprised when poll workers required voters to produce ID at the polls. Voters were turned away and not allowed to vote, even though Illinois law does not require anyone other than first time voters to show photo identification.

Voter Registration Issues

In the past, we have seen politically-motivated voter purges directed at suppressing the vote of historically disenfranchised communities. In the run-up to the 2004 elections in Florida, People For the American Way Foundation discovered that then-Governor Jeb Bush planned to implement a so-called "purge list," as he had done in 2000. PFAW Foundation obtained a copy and found voters on the purge list who were, in fact, eligible. Governor Bush later withdrew the purge list under allegations that, among other things, the list focused primarily on African Americans (more likely to vote Democratic in Florida) and had no Hispanics (more likely to vote Republican in Florida).

While we have not found coordinated efforts to keep people from the voter rolls in the 2008 primaries, we have documented a disconcerting number of voters who were inexplicably removed from the rolls.

Examples include:

- On Super Tuesday, one Arizona voter in Maricopa County received confirmation from the county that she was registered and even received a sample ballot from the county, but was still unable to vote.
- On Super Tuesday, a regular voter in Brooklyn, New York discovered her name was not on the voter roll. She and others who voted as recently as 2006 found they were not on the registration list.
- A voter in Hyattsville, Maryland went to vote in the Democratic Primary and was told that she could not vote because she was not registered as a Democrat, despite being listed as a Democrat on her voter registration card. She was required to cast a provisional ballot.
- More than 100 long-time Democratic voters at Westside High School in New York, New York were told that they were not on the registration list. Some of the voters were able to vote by affidavit, but others left without voting.

POLL WORKER TRAINING

Many of the problems at the polls resulted from poll workers' confusion over how to use certain voting machines, the proper distribution of provisional and emergency ballots and other basic voting information, as demonstrated above. In some cases, poll workers were openly partisan and intimidating to voters.

For example:

- In Los Angeles, California a registered voter asked the poll worker for a Republican ballot. The voter felt intimidated when, in her words, the "poll worker booed and hissed" at her.
- Poll workers at one polling place in San Francisco, California could not open the polling place on time because they did not know how to plug in the voting machines and did not know where to find the register of voters. The polling place was understaffed and many voters left before voting.
- In Santa Monica, a voter complained about a volunteer at her polling location who was rude to Republicans and did not immediately place Republican ballots into the ballot box. In addition, the voter's son, who is registered non-partisan, was encouraged to vote Democrat instead of being given the non-partisan ballot that he requested.
- In Baltimore, Maryland, poll workers did not have any experience or training on the computer system used to check voters in. It took poll workers fifteen minutes to find one voter's name.

LOOKING AHEAD TO OHIO

ACCORDING TO A RECENT *WALL STREET JOURNAL* article,[10] Ohio elections are more complex than ever. In Cuyahoga County alone, the epicenter of many problems in the 2004 presidential election, there are 59 separate election jurisdictions, including cities, school districts and other taxing authorities using 4,300 different ballot types, by jurisdiction, precinct and party.[11]

Ohio's new Chief Elections Officer, Secretary of State Jennifer Brunner, ran on a platform of fair, free, open and honest elections in Ohio and has already taken courageous steps to insure integrity in the voting process.

We are encouraged that Secretary Brunner has set up an advisory council to her office's Voting Rights Institute. This group, which includes PFAW's Ohio State Coordinator, Shaun Tucker, was put in place to provide leadership on voting rights issues to the Secretary, as well as to offer a transparent process including Ohio's leading voting rights advocates, election law experts, elections officials, party officials and state legislators. This is a complete turnaround from the past administration, which treated advocates as adversaries.

As part of Secretary Brunner's attempt to reform the voting system in Ohio, she is supporting the recommendations of the EVEREST Report,[12] which were developed by a team of election reform experts and advocates. Although we may not agree with all of the recommendations from this report, we do agree with the study's conclusion that there are significant risks with Ohio's voting systems.[13]

Despite Secretary Brunner's commendable efforts, based upon our experience from our year-round work in Ohio and recent experiences in the 2008 primaries, we have decided to conduct on-the-ground Election Protection activities in Cuyahoga County, Ohio. The primary issues that we will be monitoring include:

1. Voting machine functionality and availability
2. Voter ID and the use of provisional ballots
3. Deceptive practices and intimidation tactics

VOTING MACHINE ISSUES

In 2004, Election Protection received numerous reports of voting machine problems from Cuyahoga County, Ohio, resulting in the disenfranchisement of many voters.[14]

For the 2008 elections, Cuyahoga County has switched

10. http://online.wsj.com/article/SB120364389402984793.html
11. Cuyahoga County Board of Elections. http://boe.cuyahogacounty.us/en-US/home.aspx.
12. http://www.sos.state.oh.us/sos/info/everest.aspx
13. http://media.pfaw.org/PDF/capitolhill/01-09-08-Brunner-Local-and-National-Signatories-Letter.pdf
14. In 2004, a polling place in Cuyahoga County, Ohio was forced to shut down at 9:25 a.m. on Election Day because no machines were working. Similarly, during Ohio's primary election in May 2006, a polling place did not open until 1:30 p.m., because poll workers did not now how to set up voting equipment. "Cleveland Polling Place Delays Statewide Election Results," Newsnet5.com, May 3, 2006, *available at* http://www.newsnet5.com/politics/9144311/detail.html (visited Dec. 16, 2006).

from the touch screen machines to an entirely paper ballot system. Ballots will be counted at a central location. While this may limit the number of delays and problems seen at the polling place, another concern has arisen, which is the increased potential for overvotes. Because of the use of central count optical scanners instead of precinct count optical scanners, voters do not have the ability to correct ballots they may have filled out incorrectly. In precinct based optical scanners, when a voter fills out her ballot, but accidentally fills in two candidates for the same race or overvotes, the scanner will refuse to record the vote and require the voter to correct her ballot. However, central count optical scanners do not provide this option and, thus, have been shown to lose far more votes. Hence, it is very important that voters are properly informed about how to fill out their ballots before they are cast, and we will be training our volunteers to assist voters at the polls.[15]

VOTER ID AND PROVISIONAL BALLOTS

In January 2006, the Ohio legislature passed HB 3, which modified the state's election law to include, among other things, new voter ID requirements. These ID requirements are complicated and vague, and many poll workers do not fully understand them. An example of poll worker confusion occurred during Ohio's August 8, 2006 special election, when poll workers forced voters with valid drivers' licenses to cast provisional ballots because their licenses had old addresses. House Bill 3, however, expressly allows for voters to present drivers' licenses with former addresses to vote by regular ballot, as Ohio does not require its citizens to apply for updated licenses if they move.[16] Consequently, PFAW was able to supplement the EP Voters' Bills of Rights with additional literature specifically aimed at addressing the voter ID requirements to ensure that voters were not deterred from voting. This was extremely effective in giving voters specific, detailed instructions on what they need to bring to the polls in light of the new Ohio voter ID law.

While we believe that Secretary Brunner has taken steps to better inform poll workers and voters about the Ohio ID law, our past experiences in the general elections and even the recent primaries have shown that not all poll workers are adequately trained or simply do not appropriately enforce these requirements. Hence, this is another area in which our EP poll monitors will be providing assistance

15. The Brennan Center For Justice, *"Machinery of Democracy: Voting System Security, Accessibility, Usability, and Cost," available at* http://brennan.3cdn.net/cb325689a9bbe2930e_0am6b09p4.pdf

16. After the August special election, PFAWF sent a letter to Ohio's Secretary of State Kenneth Blackwell asking that he clarify the voter ID laws by issuing a directive to election officials that voters with a valid driver's license or state ID that has an old address can vote by regular ballot. Later, an Ohio homeless coalition filed a lawsuit in an Ohio federal court, contending that the state's voter ID requirements were vague and confusing. Prior to the November 2006 election, Secretary of State Kenneth Blackwell entered into a consent order agreeing to clarify the state's voter ID rules. The order made clear that, among other things, voters presenting valid drivers' licenses with either a former address could vote by regular ballot, and voters presenting a military IDs that did not have their current addresses could vote by provisional ballot by providing the last four digits of their social security numbers.

to voters at the polls so that they are able to cast a regular ballot and have that ballot counted on Election Day.

DECEPTIVE PRACTICES AND INTIMIDATION TACTICS

In 2004, voters repeatedly complained about misinformation campaigns via flyers or phone calls encouraging them to vote on a day other than November 2, 2004 or of false information regarding their right to vote. [17]

In particular, in Ohio, some voters complained of poll workers racially profiling African-American voters by asking them for ID and not doing the same for other voters. In 2006 and in the recent primaries, we have also received complaints through the EP Hotline regarding intimidating police presence at or near polling locations. While we are hopeful that such tactics will not occur during this upcoming primary, we will still be diligent in preparing our Election Protection poll monitors for any potential abuses.[18]

CONCLUSION

SOME BASIC CHANGES CAN BE MADE IN TIME FOR THE November general elections. People For the American Way and People For the American Way Foundation (PFAW/F) and our allies will be working over the next months to help prepare election administrators for the November elections, which are predicted to bring out a record number of voters. Already, we have witnessed this occurrence in the recent primaries. PFAW/F encourage positive, proactive changes, including establishing uniform standards for counting provisional ballots, an increase in the number of effectively trained poll workers—while making a concerted effort to recruit younger poll workers—increased voting day resources (i.e. more emergency ballots, etc.), more educational outreach to voters about the types of voter identification needed, and passage and enforcement of legislation preventing deceptive practices and voter suppression schemes. While these initial recommendations are not all encompassing, they represent realistic goals that we can all work toward achieving in time for the November 2008 Presidential election. We look forward to working with our allies from all sectors in the community to protect the rights of all voters at the polls.

17. In Ross County, Ohio a voter received an unidentified phone call from someone telling him to vote at an incorrect location instead of his usual polling place. We confirmed the correct place to vote. *www.electionawareness.org, incident 698.*

18. In Hamilton County, Ohio, poll monitors observed unusual police activity at the Evanston Community Center on Election Day. Reports included a wreck and a regular meeting with community leaders that officers were involved in. Cruisers were sighted out front with lights flashing. Another arrived and an officer entered the building. He was later located inside the building, nowhere near the voting. When the poll monitor explained that some voters were uncomfortable with his cruiser out front, he volunteered to move his car. *www.electionawareness.org, incident 5812 Also 5735, 5742*

BACKGROUND ON THE ELECTION PROTECTION PROGRAM

OVER THE LAST SEVEN YEARS, PEOPLE FOR THE American Way Foundation, as part of the Election Protection coalition, has worked to protect the vote across the country with the 1-866-OUR-VOTE hotline and the development of MyPollingPlace.com, providing voters across the country free legal and general assistance leading up to and on Election Day. Since its inception, the Election Protection program (EP) – led by People For the American Way Foundation, the NAACP and the Lawyers' Committee for Civil Rights Under Law, has become the largest non-partisan voter protection effort in the country. Over the years, the Election Protection coalition has mobilized and trained over 35,000 volunteers. During the 2004 election cycle, EP mobilized 25,000 trained volunteers, including 8,000 legal volunteers, who were recruited to monitor polling places, educate voters, facilitate a dialogue with local and state election officials, provide legal support to poll monitors and answer the voter assistance hotline, which received over 200,000 calls from voters in all 50 states. In addition to direct services to voters, the Election Protection coalition successfully collected over 45,000 incidents documenting the myriad of problems inherent in our electoral system, and PFAWF received over six million hits to our polling place indicator MyPollingPlace.com.

In 2006, the EP Coalition identified approximately 2300 precincts in 16 target states with the greatest need for Election Protection. For EP 2006, PFAWF focused our field work to cover communities where we had been actively engaged in voter registration throughout the year. With the continued use of the EP Hotline (1-866-OUR VOTE), EP 2006 was able to assist communities across the country beyond where we had ground operations. In 2006, PFAWF worked with the Louisiana Voting Rights Network and the NAACP Legal Defense and Educational Fund to help protect the rights of New Orleans voters in their city's municipal elections. We helped displaced voters request and cast absentee ballots, urged the Secretary of State to make administrative changes to make sure more absentee ballots would be counted, and supported on-the-ground activities on Election Day. Volunteers and coalition lawyers helped voters identify their polling places (many of which had been moved), made sure voters without identification were able to cast ballots, worked with election commissioners to make sure voters were not turned away and got police to move away from polling sites.

Ms. LOFGREN. I yield back.

The CHAIRMAN. Thank you.

Mr. LUNGREN. I ask unanimous consent that several articles and a letter be placed in the record for today's hearing.

The CHAIRMAN. Without objection.

[The information follows:]

Hillary for President

March 4, 2008
MEMORANDUM

TO: Interested Parties
FROM: Lyn Utrecht
Campaign Counsel
RE: Caucus Irregularities

The campaign legal hotline has been flooded with calls containing specific accusations of irregularities and voter intimidation against the Obama campaign. This activity is undemocratic, probably illegal, and reflects a wanton disregard for the caucus process.

The three most egregious categories are:

1) Irregularities: Prematurely Taking Precinct Convention Packets by Obama Campaign

Numerous calls have shown that Obama supporters prematurely removed convention packets from polling places. Packets may not legally given out until 7:15 PM or when the last voter has cast a ballot in the primary. The Texas State Party warned the Obama campaign in writing that they may not take these packets early or remove them from the polling locations. The Party directed that these irregularities be reported to law enforcement "since they amount to criminal violations." The Party stated "removing convention packets . . . will not be tolerated."

A sampling of the precincts where this occurred are:

- 659 – Tarrant
- 709 – Houston
- 2316 – Tarrant
- 1205 – Dallas
- 3127 – Bexar
- 3082 – Fort Bend
- 18/224 – Harris
- 3221 – Dallas
- 87 – El Paso
- 851 – Houston
- 115 - Harris
- 470 – Galveston
- 388 – Harris
- 3000 – Dallas
- 1214 – Dallas
- 20 – Medina
- 205 – Walker

2) Voter Intimidation: Lock-out of Clinton caucus goers by Obama Campaign

Numerous calls have been received that the Obama campaign has taken over caucus sites and locked the doors, excluding Clinton campaign supporters from participating in the caucus. The Clinton supporters have been unable to enter the premises to caucus. In at least one instance, law enforcement was called and forcibly opened the caucus site.

A sampling of the precincts where this occurred are:

- 4401 – Dallas
- 2052 – Tarrant
- 4402 – Dallas
- 75 – Harris

- 18 – Hardin
- 259 – Harris
- 124 – Nueces
- 4050 – Tarrant
- 115 – Harris
- 6 – Roma County
- 78 – Jefferson
- 117 – Denton

3) There are numerous instances of Obama supporters filing out precinct convention sign-in sheets during the day and submitting them as completed vote totals at caucus. This is expressly against the rules. The sign-in sheets were copied by the Obama campaign from the Texas Democratic Party website and taken by supporters to various polling places to sign-up caucus goers prior to the start of the caucuses

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January 23, 2008

Jill Derby, Chair
Nevada State Democratic Party
1210 S. Valley View Road
Suite 114
Las Vegas, NV 89102

Dear Chair Derby:

On behalf of the Obama for America campaign, I am writing to request that the Nevada State Democratic Party conduct an inquiry into an apparent and disturbing pattern of incidents reported at precinct locations throughout the state during the January 19 Caucus.

These reports suggest the possibility of activity conducted in violation of Party rules and the rights of voters—activity that, as the volume and distribution of those complaints indicate, may have been planned and coordinated with the willful intention to distort the process in the favor of one candidate, Senator Clinton. A sheet of instructions provided by the Clinton campaign to its precinct works captures its program for the Caucus: "*It's not illegal unless they [the temporary precinct chairs] tell you so.*" (See attachment). This certainly suggests that, for the Clinton campaign, the operative standard of conduct was, simply and only, what it could get away with.

On the day of the Caucus, we received by phone reports of misconduct, violations of the rules and irregularities, in the hundreds. Since that time, well *over a thousand* more accounts have been sent to us. Others have begun to emerge in other sources. http://andrewsullivan.theatlantic.com/the_daily_dish/2008/01/sleaze-in-nevad.html#more

At the outset, we wish to make clear what the inquiry we are requesting is **not** intended to accomplish. We are not seeking to challenge the outcome of the Caucuses at the precinct level.

Nor is it our intention to question the extraordinary efforts devoted by the NSDP to the organization and conduct of the Caucus, including the contribution its leadership made to resolve the high volume of questions and problems that exploded during the caucusing. Indeed, the Party responded promptly and effectively to the frontal attack on the Caucus in the form of an eleventh hour legal action by Senator Clinton's allies, intended to shut down voting locations or to put into question the legitimacy of the process.

The question raised here about activities on Caucus Day concerns solely the tactics employed by one campaign and their effects—their intended and actual effects—on the participation of voters supporting other candidates. Participation is a principle second to none in importance to the Democratic Party, emphasized throughout the national party's rules, as well those of the Nevada party.

Nature of Suppressive and Other Improper Activity

We have attempted to sort through the range of reports received, and while our own review has not been completed in the short time since the conclusion of the Caucus, we suggest that the evidence supports an inquiry focused on the following:

Door closings

As you know, and as their own training materials confirm, the Clinton campaign informed its precinct captains that the doors should close—and registration should end—at 11:30 am. This is, of course, false: the rules could not be clearer that any voter wishing to participate would until 12:00 pm take his or her place in line. What the rules clearly specify is repeated, with equal clarity, in the party's own Guide to the Caucuses.

It seems inconceivable that a well-financed and nationally organized campaign, stressing a platform of competence and experience, could have inadvertently misunderstood a rule of first importance to the Caucus. It is a rule governing participation and intended to encourage it. Any preparation for the Caucus would have included careful attention to any such rules of eligibility.

Yet the Manual put out by the Clinton campaign stated a false statement of the "closed door" rules.

Voters have given these reports, which are representative of others received like them:

- *"It happened at my caucus site and it happened, apparently, at every caucus site in Southern Nevada, as I spoke to dozens of Barack volunteers from other caucus sites who all said the same thing. At 11:30, the Hillary supporters were clamoring to have the doors closed, saying that the caucus was supposed to start at 11:30 and the doors should be closed immediately. The theory was that if a number of different people asked the caucus chair to close the doors at 11:30, some caucus chairs might believe that 11:30 was indeed the official door-closing time and would close the doors. This appeared to be the case and a number of caucus locations across the Vegas area, from my own first-hand (random but small) sample.*

  Apparently, Hillary's strategy was to tell her supporters to get there early, and have the doors close 30 minutes prior to their prescribed time, thereby shutting out some Barack supporters who might be a little late."

- *"Those Hillary people...closed the doors on our people and we had to call the cops in some precincts to have locks cut from doors, [they] slipped people in the back doors, they sent people home at 11:30 when it was illegal to prevent people from voting before noon."*

- *"Issue one was when the temporary chairman locked the doors at 1:30 preventing at least two caucus participants at 11:34 and 11:40 from entering. He stated that the rules were to close the doors at 11:30. Immediately stated that I was informed that the doors were to close at 12:00 but was rebuffed."*

- *"The Precinct 16 Caucus Chair...ordered the doors locked at 11:30 am. not 12 noon. I objected and called the hotline, and [the Chair] relented, but not before many voters were prevented from entering."*

Obstructing Voter Access

Voters have given these reports, which are representative of others received like them:

- *"While my precinct ran well due to the fact that we had only 24 caucus members present, there was mass confusion in the five other larger precincts at the same site. Obama people were being told my Clinton supporters that they could not register because the sign-in sheet was only for Clinton voters."*

- *"In Precinct 21, a Democratic worker ...(who was clearly for Hillary) refused to*

register Obama supporters and said she was only registering Hillary supporters."

- *"Someone told Obama supporters they had to wait until 11:30 to enter because Republicans were voting. (A Clinton supporter in front of the School.) There were many Clinton supporters telling Obama supporters to leave. A Clinton supporter took our bottles of water, and then tried to take our box containing precinct packet and voter registration forms. I had to run her down in the crowd. By the time I located her (with help)she had thrown things out, but kept the water bottles in her large bag."*

- *"Almost immediately, I was told by a couple of other Obama precinct leaders, whose names I don't know, that the Hillary people were turning our supporters away, by asking to see their ID's and telling them they weren't valid."*

Improper Handling of Voter Preference Cards

Voters have given these reports, which are representative of others received like them:

- *"The next controversial issue involved the voter cards disappearing into the Clinton camp, so that the Edwards and Obama people were left with no cards. When we asked them to give us back some cards, we then noticed that they had all been pre-marked for Clinton."*

- *"We circled Obama and were given a small slip of paper with our names and no voting ballot. We were told they were out of ballots. How convenient. It wasn't until later than I realized the Hillary group had ballots."*

- *"I personally observed one of Hillary's precinct captains taking up the ballot of the voter before the caucusing started. When the delegates were moved to the other side of the room she could not find all of the people that she took their ballots she then put them in her purse, further another one of Hillary supporter collected ballots as well and she had a ballot where some one was voting for Obama she fold it up in her hand. I call her on this matter she stated that she could not find the person that it belong to."*

Process for Conducting Review

This is a smattering of the reports we have received. Emerging from them is a disturbing picture of rules violations, discriminatory treatment of voters, bullying and disrespectful behavior toward those from other campaigns, the mishandling of preference cards, and failure to follow the process specified under the rules for the conduct of the vote count.

To support the inquiry that we are asking that you conduct, we will provide them these reports, unedited or redacted, to the Party, subject to an agreement protecting the privacy of voters who have given these accounts. We are confident, however, that with the benefit of these protections, these voters, if asked, will give their first-hand recollections directly to party counsel and representatives.

We would ask that this process be expedited. It is crucial that the Party enforce its rules. And, in the interests of all voters, any and all questions about misconduct at the Caucuses should be conclusively and clearly addressed so that what seems to have occurred in Nevada on January 19 will not be repeated.

We stand ready to support and cooperate in this inquiry, and hope and expect that the same support and cooperation will be forthcoming from the Clinton campaign and any and all others with relevant information.

Very truly yours,

Robert F. Bauer
General Counsel, Obama for America

What Happened in Iowa?

Speak up, don't be afraid to ask questions.

Temporary chairs are doing this for the first time. Don't try to offend them, but remember that this is their first time too.

It's not illegal unless they tell you so.

Energy is very important. Cheer, yell, speak up for Hillary.

Engage every supporter. Talk to them, find a role for them. Every supporter is a volunteer on caucus day.

Be aware of what's going on with other groups of supporters.

Encourage people to check over caucus math. Recruit help with all aspects of caucusing.

Don't be afraid to go negative on other candidates.

Make sure you have enough supplies for outside viability. GET CREATIVE!!

Talk to staffers in room, ask them questions.

Try to exploit the fact that the culinary union supported Obama over Edwards… target Edwards people.

If people are in our corner, collect preference cards. Get people to fill them out RIGHT AWAY.

Go after people when they come in, persuade, greet, encourage.

* DON'T FORGET TO COUNT YOURSELVES

CALL AFTER 1ST ALIGNMENT

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January 23, 2008

Jill Derby, Chair
Nevada State Democratic Party
1210 South Valley View Road
Suite 114
Las Vegas, NV 89102

Dear Chair Derby:

I write on behalf of Hillary Clinton for President ("the Committee") in regard to the January 19, 2008 Nevada Democratic Caucus. The Committee is aware of a letter addressed to you today from the Obama for America campaign requesting an inquiry into the conduct of the caucuses. The Committee shares the Obama campaign's concern that full participation in the democratic process may have been compromised by the substantial number of irregularities occurring at the caucuses, and we fully support a complete inquiry by the Nevada State Democratic Party (the "Party") into all caucus improprieties.

This letter is not intended as a response to the Obama campaign's letter. However, in the interest of a complete record, and in contrast to the alleged minor procedural problems noted by the Obama campaign, the Committee wishes to bring to your attention information we have received evidencing a premeditated and predesigned plan by the Obama campaign to engage in systematic corruption of the Party's caucus procedures. Compounding this blatant distortion of the caucus rules was an egregious effort by the Obama campaign to manipulate the voter registration process in its own favor, thereby disenfranchising countless voters. Finally, the Committee has received a vast number of reliable reports of voter suppression and intimidation by the Obama campaign or its allies.

The Committee had 30 phone lines on Saturday to receive calls in its Las Vegas offices. These lines rang continuously from early morning until well after the caucuses concluded with reports from people who were victimized and who observed irregularities. The phone lines were so overwhelmed that many callers resorted to calling individual Committee staff cell phones to report that they could not get through. The Committee also received many similar calls at its national headquarters.

The Committee is confident that any investigation into the conduct of the caucuses will be thorough, fair and in the interest of insuring that future Party caucuses will be as open and democratic as possible.

Systematic Corruption of the Party's Caucus Procedures

The Committee received substantially similar reports of improprieties of such a number as to leave no conclusion but that the Obama campaign and its allies and supporters engaged in a planned effort to subvert the Party's caucus procedures to its advantage. For example:

- Preference cards were premarked for Obama.
- Clinton supporters were denied preference cards on the basis that none were left, while Obama supporters at the same caucus sites were given preference cards.
- Caucus chairs obviously supporting Obama:
    - Deliberately miscounted votes to favor Senator Obama.
    - Deliberately counted unregistered persons as Obama votes.
    - Deliberately counted young children as Obama votes.
    - Refused to accept preference cards from Clinton supporters who were at the caucus site by noon on the ground that the cards were not filled out fast enough.
    - Told Clinton supporters to leave prior to electing delegates.
- Clinton supporters who arrived late were turned away from the caucus, while late Obama supporters were admitted to the caucus.

Manipulation of the Voter Registration Process

Numerous reports received by the Committee demonstrate a concerted effort on the part of the Obama campaign and its supporters to prevent eligible voters supporting a candidate other than Senator Obama from caucusing. The Obama supporters complained of were acting in positions of authority at the caucus sites. Some of these reports are as follows:

- Obama supporters wrongly informed Clinton supporters that they were not allowed to participate in the caucus if their names were not on the voter rolls. However, Obama supporters whose names did not appear on the voter rolls were permitted to register at the caucus site.

- Obama supporters falsely informed Clinton supporters that no registration forms were available for them to register to vote at the caucus site.

- Obama supporters wrongly told Clinton supporters who were attempting to caucus at the wrong precinct that they could not caucus at that site, while simultaneously permitting Obama supporters at the wrong precinct to participate.

- Obama supporters were allowed to move to the front of the registration and sign-in line.

Voter Suppression and Intimidation

The Committee received a substantial number of disturbing reports from voters that they had been subject to harassment, intimidation or efforts to prevent them from voting. Some of the most egregious of these complaints are described below:

- Voters at at-large caucus sites were informed that those sites were for Obama supporters only.

- Clinton supporters at at-large caucus sites were told that their managers would be watching them while they caucused.

- Workers were informed that their supervisors kept lists of Clinton and Obama supporters, and were told that they could not caucus unless their name was on the list of Obama supporters.

- Many Clinton supporters were threatened with employment termination or other discipline if they caucused for Senator Clinton.

- Workers were required to sign a pledge card to support Obama if they wanted time off to participate in the caucus.

- Workers at one casino were offered a lavish lunch and permitted to attend and register to vote only if they agree to support Obama.

The complaints summarized above represent only a small sample of the complaints received by the Committee. With respect to each of these complaints and many more, the Committee has the names and phone numbers of those reporting these incidents and the specific precinct numbers where the incidents occurred. Upon request the Committee will share these with the Party with appropriate safeguards to protect these individuals from reprisal. On the whole, these reports show a troubling effort by the Obama campaign and its allies and supporters to advance their own campaign at the expense of the right of all Nevada Democrats to participate in the democratic process in a free, fair and open manner.

Senator Clinton and the Committee are wholly committed to ensuring that every eligible voter has his or her vote cast and counted. There is no place in the American electoral process for the types of voter suppression, intimidation and harassment systematically engaged in by the Obama campaign, its allies and supporters.

Sincerely,

Lyn Utrecht
Counsel
Hillary Clinton for President

CLOSE WINDOW

fwdailynews.com
Keeping People Connected in Northeast Indiana & Northwest Ohio

Wednesday, April 9, 2008

Print Version

Print Page

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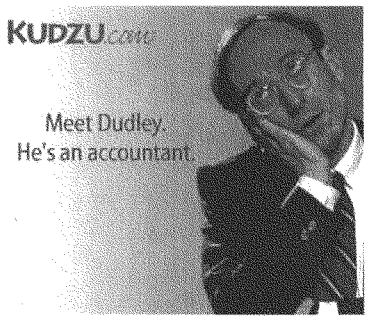
Voter cited by opponents of Indiana's ID law registered in two states

By Cindy Bevington
cindyb@kpcnews.net



WASHINGTON — As a hearing before the U.S. Supreme Court begins today, the Indiana Voter ID law became a story with a twist: One of the individuals used by opponents to the law as an example of how the law hurts older Hoosiers is registered to vote in two states.

Faye Buis-Ewing, 72, who has been telling the media she is a 50-year resident of Indiana, at one point in the past few years also claimed two states as her primary residence and received a homestead exemption on her property taxes in both states.

Monday night from her Florida home, Ewing said she and her husband, Kenneth, "winter in Florida and summer in Indiana." She admitted to registering to vote in both states, but stressed that she's never voted in Florida. She also has a Florida driver's license, but when she tried to use it as her photo ID in the Indiana elections in November 2006, poll workers wouldn't accept it.

Subsequently, Ewing became a sort-of poster child for the opposition when the Indiana League of Women Voters (ILWV) told media that the problems Ewing had voting that day show why the high court should strike down the law.

But Indiana Republican Secretary of State Todd Rokita said Monday Ewing's tale illustrates exactly why Indiana needs the law.

"This shows that the Indiana ID law worked here, which also calls into question why the critics are so vehemently against this law, especially with persons like this, who may not have a legal right to vote in this election," Rokita said.

The law

In 2005, Indiana passed a law requiring Hoosiers to present photo identification when they vote in person on Election Day, or when they cast a ballot in person at a county clerk's office prior to Election Day. Voters without an ID may cast a provisional ballot, then bring an ID back to their county clerk or election board within 10 days.

The law does not apply to those voting absentee or to citizens whose polling place is in a state-licensed

care facility where the voter resides.

Proponents of the law, including Rokita, believe it will better protect Hoosiers from voter fraud and identity theft.

Critics say it unfairly burdens the poor, elderly and members of certain faiths, such as Amish.

According to the National Conference of State Legislatures, other states have voter ID laws, but only Florida and Georgia join Indiana in requiring photo IDs to vote. Indiana's law has been called one of the strictest.

Even before Indiana's law was in place, opponents — including Democratic presidential candidate Barack Obama — were lining up against it, apparently in fear that, if it stood, other states would follow. In 2005 Obama introduced a Senate resolution urging the Department of Justice to challenge any state law mandating photo IDs for voting.

In Indiana, the Democratic Party, the League of Women Voters and numerous other groups or agencies representing elderly, minority and disadvantaged voters have been challenging the law in court with the help of the Brennan Center for Justice, which states on its Web site that it is a nonpartisan public policy and law institute that focuses on the fundamental issues of democracy and justice.

So far, the law has been upheld by a federal judge and a panel in the 7th U.S. Circuit Court of Appeals.

The U.S. Supreme Court agreed to review the law today and, according to the Brennan Center, "(It) is the most important voting rights case since Bush v. Gore."

A standing ovation

Gearing up for the high court's review, news media around the country have been trumpeting the ordeals that Ewing and others in Indiana allegedly suffered due to Indiana's voter ID law. One news story related how Ewing received a standing ovation at the polls in Lafayette in November 2006, after she spent several hours on Election Day obtaining an Indiana photo ID.

Earlier that day, Ewing tried to use her Florida driver's license for identification, but poll workers wouldn't accept it as a valid ID for voting. She was told she could cast a provisional vote, but she declined. Her birth certificate wasn't acceptable because it didn't have her married — and therefore identifying — name on it, according to a brief filed with the Supreme Court by the Brennan Center.

It took four hours and visits to two cities to secure the necessary documents for Ewing to vote, the brief and news stories said.

'I'm confused'

According to Ewing and Ann Nucatola, public information director for the Florida Department of Highway Safety and Motor Vehicles, Ewing surrendered her Indiana driver's license in 2000, when she moved to Florida and obtained her Florida license. Nucatola said a driver must have a Florida address to obtain a Florida driver's license.

"And if they own property in two states, they have to get a license that says 'valid in Florida only,'" Nucatola said.

Ewing said Monday that her license is a "regular" one that she uses in both states. She renewed it in 2007 on a Punta Gorda, Fla., address.

At the Charlotte County, Fla., voter registration office, Sandy Wharton, vote qualifying office manager, said Ewing registered to vote in Charlotte County on Sept. 18, 2002, and signed an oath that she was a Florida resident and understood that falsifying the voter application was a third-degree felony punishable by prison and a fine up to $5,000.

Wharton said her office checked Ewing's Florida residency and qualified her on Oct. 2, 2002. On Oct. 4, 2002, they mailed her Florida voter card to her, to the West Lafayette, Ind., address that Ewing gave as a mailing address.

However, Ewing didn't vote in Florida that year, nor has she ever voted in Charlotte County, Wharton

said. But, just a month after receiving her Florida voter card, she did vote in the November 2002 elections in Tippecanoe County, Ind., according to Heather Maddox, co-director of elections and registration in Tippecanoe.

Ewing confirmed that she is registered in both states to vote, but at first said the Florida registration came automatically with her driver's license. She repeatedly denied signing the oath on the Florida application. She also said Indiana mailed her an absentee ballot, but she didn't use it or vote that year.

However, Maddox said Ewing voted in Indiana in 2002, 2003 and 2004, before the Indiana ID law took effect in 2005.

When informed that the Florida voter office said she'd registered personally in 2002 for a Florida voter card, and that this newspaper had a copy of her registration, Ewing said, "Well, why did I do that? I'm confused. I can't recall." She reiterated that, even though she's registered in two states, she only votes in Indiana, adding that she has a car plated in Florida.

That doesn't satisfy Florida officials.

"She can only be registered to vote in the place where she claims residency," Wharton said. "You can't be registered in two states. She has to claim one place or the other."

Ordinarily when someone registers to vote in Florida, the state informs the election board where the applicant was previously registered. But according to Wharton, Ewing did not inform Florida that she was ever registered to vote anywhere else.

"She signed an oath saying she was a qualified elector and a legal resident of Florida," Wharton said. "And the space where she was supposed to tell us where she was previously registered, she left blank."

Homestead

A check with Charlotte County's online property tax records shows that Ewing owns property there. One requirement in Florida to claim homestead is to show a valid voter ID or sign an affidavit of residency — which she did when she applied for her Florida voter card. She claimed a homestead exemption on the Florida property in 2003 — the same time she was claiming a homestead exemption on property she owned in Indiana, according to Tippecanoe deputy auditor Heather Satler. Satler said Ewing's Indiana exemption began in 1994 and ended in 2004, when the exemption was removed because the state discovered she wasn't living there.

Tuesday, Ewing said the homestead "problem came up" when she married in 2002. "But that was taken care of," she said. She also said her main residence is in Indiana, and that she pays "some" taxes in Indiana on a "small annuity" she receives.

"But I feel like I'm a victim here," Ewing said. "I never intended to do anything wrong. I know a lot of people in Florida in this same situation — they call us 'snowbirds,' you know."

'It works'

Friday, Rokita said he believes the Indiana voter ID law protects against identity theft and voter fraud. It makes provisions for people who are too indigent to pay for a photo ID, and allows people to file a religious objection to it. It gives people who don't have an ID a chance to file a provisional vote, and essentially doesn't deny anyone who really wants to vote the right to vote, as opponents claim, Rokita said.

Rokita's 83-page brief to the Supreme Court says that numerous voter-impersonation fraud reports have been recorded across the country, and that other types of alleged voter fraud are under investigation in Indiana.

It also points out that "the only published study of Indiana voter turnout since implementation of the Voter ID Law shows no negative disparate impact."

He admits that no voter fraud has been proven yet in Indiana.

But, he said, that doesn't mean the law isn't necessary.

Monday, uRokita said Ewing's experience was an example that Indiana's law works.

"The facts as I have heard them go to the heart of one of the reasons we have a photo ID law," Rokita said. "I want everyone to vote once ... but the evidence uncovered here brings up several questions of whether this person is a resident of Florida or Indiana — and the fact of the matter is that Hoosiers should vote here."

No criminal intent

Contacted on her way to Washington for the hearing, Joanne Evers, president of the ILWV said she had no idea that Ewing — who is listed first in the ILWV's Supreme Court brief — had dual voter registrations.

Even so, she said, it doesn't diminish the opposition's case.

"(Ewing) is an example of how difficult it was to get an ID, period," Evers said. "This law was intended to catch someone who is impersonating someone else and votes twice, not to catch someone who is perhaps trying to understand the bureaucracy of two states.

"I don't think Faye was trying to do anything illegal. The fact that she did not vote in Florida leads me to believe she did not intend anything criminal. I was at the poll when she was unable to vote and saw what she had to go through to get an Indiana ID card. I think (all of this) is part of the confusion. I hope the law is not to befuddle people trying to do the right thing."

Evers pointed out that many other voters experienced similar problems, including a disabled senior citizen who had been voting all of her life and who didn't have the proper ID for the new law.

Justin Levitt, counsel for the Brennan Center, said he hadn't known that Ewing was registered in two states. But, like Evers, Levitt doesn't think Ewing's case has relevancy to the arguments the Supreme Court is considering.

"Certainly (Ewing's) not a poster child for this," Levitt said. "And those sorts of things unfortunately do happen. But for the vast majority they have the permanent residency in one place and haven't gotten an ID or driver's license somewhere else.

"I can certainly appreciate that on the eve of the hearing the secretary of state would say this is why we need the law. But I disagree. It's to keep people from pretending to be somebody else, and there's no indication that (Ewing) is going to polls pretending to be somebody else. The secretary has not yet shown a case of voter fraud. And there's no question that the law is hurting real, eligible Indiana residents."

Thursday: Local citizens and officials react to Indiana's Voter ID law.

-- CLOSE WINDOW --

NEWS Texas/Southwest

2 counties probed for voter fraud

08:11 AM CDT on Wednesday, March 26, 2008

Officials in Harris and Jim Wells counties are looking into allegations of voter fraud in the March 4 primary election.

Voted twice: The Harris County clerk presented the district attorney's office with a list of 1,147 names of people who may have voted in both the Democratic and Republican primaries or voted twice in the same primary.

Mail-in ballots: The focus of most of the complaints in Jim Wells County was on mail-in ballots. About 2,300 mail-in ballots were sent out, and only 1,500 were returned. Yet a lot of people who came in to vote were told they had already voted by mail, officials said.

History: Jim Wells County has a history with voter fraud allegations. It was there that the legendary stuffed ballot box gave a tight U.S. Senate race to Lyndon Johnson in 1948. There have been repeated accusations of fraud over the years since, but no charges have resulted.

The Associated Press

The CHAIRMAN. The MyVote hotline has received over 40,000 calls in 2008. I would like to play for the committee a tape provided by Mr. Joyner to give an idea of the problems his listeners have experienced. I look forward to hearing from our witnesses regarding these problems and for proposed solutions to ensure that the 2008 general election run smoothly. Americais the greatest democracy in the world, and our election should reflect that fact. So I would like to have somebody run those calls that were made to Joyner's show.

[Tape played.]

The CHAIRMAN. Thank you.

I would also like to ask unanimous consent that our colleague from Florida, Mr. Meek, sit up on the rostrum with us.

No objections. Thank you.

And I would like to ask our ranking member, Mr. Ehlers, if he has an opening statement.

Mr. EHLERS. Thank you, and I apologize for my delay. I was in a meeting that was very urgent and just had to stay until we resolved it.

I have a long opening statement, but let me just put it into the record in the interest of time.

I am very concerned about anyone being denied the opportunity to exercise their franchise to vote. That shouldn't happen.

I also recognize that we have a very complex voting system operated by 50 States and numerous different jurisdictions, and it's impossible in my experience—and I have some 30 years experience working on this, to keep all the poll workers trained and on their toes all the time.

A number of instances that I have encountered which were malicious in the sense that someone deliberately was trying to keep someone else from voting, those are extremely rare. There are a lot of errors made—I shouldn't say a lot, but there are a number of errors made by poll workers and by voters themselves in not either fully understanding the rules or following the rules, and so I think it's important to keep that in mind when we are talking about this situation.

If we can in fact prove that there are deliberate attempts to prevent people from voting, that is a crime and should be handled that way. So I hope we will keep that in mind and be kind and thoughtful in the treatment of poll workers. Those poor folks, they only do this a couple times a year. It is easy to forget from one election to another. Many times, they are elderly, and they have to work 12- to 14-hour days. It is really a tough job, and I admire their interest and their stamina in doing it. I am very slow to condemn them for doing things wrong, but they do make mistakes, just as we make mistakes now and then.

So I am interested in hearing the testimony and hearing what happened, but let me say that I am a little skeptical that someone claims that someone deliberately and illegally stopped them from voting. If that in fact did happen, that is, as I said, a crime. There should be a mechanism for calling that to attention and seeing that they are dealt with according to the law.

With that, Mr. Chairman, I will yield back.

The CHAIRMAN. I thank the gentleman.

[The statement of Mr. Ehlers follows:]

[After Chairman Brady's opening remarks]

Thank you Chairman Brady for calling this hearing, and to our witnesses for joining us to discuss the lessons learned thus far during this presidential primary season.

As I have expressed previously, I believe our role in this Committee is not to dictate how states should conduct their elections, rather I believe we should provide the support and legislative oversight necessary to further improve our voting processes. To that end, our witnesses today will share insights learned from the presidential primaries that may be helpful as we move closer to the November 2008 general election. With many media outlets and election experts predicting record turnout, it is crucial that we do everything possible to help jurisdictions successfully meet the demands of an energized electorate as they head to the polls on Election Day.

Our witnesses come from a variety of backgrounds and experiences, and I look forward to receiving their findings. I

am particularly interested to hear from Ms. Weedon, who in her role as Deputy Director of Elections for Maricopa County has had a voter hotline in place for over a decade with outstanding results. Maricopa County ranks fourth among the nation's counties in population, and has more residents than 24 individual states, creating an even greater challenge for its election administrators than many smaller jurisdictions face. The system in Maricopa County will likely provide a blueprint for many other states and localities that wish to find new ways to reach voters.

Finally, I would like to stress the importance of looking at ***all*** possible causes of voting problems, whether they be machine, man or method, to ensure that we are truly addressing gaps in the system. One area that is often overlooked or marginalized in election reform is the need for better education on the elections process, both for voters and for poll workers. The most important safeguard we have in successfully administering our nation's elections is creating a more informed electorate ***before*** Election Day. From awareness of voter identification requirements to information

about polling locations, it is crucial that we find new ways to educate the public. Of course, even with the most effective outreach program, there will always be a number of voters who may remain disconnected prior to the election. In these cases, better training for poll workers will help eliminate confusion.

We owe it to the voters who will soon be casting their ballots in the general election to thoroughly examine all of the possible causes of voting problems in our system, and do everything we can to assist states in addressing those issues.

Thank you, and I reserve the balance of my time.

The CHAIRMAN. I would like to now introduce our panel and thank you for your participation and for being here today.

Our first panelist, Tom Joyner, host of the Tom Joyner Morning Show. He has received dozens of honors for his work, including being admitted to the National Radio Hall of Fame. A strong advocate for civil rights and has led countless voter registrations and Get Out the Vote efforts. His foundation has donated more than $55 million to improve the lives of those in need, particularly after Hurricane Katrina. He's a dynamic and influential personality, and I am honored to have you here this morning.

Greg Moore, Director of NAACP National Voter Fund. Prior to joining NAACP, he worked on Capitol Hill as a Legislative Director and Chief of Staff. Thank you, sir.

John Bonifaz, Legal Director of Voter Action. Prior to joining Voter Action, he worked for more than 12 years at the National Voting Rights Institute where he worked to protect the integrity of our electoral process. Thank you for being here.

Cecilia Martinez, Executive Director of The Reform Institute. Prior to joining The Reform Institute, she was Director of the Clean Elections Institute in Arizona. Thank you.

And last but certainly not least, Mr. Ken Smukler, President of InfoVoter Technologies, which created and maintains the MyVote1 hotline. We will be hearing from him today.

Mr. Joyner, I know you are probably not used to talking in front of a microphone, but we need to push the button. All of you on the panel have a button in front of you. When you speak, you have to push it.

We have a box that tells you we have 5 minutes. That tells you when it is time to sum up and when it is time to stop. I am lenient with that. I let people talk maybe sometimes too much, but if you get redundant, I will warn you that you had enough time.

STATEMENTS OF TOM JOYNER, RADIO HOST, TOM JOYNER MORNING SHOW; GREG MOORE, EXECUTIVE DIRECTOR, NAACP NATIONAL VOTER FUND; JOHN BONIFAZ, LEGAL DIRECTOR, VOTER ACTION; CECILIA MARTINEZ, EXECUTIVE DIRECTOR, THE REFORM INSTITUTE; AND KEN SMUKLER, INFOVOTER TECHNOLOGIES

The CHAIRMAN. So right now, Mr. Joyner, it is my pleasure, and again I welcome you, and I thank you for your participation.

STATEMENT OF TOM JOYNER

Mr. JOYNER. Thank you.

Thank you, Chairperson Brady and committee members, for the opportunity to talk to you about this very important issue affecting our voters. I am Tom Joyner, and as a radio broadcaster I deal daily with theater of the mind, so I would like for you to join me in this exercise.

Imagine yourself as a 30-year-old working mother of two. You arrange for your mom to take your kids to school on this day so that you can get to your polling place when it opens at 7:00 a.m. You anticipate being in line for 45 minutes to an hour and you have to be at work at 9:00. You are not a regular voter. In fact, this is your first time voting in a Presidential primary.

You get to your polling place at 7:05, and the polls haven't opened. There are more than 100 people in line; and when the polls do finally open at 7:30, you notice that the line is moving at a snail's pace. The reason for the delay is that there aren't enough machines, there isn't enough manpower, there aren't enough I.D. verification machines or they have run out of ballots.

You want to wait in line until the problems are fixed, but, if you do, there is no way that you'll make it to work on time. Maybe you'll have time to vote after work, if your boss lets you leave on time and your mom agrees to pick up the kids from daycare. But if they didn't have enough machines at 7:30 in the morning, they most certainly won't have enough at 6:00 in the evening. So the lines will be even longer and move slower than they did in the morning. So you pass; you pass on this election.

My show, the Tom Joyner Morning Show, reaches nearly 8 million mostly African American people every week; and since so many African Americans do tune in to hear our show, along with being called the hardest-working man in radio, I am sometimes called the voice of black America.

When CNN, C–SPAN or any major TV network, a President of the United States or Presidential candidate wants to speak to, or hear from African Americans, they know that I am the person to come to. It is a huge responsibility, and I take it very seriously. It is all a part of my ongoing goal to "super-serve" my audience. That means to be in touch with what they want and need and to provide that by entertaining, educating and empowering our listeners.

The best way to empower our listeners is by registering them to vote. Through our partnership with the NAACP voting fund, as of Friday we have registered nearly 21,000 people and received in total more than 45,000 phone calls at 1–866–MyVote–1. A lot of those calls were about poll locations, but most of the calls were complaining about problems that they experienced at their polling places.

On Tuesday, February 5th, Super Tuesday, we received nearly 10,000 calls throughout my radio show, a 4–hour show, and throughout that day. We monitored those calls, and many of those calls came from voters in Atlanta. At one point during the radio show, we were receiving up to three calls a minute. They were calling to tell us that they were having problems voting, that the voter ID machines were not working, that in some cases there weren't enough voting machines. In other cases, they called us to complain about poll workers who didn't know how to fix problems when they were happening.

And that is why I am here this morning. I know about the problems. My audience knows about the problems. Now you need to know about the problems, and you need to do what it takes to fix the problems.

If I am concerned about making sure people register and actually getting the opportunity to exercise their right to vote, you really ought to be concerned.

We aren't talking about apathetic people who won't take the time to vote. We are talking about people who have registered and have shown up at the polls ready and willing to cast their ballots. Voting irregularities either kept them from voting or made the process a

lot more difficult than it should have been. We kept good records of these irregularities and are passing them along to you. My listeners are counting on me to do something about these irregularities, and I am counting on you.

Sadly, we don't know how many people were turned away and how many people will not return to the polls in November because of their negative experience. Many of them start believing that these problems are designed to keep them from voting. They look back at the Presidential election in 2000 and 2004 and wonder what kind of trickery is going to steal the elections this time around. They call me, and I hear the frustrations and the anger of my radio audience on our 1–866–MyVote–1 hotline.

So here is what I am urging you all to do before we get to November. One, get more voting machines to these polling places; two, do a better job of training poll workers so that they know how these machines work and how to fix problems; three, in Georgia, get more voter ID verification machines; and, finally, establish a national voting standard to avoid so much confusion in every city and State every election year.

We want people to register to vote, but we are making it too difficult for them to vote.

In keeping with the spirit of the election year, let me just say that I am Tom Joyner, and I approve this message. Thank you very much.

The CHAIRMAN. Thank you, Mr. Joyner.

[The statement of Mr. Joyner follows:]

REMARKS BY
TOM JOYNER
HOST, TOM JOYNER MORNING
US HOUSE OF REPRESENTATIVES
COMMITTEE ON HOUSE ADMINISTRATION
CHAIRMAN ROBERT A. BRADY
APRIL 9, 2008

THANK YOU, CHAIR PERSON BRADY AND COMMITTEE MEMBERS FOR THE OPPORTUNITY TO TALK TO YOU ABOUT THIS VERY IMPORTANT ISSUE AFFECTING OUR VOTERS. IT'S AN HONOR TO BE HERE. I WAS HOPING TO GET A CHANCE TO COVER UP THE MIC AND HAVE MY LAWYER WHISPER IN MY EAR. OH, WELL, MAYBE NEXT TIME. I'M TOM JOYNER AND AS A RADIO BROADCASTER I DEAL DAILY WITH THEATER OF THE MIND. SO, I'D YOU TO JOIN ME IN THIS EXERCISE.

IMAGINE YOURSELF AS A 30-YEAR-OLD WORKING MOTHER OF TWO. YOU ARRANGE FOR YOUR MOM TO TAKE YOUR KIDS TO SCHOOL ON THIS DAY SO THAT YOU CAN GET TO YOUR POLLING PLACE WHEN IT OPENS AT 7 A.M. YOU ANTICIPATE BEING IN LINE FOR 45 MINUTES TO AN HOUR AND YOU HAVE TO BE AT WORK BY NINE. YOU'RE NOT A "REGULAR" VOTER . IN FACT, THIS IS YOUR FIRST TIME VOTING IN A PRESIDENTIAL PRIMARY. YOU GET TO YOUR POLLING PLACE AT 7:05 AND THE POLLS HAVEN'T OPENED. THERE ARE MORE THAN A 100 PEOPLE IN LINE AND WHEN THE POLLS DO

FINALLY OPEN AT 7:30, YOU NOTICE THE LINE IS MOVING AT A SNAIL'S PACE.

DEPENDING ON THE STATE YOU'RE IN THE REASON FOR THE DELAY IS THAT THERE AREN'T ENOUGH MACHINES, THERE ISN'T ENOUGH MANPOWER, THERE AREN'T ENOUGH I.D. VERIFICATION MACHINES OR THEY HAVE RUN OUT OF BALLOTS.
YOU WANT TO WAIT IN LINE UNTIL THE PROBLEMS ARE FIXED BUT IF YOU DO, THERE'S NO WAY THAT YOU WILL MAKE IT TO WORK ON TIME.

MAYBE YOU'LL HAVE TIME TO VOTE AFTERWORK-- IF YOUR BOSS LET'S YOU LEAVE ON TIME AND YOUR MOM AGREES TO PICK UP THE KIDS FROM DAYCARE. BUT IF THEY DIDN'T HAVE ENOUGH MACHINES AT 7:30 A.M. THEY MOST CERTAINLY WON'T HAVE ENOUGH AT 6 P.M. SO THE LINES WILL BE EVEN LONGER, AND MOVE SLOWER THAN THEY DID IN THE MORNING. SO, YOU PASS ON THIS ELECTION.

MY SHOW – THE TOM JOYNER MORNING SHOW – REACHES NEARLY EIGHT MILLION, MOSTLY AFRICAN AMERICAN PEOPLE EVERY WEEK. AND SINCE SO MANY AFRICAN AMERICANS DO TUNE IN TO HEAR OUR SHOW--ALONG WITH BEING CALLED THE HARDEST WORKING MAN IN RADIO, I AM SOMETIMES CALLED THE VOICE OF BLACK AMERICA.

WHEN CNN, CSPAN OR ANY MAJOR TV NETWORK, A PRESIDENT OF THE UNITED STATES OR A PRESIDENTIAL CANDIDATE WANTS TO SPEAK TO –OR HEAR FROM -- AFRICAN-AMERICANS, THEY KNOW THAT I'M THE PERSON COME TO. IT'S A HUGE RESPONSIBILITY AND I TAKE IT VERY SERIOUSLY.

IT'S ALL A PART OF MY ON-GOING GOAL TO SUPER-SERVE MY AUDIENCE, THAT MEANS TO BE IN TOUCH WITH WHAT THEY WANT AND NEED -- AND TO PROVIDE THAT BY ENTERTAINING, EDUCATING AND EMPOWERING OUR LISTENERS.

THE BEST WAY TO EMPOWER OR LISTENERS IS BY REGISTERING THEM TO VOTE. THROUGH OUR PARTNERSHIP WITH THE NAACP VOTING FUND, AS OF FRIDAY, WE HAVE REGISTERED NEARLY 21,000 PEOPLE AND RECEIVED IN TOTAL MORE THAN 45,000 PHONE CALLS TO 866-MYVOTE-1. MORE THAN 20,000 OF THOSE CALLS WERE QUESTIONS ABOUT POLL LOCATIONS. THAT'S THE GOOD NEWS.

THE BAD NEWS IS THAT MORE THAN 4,000 OF THE CALLERS WERE COMPLAINING ABOUT PROBLEMS THEY EXPERIENCED AT THEIR POLLING PLACES.

ON TUESDAY FEBRUARY 5TH, WE RECEIVED NEARLY 10,000 CALLS! THROUGHOUT MY RADIO SHOW AND THROUGHOUT THAT DAY, WE MONITORED THOSE CALLS. MANY OF THOSE CALLS CAME FROM VOTERS IN ATLANTA. AT ONE POINT DURING THE RADIO SHOW, WE WERE RECEIVING UP TO THREE CALLS A MINUTE. THEY WERE CALLING TO TELL US THAT THEY WERE HAVING PROBLEMS VOTING. THAT THE VOTER ID MACHINES WERE NOT WORKING. THAT, IN SOME CASES, THERE WEREN'T ENOUGH VOTING MACHINES. IN OTHER CASES, THEY CALLED US TO COMPLAIN ABOUT POLL WORKERS WHO DIDN'T KNOW HOW TO FIX PROBLEMS WHEN THEY WERE HAPPENING.

AND THAT'S WHY I'M HERE THIS MORNING. I KNOW ABOUT THE PROBLEMS. MY AUDIENCE KNOWS ABOUT THE PROBLEMS. NOW YOU NEED TO KNOW ABOUT THE PROBLEMS AND YOU NEED TO DO WHAT IT TAKES TO FIX THE PROBLEMS.

IF I'M CONCERNED ABOUT MAKING SURE PEOPLE REGISTER AND ACTUALLY GET THE OPPPORTUNITY TO EXERCISE THEIR RIGHT TO VOTE, YOU REALLY OUGHT TO BE CONCERNED.

WE AREN'T TALKING ABOUT APATHETIC PEOPLE WHO WON'T TAKE THE TIME TO VOTE. WE'RE TALKING ABOUT PEOPLE WHO

HAVE REGISTERED AND HAVE SHOWED UP AT THE POLLS READY AND WILLING TO CAST THEIR BALLOTS.
VOTING IRREGULARITIES EITHER KEPT THEM FROM VOTING OR MADE THE PROCESS A LOT MORE DIFFICULT THAN IT SHOULD HAVE BEEN. WE'VE KEPT GOOD RECORDS OF THESE IRREGULARITIES AND ARE PASSING THEM ALONG TO YOU. MY LISTENERS ARE COUNTING ON ME TO DO SOMETHING ABOUT THESE IRREGULARITIES AND I'M COUNTING ON YOU.

SADLY, WE DON'T KNOW HOW MANY PEOPLE WERE TURNED AWAY AND HOW MANY WILL NOT RETURN TO THE POLLS IN NOVEMBER BECAUSE OF THEIR NEGATIVE EXPERIENCE. MANY OF THEM START BELIEVING THAT THESE PROBLEMS ARE DESIGNED TO KEEP THEM FROM VOTING. THEY LOOK BACK AT THE PRESIDENTIAL ELECTIONS IN 2000 AND 2004 AND WONDER WHAT KIND OF "TRICKERY" IS GOING TO 'STEAL' THE ELECTION THIS TIME AROUND.

THEY CALL ME AND
I HEAR THE FRUSTRATION AND THE ANGER ON MY RADIO SHOW AND ON THE 1 866 MYVOTE 1 HOTLINE.

SO, HERE'S WHAT I'M URGING YOU ALL TO DO BEFORE WE GET TO NOVEMBER:
(1) GET MORE VOTING MACHINES TO THESE

POLLING PLACES;
(2) DO A BETTER JOB TO TRAIN POLL WORKERS SO THEY KNOW HOW THESE MACHINES WORK AND HOW TO FIX PROBLEMS;
(3) IN GEORGIA, GET MORE VOTER ID VERIFICATION MACHINES IN GEORGIA; AND,
(4) ESTABLISH NATIONAL VOTING STANDARDS TO AVOID SO MUCH CONFUSION IN EVERY CITY AND STATE EVERY ELECTION YEAR.

WE WANT PEOPLE *TO REGISTER TO VOTE*, BUT WE'RE MAKING TOO DIFFICULT FOR THEM *TO VOTE*.

IN KEEPING WITH THE SPIRIT OF THE ELECTION YEAR, LET ME JUST SAY I'M TOM JOYNER AND I ENDORSE THIS MESSAGE.

THANK YOU FOR YOUR TIME.

The CHAIRMAN. Mr. Moore.

STATEMENT OF GREG MOORE

Mr. MOORE. Thank you, Mr. Chairman, Ranking Member Ehlers. Thank you, members of the House Administration Committee. I want to thank you for the opportunity to present today.

My name is Greg Moore. I am the Executive Director of the NAACP National Voter Fund, which is a 501(c)(4), a nonpartisan social welfare organization created by the NAACP in 2000, the Nation's oldest and largest civil rights organization celebrating its 100th anniversary in February of 2009 of consumer right advocacy.

The Voter Fund's sole purpose is to promote voter registration, expand voter registration and protect the rights of voters seeking to exercise their right to vote.

I want to especially thank you, Chairman Brady, and your staff for having the foresight to hold this hearing that allows us to take a bird's-eye view of the primary season so far.

Some have raised questions on why hold the hearing now when we are still in the process of voting in States like Pennsylvania and others. It reminds me of a quote by Dr. King, a freedom fighter who tragically gave his life 40 years ago fighting for the right to vote and the civil rights of all Americans, regardless of race, religion or income. Dr. King spoke of the "fierce urgency of now". In one of his earlier books entitled "Why We Can't Wait", he talked about the importance of our government taking positive action now to deal with the problems of discrimination and disenfranchisement.

It would be easy to wait until November 4th to see what voting disasters awaited us in Florida and Ohio or, as is more probable, in another State that would experience major problems, but problems, Mr. Chairman, that could have been avoided if we had simply stopped to analyze what we discovered during this first round of primaries.

So I want to thank the partnership between the Voter Fund and the Tom Joyner Morning Show and the MyVote1 hotline developed by InfoVoter Technologies that allows us to analyze this data through academic institutions and advocacy groups like Voter Action and others. More importantly, the data can be analyzed by the House Administration Committee and, hopefully, by the Election Assistance Commission and also by election officials across the country before November 4th.

There are those who believe that protecting the right to vote should be reserved to election officials and county governments, but we believe that people like Tom Joyner can play a very useful role in this effort as well as civil rights advocacy groups.

During the 2008 primary, voters have had an opportunity to receive further assistance through this effort that was launched on November 19th. But since the first week in January, we saw a basic explosion of interest and this number of overwhelming response. And Tom gave you the numbers already of the registration numbers, 20,810, and the number of people calling about elections, 20,813.

We are grateful for Tom and his entire Reach Media family for waking up at 3 o'clock in the morning every day to spread this

word on his radio program about the importance of voting and encouraging his listeners to get involved in the process. Eight million listeners, as he mentioned, are listening to his show and that more people listen to his show than will ever read these pamphlets that are produced by Boards of Elections or Secretaries of State's offices and this information through this number is putting this information right at their fingertips.

Our analysis of the hotline reveals that 72 percent of respondents who are calling are searching for their poll locations because they don't know where they should vote. This demonstrates that the MyVote1 hotline is providing very important information to voters, because it easy for many first time voters to not know.

My son is here today, Greg, Jr., who voted for the first time; and also this is his first congressional hearing as well.

Many of us in the population move, 20 percent of us every year; and even a higher number of percentage of African Americans and low-income people, move creating the vulnerability for voter purges. It is important that this MyVote number is able to service tens of thousands of voters who have moved since they last voted, because there are many families, as we all know, who are being displaced by foreclosures, by hurricanes, by floods, by tornadoes, by wildfires and other natural disasters. As people are more victimized by these disasters, they will need this type of assistance in finding their new poll locations.

Many of us in the election business get information about polling data, but many of us know that this information is not readily available. In the little time I have left, I just want to make a couple of quick points.

The hotline has captured 75,000 audio recordings since it began in 2004. You just heard some of those samples, so I won't give all of my examples that I wanted to give. But the preliminary findings suggest that this is a serious problem that plagues voters in every community and every State, because calls came in from all 50 States.

When callers make a decision to call, they do so with the hope that someone is listening, that someone in authority is going to stand up and do something about these problems that they are encountering. Too often, they see the election procedures as too bureaucratic to participate in; and, despite the fact that we know that there is heavy turnout, there are still problems with not enough ballots in some of these elections.

So now, instead of billy clubs or German Shepherds or problems that their grandparents faced, many of our new voters, particularly young voters, are turned away by long lines, by intransient poll workers who are not well-trained, or their data doesn't match on the statewide list and they are no longer able to exercise their right to vote.

Mr. Chairman and Members of the committee, I hope that we look at these new procedures. We start to identify how we can make this system better.

Just to sum up, MyVote1 is not the only hotline designed to help voters. There are legal hotlines and government-sponsored hotlines. What makes MyVote1 unique is that it captures and preserves the voices of those voters as these problems arise, and what distin-

guishes MyVote from other election hotlines is its ability to reach voters through the medium as the Tom Joyner Morning Show and other networks. These calls provide the type of assistance that has not really been done this early in the process during the primaries.

So let me close by saying we have seen this primary an overwhelming number of voters turning out to vote. We have every reason to believe that if we had 400,000 calls in 2004 that with this trend that we're looking at now there could easily be 750,000 people looking for help. I wouldn't be surprised if it even hit 1 million people on Election Day or leading up to Election Day looking for this type of help.

So I applaud you for inviting the election officials here today to respond to some of this data as well. We respect the work that they do, and we know they are saddled by an enormous task of different laws that change and being underfunded, but I think there is a useful role for both election officials, advocates and the Federal government to play in helping to remedy the many problems that we have identified here today.

I am gratified that this committee has chosen to lift up the work of Tom Joyner and our partnership; and, amid all the noise around this election, there is good news that a new town crier will be on the air throughout the remaining primaries and general election continuing to register voters, to provide voters with information that will ensure that their voices will be heard and that their complaints will be addressed and their rights to vote will be protected on November 4th.

Thank you.

The CHAIRMAN. Thank you, Mr. Moore, Sr.; and thank you, Mr. Moore, Jr., for participating in your first hearing.

[The statement of Mr. Moore follows:]

Testimony of

Gregory T. Moore

Executive Director

NAACP National Voter Fund

To the

House Committee on Administration

April 9, 2008

Chairman Brady, Ranking Member Vernon Ehlers and members of the House Administration Committee, I want to thank you for the opportunity to testify today along with other distinguished members of this panel. My name is Greg Moore, and I am testifying on behalf of the *NAACP National Voter Fund* and its Board of Directors - chaired by the Honorable Julian Bond. The *NAACP National Voter Fund* is a 501 C 4 non-partisan social welfare organization that was formed in 2000 by the NAACP, the Nation's oldest and largest civil rights organization that in February of 2009 will celebrate its 100th anniversary of civil rights advocacy.

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

I want to especially thank you Chairman Brady and your staff for having the foresight to hold a hearing that allows us to take a bird's eyes view of this primary election season thus far.

Some may raise the question: Why hold a hearing now, when we are still in the process of voting in a number of states, including Pennsylvania - the home state of the Chairman. It reminds me of a quote by Dr. Martin Luther King, a freedom fighter who tragically gave his life 40 years ago fighting for the right to vote and the civil rights of all Americans regardless of race, religion or income. Dr. King often spoke of the "fierce urgency of now," and in one of his earlier books entitled *Why We Can't Wait,* he talked about the importance of our government

taking positive action "now" to deal with problems of discrimination and disenfranchisement.

It would have been easy for this committee to wait until after the November 4th election, to see what voting disasters awaited us in Florida, or Ohio or as is more probable, another state that would experience major problems on election day. Problems, Mr. Chairman, that could have been avoided if we had simply stopped to analyze what we discovered during the first round of voting in the primary season.

Thanks to the partnership between the *NAACP National Voter Fund*, the *Tom Joyner Morning Show* and the MYVOTE1 Hotline number developed by *InfoVoter Technologies*, we can now analyze the data through academic institutions and advocacy groups. But more importantly the data can be analyzed by the House Administration Committee, the Election Assistance Commission and election officials across the country as they make preparation for the November 4th election.

There are many who believe that protecting the right to vote should be reserved for election officials, or county and state governments. The success of this program demonstrates that radio personalities with a conscience, partnering with civil rights and advocacy groups *can* also play a useful role in ensuring that voters have the correct information about how to vote, where to vote, and that their rights to vote are protected when they get to the voting booth.

During the 2008 primary elections voters have had an opportunity to receive further assistance through this unprecedented effort that we launched with Tom Joyner on November 19, 2007. Since the very first week in January, we have seen an overwhelming response from listeners all across the country. As of April 4th 20,810 persons have called the 866-MYVOTE1 number requesting voter registration forms and an almost equal number, 20,813 have called in to get information about the voting process or to lodge a complaint about problems they experienced while voting.

Before going much further let me say that in fact this is a partnership that actually began in 2000 when the NAACP and the *NAACP National Voter Fund* partnered with Tom Joyner to help register voters and recruit volunteers over the airways to assist in our non-partisan GOTV efforts. His efforts in 2000 helped contribute to one of the largest increases in voter turnout in modern times. The overwhelming

turnout of voters in states like Florida in 2000 was one of the contributing factors that revealed, for the first time on a national stage, what was wrong and in many cases what remains wrong with our election process.

We are grateful to Tom and his entire *REACH Media* family for waking up at 3:00 AM every morning to help us spread the word from 6:00 AM to 10:00 AM about the importance of voting and encouraging his listeners to report problems they are encountering so that others can be helped as well. These early reports of voting problems have been very instrumental in our ongoing election protection efforts throughout the day.

A minimum of 8 million listeners in 115 media markets across the United States listen to the *Tom Joyner Morning Show* every morning. Mr. Chairman that represents more people than we can ever hope will read a pamphlet or visit a County Board of Elections office. This effort puts information about voting at their fingertips and directs listeners to a number and or a website that will help them in the process.

Our early analysis of the hotline reveals that over 72% of the respondents who call are searching for their poll location. This demonstrates that the MYVOTE1 line is providing a very important piece of information to voters: i.e. knowing where to vote. It's easy to forget that many of our voters are first time voters. Many are first time voters in their new polling places since still over 20% of the US population moves every year. An even higher percentage of young people and African American voters move each year making them the biggest targets of mandatory voter purges.

It's important to note that the MYVOTE1 voter hotline can service tens or thousands of voters who have been moved since they last voted or whose families have been displaced from their homes by foreclosures, by hurricanes, floods, tornados, wildfires or other natural disasters. As more people are being victimized by these personal disasters more will be seeking this type of assistance.

To many of us in the elections business getting information about poll location is fairly simple. But for millions of our citizens who are young, African American, low income or first time voters, access to Secretary of States' websites is not often readily available. We all know that the *digital divide* exists and that far fewer African American, Hispanic or low income voters have regular in home access to the internet. But a much higher percentage has access to telephones. Making the

866-MYVOTE1 number readily available for voters who can call from their home or cell phones puts this information right at their fingertips.

Another area where the MYVOTE1 data is useful is the ability to get the findings into the hands of election officials and policy makers *now* while there is still a chance to make administrative adjustments that can make the November 4th election go smoother.

Since its launch in 2004, the MYVOTE1 Hotline has captured over 75,000 audio recordings from voters with questions or concerns about the voting process. You have just heard samples of some of the problems that were identified by callers during the early primary states. I'd like to highlight just a few in my remaining moments.

In Georgia, where we received over 5,000 calls on February 5th Super Tuesday we discovered that there were several problems with the length of time it took for Electronic Poll Books to check photo IDs. During the pre –election testing the books were easily able to handle the small sample, but once operating at full capacity with the full list we discovered that the length of time it took for the actual processing created long lines in several counties.

While many election officials and major media outlets made claims that there were no inherent problems with Photo ID, the fact that over 500 voters called to complain about the shortage of machines revealed that many more machines needed to be added to handle the extra capacity. The fact that we know this problem now and can make the adjustments before the November 4th election is a major victory for election protection efforts.

In Texas we were able to pick up a high volume of calls before Election Day from voters who reported that there was conflicting information about what was required to participate in the "*Texas Two-Step*" primary voting process. Through the *Tom Joyner Morning Show* we were able to give voters the correct information on the air while NAACP state and local leaders urged election officials and party leaders to increase their public information campaigns to ensure that the right information was being given out by election officials during early voting.

In Mississippi we received reports that there were long lines and fewer machines for voters who voted in the Democratic Primaries, but virtually no lines and many more machines for Republican Primary voters. Again, after dispatching an *NAACP*

Voter Fund election monitor to the site we were able to reveal that the machines were broken but only for a few hours and not a widespread problem.

A much bigger problem was the potential impact of list maintenance flaws that caused an election official in Madison County to erroneously remove over 11,000 voters from the voter list. The problem was discovered and corrected before the election but the incident revealed how easily tens of thousands of voters can be disenfranchised by careless election officials who may be over anxious to clean the voter list. An analysis by the Atlanta-Clark University Center for Civic Participation reported that the removal of the names could be repeated in other counties unless more protections are put in place.

Mr. Chairman, these preliminary findings can assist this committee in understanding the serious problems that continue to plague voters in every state. When the callers make a decision to call they do so with the hope that somebody is listening and that somebody in authority can and will do something about the problems they are encountering.

But too often they see election procedures as too bureaucratic to participate in. Despite the historic turnout s that we have witnessed, there were still thousands who were turned away. They were not turned away by billy clubs, or German Sheppard dogs as their parents and grandparents were two generations ago. They were turned away by long lines, by intransigent poll workers who were not well trained and may mistakenly force voters to use provisional ballots that may never be counted; or they were turned away by a bad data match that said they were not eligible to vote because the New HAVA mandated statewide voter list maintenance program dropped their name from the list—even though they had been registered and had voted for years.

Mr. Chairman and members of the committee these administrative procedures are the new enemies of voting rights that can have the same effect of standing in the door of the courthouse—literally blocking the enfranchisement of thousands and perhaps millions of voters whose vote may not be counted.

But thanks for Tom Joyner and the MYVOTE1 hotline number we can get in front of some of these problems by letting you and local election officials know that *everything*, as Tom Joyner says, is *not running smoothly*.

MYVOTE1 is not the only voter hotline designed to assist voters on Election Day. There are legal help lines and government-sponsored hotlines. What makes

MYVOTE1 unique is that it captures and preserves the voice of voters as problems arise. What distinguishes the MYVOTE1 number from other election protection hotlines is its ability to reach a wide array of voters through the Joyner show and through other media networks. MYVOTE1 provides its callers with the basic automated information such as their poll location or voter registration verification by transferring them to their board of election to verify that their registration is up to date. These calls (which make up over 70 percent of the callers into MYVOTE1) will lessen the load on other 800 numbers so that calls that require immediate legal attention can be handled through live intervention with attorneys and other trained advocates.

We have seen in this primary season an overwhelming number of voters turning out to vote. In many cases, doubling the turnout during previous primaries. We have every reason to believe that this trend will continue. With that being the case it is essential that we make use of all hotline numbers to meet the capacity that will be needed to service what we are projecting to be 750,000 to one million callers who will be seeking assistance in the days leading up to election day, election day itself and even the days following election day when so many of the problems we experience on election day often come to light.

It is often said by election officials in explaining long lines that there was nothing wrong with their procedures, it was just that "too many people showed up to vote." Mr. Chairman too many people showing up to vote should never be a problem in the "world's leading democracy." I applaud your inviting the election officials here today to respond to some of the data and to give their insights as well on how we can address some of these concerns before the November 4th election.

I have much respect and appreciation for the work being done by many of our election officials. They have been saddled with the enormous task of administering state and federal elections while the laws continue to change cycle after cycle. They do so often by being underfunded and understaffed and they do so often while under great criticism from advocates and the media when things go wrong.

I think there is a useful role for both election officials, advocates, and our federal government to play in helping to remedy many of the problems that have been identified here today. But today I'm gratified that this committee has chosen to lift up the work of Tom Joyner and our partnership. Amid all the noise around this

election there is good news in that a new Town Crier will be on the air throughout the remaining primaries and general election: continuing to register voters and provide voters with the information that will ensure that their voices will be heard, that their complaints will be addressed and that their rights to vote will be protected on November 4th and beyond.

The CHAIRMAN. Mr. Bonifaz.

STATEMENT OF JOHN BONIFAZ

Mr. BONIFAZ. Thank you, Mr. Chairman, Ranking Member Ehlers and members of the committee. Thank you for holding this hearing on this critical matter and for the opportunity to testify before you today.

My name is John Bonifaz. I serve as the Legal Director of Voter Action, a national nonprofit, nonpartisan organization dedicated to protecting our elections and our right to vote.

Voter Action emerged in early 2005 following questions which arose in a 2004 Presidential election concerning the reliability and accuracy of our vote-counting process. Since that time, Voter Action has been at the forefront of the election integrity movement in the United States, fighting to ensure that our elections remain in the public domain controlled by the voters. Through legal advocacy, research and public education, we aim to protect an open and transparent election process, one in which our elections at the Federal, State and local levels are accessible and verifiable.

In 2006, Voter Action initiated the Watch the Vote Program, an original effort to provide legal and organizational resources for citizen-led monitoring activities in the 2006 election with State and national partner organizations.

Voter Action has recently joined with the NAACP National Voter Fund and MyVote1 hotline to engage in election monitoring and protection of the 2008 election. We share the view that such public oversight can play a critical role in protecting the integrity of our elections.

The data collected via the MyVote1 hotline thus far in the 2008 Presidential cycle highlights, in part, a growing concern with a new phenomenon in our democracy: election privatization. Jurisdictions across the country are increasingly outsourcing, to private vendors, key election functions and, in the process, compromising the transparency and public control of our elections. A powerful example of this can be found in what happened this past February in the Georgia primary.

As with a number of States, Georgia uses privatized electronic poll books, manufactured by Diebold Election Systems, now known as Premier Election Solutions. These electronic poll books determine whether or not a voter is able to access the ballot; whether or not a voter is able to exercise the franchise.

During the February 5th, 2008 primary, the MyVote1 hotline received numerous calls, and we have heard some of them today, from voters in at least five Georgia counties reporting that the electronic poll books were crashing and inoperable, leading to long lines and citizens leaving polling sites without casting ballots.

This is, unfortunately, not an isolated matter. In the New Mexico Presidential caucus for the Democratic party on February 5th, 2008, a flawed voter registration database prepared for the State by the Election Systems and Software Company led to thousands of voters having to cast provisional ballots when their names did not appear on the voting rolls. Voters in other States, including Arizona, Louisiana, Maryland, New Jersey and Utah, have reported

similar problems with accessing the ballot in this primary election season.

Today, 33 States are slated to use electronic voting machines this November for the counting and recording of votes, despite a growing body of evidence that such systems are unreliable and do not meet basic security standards. With this growing influence and control by private companies in how we conduct our elections in this country, our democracy remains at serious risk.

What can we do to address this danger and protect the integrity of our elections?

First, citizen-led monitoring of our elections, such as the MyVote1 effort, is critically needed to identify election concerns and to collect the data from voters on Election Day. Without the MyVote1 hotline, it is unclear whether we would have learned of the extent of the problems with electronic poll books in Georgia in the February 5th primary.

Second, the Election Assistance Commission, EAC, of which this committee has direct oversight, is not currently fulfilling its statutory duties as set forth by section 2 of the Help America Vote Act of 2002—section 202, rather. As a national clearinghouse and resource—quoting from that section—EAC ought to be reviewing and analyzing the data gathered by the MyVote1 hotline so as to "promote the effective administration of Federal elections."

Further, the EAC does not engage in testing electronic poll books because the agency claims electronic poll books are not part of a voting system, and the EAC has yet to carry out its duties related to the certification, decertification and recertification of voting system hardware and software. To date, the EAC has not certified a single voting system in the United States to the new voting system standards it issued in December, 2005.

Finally, we must reclaim public control of our public elections. This means the election process must be transparent, accountable and verifiable.

When private companies deny independent investigation review of their voting systems, as they recently have done in New Jersey and in Florida, the integrity of the election process is undermined.

When voting systems, including privatized voter registration databases and electronic poll books, are found to be unreliable, election officials ought to discontinue their use and employ safer and more accurate systems.

When questions repeatedly emerge every election as to whether votes are being properly counted, as they have in the past several election cycles, rigorous and mandatory audits ought to be required with voter-marked paper ballot systems that are in fact auditable.

More than a century ago, the United States Supreme Court stated in the case of Yick Wo v. Hopkins that the right to vote is "a fundamental political right" which is "preservative of all rights." In 2008, we must remain ever vigilant in protecting this most basic right. Democracy demands no less.

Thank you.

The CHAIRMAN. Thank you.

[The statement of Mr. Bonifaz follows:]

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STATEMENT OF JOHN C. BONIFAZ
LEGAL DIRECTOR OF VOTER ACTION

BEFORE

THE COMMITTEE ON HOUSE ADMINISTRATION
UNITED STATES HOUSE OF REPRESENTATIVES

HEARING ON THE 2008 PRESIDENTIAL PRIMARIES AND CAUCUSES:
"WHAT WE'VE LEARNED SO FAR"
WEDNESDAY, APRIL 9, 2008

Good morning, Mr. Chairman and Members of the Committee. My name is John Bonifaz. I serve as the legal director of Voter Action, a national non-profit and non-partisan organization dedicated to protecting our elections and our right to vote. Voter Action emerged in early 2005, following questions which arose in the 2004 presidential election concerning the reliability and accuracy of our vote-counting process. Since that time, Voter Action has been at the forefront of the election integrity movement in the United States, fighting to ensure that our elections remain in the public domain, controlled by the voters. Through legal advocacy, research, and public education, we aim to protect an open and transparent election process, one in which our elections at the federal, state, and local levels are accessible and verifiable.

Prior to joining Voter Action, I was the founder of the National Voting Rights Institute and served as its executive director from 1994 to 2004, and its general counsel from 2004-2006. While working as the Institute's general counsel, I served as the lead attorney for a coalition of candidates and voters seeking a full and meaningful recount of the 2004 presidential vote in the State of Ohio. During that time, I testified before a congressional panel in Columbus, Ohio, and in Washington, DC, investigating widespread reports of voting irregularities in Ohio's 2004 presidential election.

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In 2006, Voter Action initiated the "Watch the Vote Program," an original effort to provide legal and organizational resources for citizen-led monitoring activities in the 2006 election with state and national partner organizations. In January of 2007, Voter Action co-authored a report on collected findings from the 2006 mid-term elections based on data gathered via this election monitoring work. The report, which documented serious problems with our nation's voting systems, is available via our website at www.voteraction.org.

Voter Action has recently joined with the NAACP National Voter Fund and the MyVote1 hotline (866-MyVote1) to engage in election monitoring and protection of the 2008 election. Through this work, we will be able to 1) provide assistance to voters with questions or problems during the 2008 election cycle; 2) collect data from voters on election concerns that can be used to help improve access to the nation's electoral process; and 3) support and enhance citizen-led efforts to become more engaged in public oversight of the electoral process. We share the view that such public oversight can play a critical role in protecting the integrity of our elections.

The data collected via the MyVote1 hotline thus far in the 2008 presidential election cycle highlights, in part, a growing concern with a new phenomenon in our democracy: election privatization. Jurisdictions across the country are increasingly outsourcing to private vendors key election functions and, in the process, compromising the transparency and public control of our elections. A powerful example of this can be found in what happened this past February in the Georgia primary.

As with a number of states today, Georgia uses privatized electronic poll books, manufactured by Diebold Election Systems (now known as Premier Election Solutions).

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These electronic poll books determine whether or not a voter is able to access the ballot. During the February 5, 2008 primary, the MyVote1 hotline received numerous calls from voters in at least five Georgia counties reporting that the electronic poll books were crashing and inoperable, leading to long lines and citizens leaving polling sites without casting ballots.

This is, unfortunately, not an isolated matter. In the New Mexico presidential caucus for the Democratic Party on February 5, 2008, a flawed voter registration database prepared for the state by the Elections Systems & Software Company led to thousands of voters having to cast provisional ballots when their names did not appear on the voting rolls. Voters in other states, including Arizona, Louisiana, Maryland, New Jersey, and Utah, have reported similar problems with accessing the ballot this primary election season. And, today, thirty-three states are slated to use electronic voting machines this November for the counting and recording of votes, despite a growing body of evidence that such systems are unreliable and do not meet basic security standards. With this growing influence and control by private companies in how we conduct our elections in this country, our democracy remains at serious risk.

What can we do to address this danger and protect the integrity of our elections? First, citizen-led monitoring of our elections, such as the MyVote1 effort, is critically needed to identify election concerns and to collect the data from voters on election day. Without the MyVote1 hotline, it is unclear whether we would have learned of the extent of the problems with electronic poll books in Georgia in the February 5th primary. Such election monitoring work provides the added benefit of engaging further ordinary citizens in the ownership of our democracy.

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Second, the Election Assistance Commission ("EAC"), of which this Committee has direct oversight, is not currently fulfilling its statutory duties as set forth by Section 202 of the Help America Vote Act of 2002. As "a national clearinghouse and resource," the EAC ought to be reviewing and analyzing the data gathered by the MyVote1 hotline and other such efforts so as "to promote the effective administration of Federal elections." Further, the EAC does not engage in testing electronic poll books because, the agency claims, electronic poll books are not part of a voting system. And, the EAC has yet to carry out its duties related to the certification, decertification, and recertification of voting system hardware and software. To date, it has not certified a single voting system in the United States to the new voting system standards it issued in December 2005.

Finally, we must reclaim public control of our public elections. This means that the election process must be transparent, accountable, and verifiable. When private companies deny independent investigation and review of their voting systems – as occurred with the ES&S Company in the 2006 congressional election in Sarasota County, Florida, or, more recently, with the Sequoia Voting System Company in the February 5, 2008 New Jersey primary – the integrity of the election process is undermined. When voting systems, including privatized voter registration databases and electronic poll books, are found to be unreliable, election officials ought to discontinue their use and employ safer and more accurate systems. When questions repeatedly emerge every election as to whether votes are being properly counted – as they have in the past several election cycles, rigorous and mandatory audits ought to be required with voter-marked paper ballot systems that are, in fact, auditable.

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More than a century ago, the United States Supreme Court stated in the case of *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886), that the right to vote is "a fundamental political right" which is "preservative of all rights." In 2008, we must remain ever-vigilant in protecting this most basic right. Democracy demands no less.

Thank you.

The CHAIRMAN. Ms. Martinez.

STATEMENT OF CECILIA MARTINEZ

Ms. MARTINEZ. Good afternoon. Thank you, Chairman Brady, Ranking Member Ehlers, members of the committee.

My name is Cecilia Martinez. I am the Executive Director of The Reform Institute. We appreciate you inviting The Reform Institute to participate on this panel.

We are a 501(c)(3) educational organization. We are a multi-issue think tank, and we work to strengthen the foundations of our democracy and build a resilient Nation.

We believe that an informed citizenry is a major component to building a resilient society. We have worked on election administration issues since our inception in 2001; and, thanks to the Carnegie Corporation of New York, we have become involved with the 866–MyVote–1 consortium in the 2004 Presidential election.

Since 2004, we've collected hundreds of thousands of records; and the evidence clearly shows that the two largest barriers to voters are, one, that they lack the basic information about poll location—they simply don't know where to go to vote—and, two, when voters show up at the polls, many find that their names do not appear on the registration rolls, despite the fact that they did register to vote. Oftentimes, they then vote provisionally.

As you know, the hotline receives both poll location questions on one end, and it gives the callers the opportunity to register a complaint.

Let me begin with poll location. The majority of the calls coming into the hotline are from voters looking for their polling site. The number of folks looking for poll location has increased exponentially. In the 2004 election, for example, half the callers that were calling into the hotline were specifically looking for their poll location. In the 2006 midterm elections, that number increased to 65 percent; and so far in the 2008 Presidential primaries, that number has increased to 78 percent.

There are practical solutions to increased voter awareness of their poll location. Elections officials can implement certain strategies well in advance of the election. Some of these practical solutions can include employing inexpensive basic education tools like post cards, e-mails, text messages, and robocalls, much like a political campaign.

Elections administrators can also engage in public-private partnerships with consumer service providers such as your phone company, your wireless company, utilities, cable and Direct TV by including poll location with the billing statement.

Also, church and community groups like the NAACP Voter Fund and Convoy of Hope can work with elections officials to reach out to those who may be difficult to reach.

On Election Day, voters can use hotlines like the 866–MyVote–1 to call and look for their poll location. Keep in mind that 82 percent of Americans have cell phones. When you go to the polls to vote in the morning or afternoon, you have your cell phone with you. It's really easy to call a hotline and find out where your poll location is.

As to registration issues, to date in the 2008 Presidential primaries, 40 percent of the callers are saying they had registered to vote but did not appear on the voter rolls at the polls. This is consistently, since 2004, the largest complaint in our hotline, occurring twice as often as the other complaints discussed here today.

The timely communication by voter registration operations and the respective local officials is one way we can help solve this problem. Part of the issue is that the 501(c)(3)s, the (c)(4)s, the 527s, the political parties that are out registering people to vote, need to be working and communicating with their local elections officials to give them the heads-up that they are out there doing the work, that they are giving them the heads-up on the numbers.

This is often what happens with elections officials, that they just don't have the capacity to handle the onslaught of voter registration. It is in our best interest that the groups working on that voter registration that they talk to the election administrators and keep them in the loop about what is going on.

Another solution should be to establish a tracking system for registration so that voters can see where their registration form is in the system. Many callers on the hotline say, I registered to vote at the grocery store, my community center, but I don't know where it is. I haven't gotten a card yet. This way, if you use a tracking system like Federal Express or UPS uses to track packages, then voters can see on line where their registration is; and it avoids that process.

Improving voter access to basic information must be the cornerstone of our efforts to improve election administration. The technology is there. We need more collaboration between elections officials and the private sector to take advantage of innovative solutions like the hotline. Congress has a role to play in providing the leadership necessary to bring the relevant actors together, effectively utilizing technology.

I want to thank you again for this opportunity and I look forward to your questions.

The CHAIRMAN. Thank you.

[The statement of Ms. Martinez follows:]

Testimony of
Cecilia I. Martinez
Executive Director
The Reform Institute

Before the
Committee on House Administration
United States House of Representatives

Hearing on
2008 Presidential Primaries and Caucuses: "What we've learned so far."

April 9, 2008

Chairman Brady, Ranking Member Ehlers, thank you for the opportunity to appear before the Committee to discuss the lessons the Reform Institute has learned thus far this election season and to detail the issues we view pertinent for the upcoming general election.

The Institute is a not-for-profit 501(c)(3) educational organization, representing a unique, independent voice working to strengthen the foundations of our democracy and build a resilient society. Achieving both goals requires free, fair and competitive elections that encourage the vigorous engagement of citizens in the process and promote trust in government. That is why the Institute has been a leading voice for reform in issues such as campaign finance, redistricting, ballot access and election administration.

The Reform Institute believes that providing multiple layers of information to voters on their polling location, registration status, and voter rights reduce the likelihood a voter is intentionally or unintentionally denied their right to vote. Employing advancements in telecommunications and information technology that are already well-integrated into our commercial and social activities will be essential to ensuring the active participation of voters in the political process. In addition, we strongly support polices that minimize voter intimidation and fraudulent behavior to ensure that every vote is counted accurately.

Based on data collected by a national voter hotline that has assisted voters during the presidential primary campaign, providing simple information to voters will remove a major impediment to the casting of ballots. Reforms in election administration should be based on principles such as (1) increased voter education and access to information, and (2) the adaptation and utilization of technologies developed by the private sector and already in use.

A key component of the Institute's efforts to improve the electoral process has been our active involvement in the 866-MyVote1 Consortium, which operates the 866-MyVote1 Voter Alert Line. The national voter assistance hotline has helped

hundreds of thousands of voters since its inception in the 2004 Presidential election. The hotline informs and empowers voters by providing information on poll locations, allowing voters to record messages reporting problems at the polls and connecting them to local election administrators.

The overwhelming response to the hotline and data collected by it demonstrate that providing better information to voters is essential to enhancing the conduct of elections and promoting confidence and participation in the process.

The lack of basic information – namely regarding polling place and registration status – is effectively creating serious barriers to voting by citizens across the country. This problem can and must be addressed by drawing on the innovation, collaboration and leadership that have often fueled progress in this nation.

Since the Consortium began assisting voters in 2004, lack of poll location information remains the largest barrier to casting a vote, and the percentage of calls to the Hotline regarding poll location have increased significantly from the 2004 Presidential election to the 2008 Presidential primaries. According to research reports published by the 866-MyVote1 Consortium, the preponderance of calls to the MyVote1 hotline during the 2004, 2006 & 2008 elections were from callers seeking to ascertain their polling location.

Election Year	% of total callers seeking poll location
2004 National Presidential Election	48%
2006 National Midterm Election	65%
2008 State Presidential Primaries (through April 4, 2008)	78%

Based on calls to the MyVote1 Voter Alert Line

Difficulties with voter registration are consistently the second most prevalent issue reported by voters. Registration-related grievances from callers included questions as to whether they were registered, in what jurisdiction they were registered in, and how to register or transfer their registration. According to the *MyVote1 National Election Report: Voice of the Electorate 2006*, which was prepared by the Fels Institute of Government at the University of Pennsylvania, twenty percent of calls in the 2006 national midterm election were from citizens complaining about registration difficulties, which accounted for the largest percentage of complaints to the hotline.

Calls to the 866-MyVote1 hotline so far during this year's primary campaign mirror the 2004 and 2006 numbers when it comes to poll location and registration. In 2008 Presidential primaries, the hotline was operational in ten states and logged thousands of calls from voters, most of whom (78%) were seeking their poll location. Of the

remaining calls, problems with voter registration remained the highest complaint reported by voters in 2008 so far. In fact, in many of the ten early primary states where the hotline was operational, problems with voter registration occurred twice as often as any other complaint type.

As we prepare for a high-stakes election in November 2008, increasing voter education and access to information through existing technology must be a priority to ensure an orderly and fair election.

Increased voter education is a balance between the voter and elections officials. In the technology age that we live in, voters should view their civic education in part as consumers of political information, using the internet and other resources to educate themselves about the candidates, the issues, and the voting system. By the same token, the government has a responsibility to provide non-partisan voter education, information about voting rights, as well as operational tutorials on how to use voting machines.

There are some relatively simple steps that can be taken to improve voter access to critical information such as poll location and registration status. Given that approximately 82% of Americans have cell phones, voter assistance hotlines like the 866-MyVote1 national hotline are extremely useful for voters looking for their poll location on Election Day. Local election administrators can inform voters of their poll location utilizing several means of communication such as postcards, emails, text messages, and robo calls. Strategic public-private partnerships between election administrators and consumer providers such telephone and wireless companies, utility companies, and cable and Direct TV can greatly enhance the ability to reach voters. We must also encourage outreach by church and community groups to those less likely to be reached by advanced technologies.

Voters should not have any doubt concerning their registration status. Voters should be able to "track" their voter registration from when they fill-out the form, to when it is processed by their local elections official, much like the tracking system used by shipping companies like FedEx and UPS. Building a robust and effective system will require both enhanced education for election officials and knowledge on the part of voters as to their rights and responsibilities.

An important link in the information chain consists of the volunteers and officials manning the polls on Election Day. Many calls to the MyVote1 hotline during key primaries in this election season involved voters citing instances where poll workers misinformed voters about which party's contest they were eligible to participate in and where they could vote.

There have also been many instances where poll workers were not sufficiently trained in operating new voting equipment. Providing front-line election workers with the information, support and training they need to assist voters must be a key component of enhancing voter access to information.

Improving voter access to basic information must be a cornerstone of efforts to improve election administration. The technology is there – we must encourage collaboration among federal, state and local elections officials, as well as with the private sector, to take advantage of innovative solutions such as the MyVote1 hotline and to develop systems that efficiently assist voters and enhance the voting process. Congress has a role to play in providing the leadership necessary to bring the relevant actors together and effectively exploiting technology. Citizen education and empowerment are one of the major pillars to building a resilient society. The Reform Institute and the 866-MyVote1 hotline are ready and able to assist in this critical effort. I look forward to any questions the Committee may have.

The CHAIRMAN. Mr. Smukler, I know you're here for answering technical questions, but I will recognize you if you have anything.

STATEMENT OF KEN SMUKLER

Mr. SMUKLER. Thank you, Mr. Chairman, Ranking Member Ehlers and Members of the Committee.

My name is Ken Smukler; and I design, manage and operate the MyVote1 hotline. I will not be making an opening statement. I do stand ready to answer any questions with respect to the hotline, the data and how we archive it.

Thank you.

The CHAIRMAN. I thank all of you, and now we would like to open up for questions. I would like to start.

Mr. Joyner, in Maryland, there were fliers distributed in the African American community in the last election that stated that certain candidates were supported by prominent African Americans that were not true. I understand there were also fliers put out that certain people vote on Tuesday and certain people vote on Wednesday. Is there anything that you could do—or polling places have been moved, the locations—anything you can do on your hotline when you receive these calls to rectify that?

I know you can speak on the air and you can speak to those problems, but, specifically, when somebody calls in, is there anything you can do to rectify that problem, especially with a polling place location, on the air?

Mr. JOYNER. Yes. And that is exactly what we do. We put it out on the air. Then, with the help of the NAACP Voter Fund, they got in touch with election official and tried to rectify the problem.

A good example was in Fulton County, Georgia. When it was obvious that the lines were long and moving slow, that people were standing in bad weather for as much as 2 hours, the Voter Fund got in touch with election officials and tried to get the election officials to keep the polls open because of the slow lines and the problems that were encountered at the polls.

The CHAIRMAN. We run across that problem from time to time in the City of Philadelphia. We need a judge to order that. We have to go in front of a judge to ask the judge to keep the polls open a little longer. That has happened, and we were able to do that.

On your show, also, could you help us—I know it is critical for our election workers to be trained, and it is critical for the election process, and we don't have enough of them. Maybe you could put a commercial out there from time to time letting people know that we do need their participation, where they could go and how to contact their local elected official to volunteer or, in some cases, get paid for working on Election Day.

Mr. JOYNER. We plan to do just that.

The CHAIRMAN. I appreciate that. Thank you.

Mr. Smukler, we have a primary coming up in Pennsylvania—these primaries happen all the time. Do you have the cooperation of the States as their primaries approach?

Further do you have the cooperation from the local officials when you hear a complaint coming in habitually like in one certain area—do they recognize the fact that you call in to election officials, or anybody for that matter, the District Attorney, to give ex-

posure to the problem? Do they show you that cooperation that they can to get out there and try to rectify the problem?

Mr. SMUKLER. Mr. Chairman, my experience since 2004 is that with election officials it's a mixed bag. There are some very good election officials out there who work with us throughout the year to provide poll locations to the hotline. Since we build a national zip 9 to poll location file, we are working with the election officials all throughout the year to try and keep updated poll location information. Some are very good. Some, frankly, are lacking.

My experience on Election Day, however—and I have said this on the Tom Joyner Morning Show—is a number of election officials treat incident problems on Election Day like Baghdad Bob treating the invasion, which is the bombs are falling, but nobody is saying that it is happening.

And, frankly, one of the most important things that the hotline does is it allows us to show election officials from out of the voice of voters what is happening on Election Day. Prior to this system being set up, most of the information that election officials were responding to were spotty anecdotal pieces of information, very difficult to respond as an election official to that kind of information. This data, which drives voices of voters directly to the election officials, now forces the election officials to confront problems in a much clearer and much more empirical way and I think that is one of the greatest benefits of having data like this. It has forced election officials to at times own up to the problems that are occurring on Election Day.

The CHAIRMAN. Well, we have one coming up in Pennsylvania. I know that the MyVote1 hotline will be in play. I know that Mr. Joyner will be on the radio. And I know that I, not as an elected official but as somebody who is involved in the political process in the City of Philadelphia will be listening to you, and you have my number to call me, and I will get to the right people to try to rectify any problems that happen to make sure that people do get the opportunity to get the right to vote that they so deserve.

Mr. SMUKLER. Thank you, Mr. Chairman.

The CHAIRMAN. One question for you, Ms. Martinez. You talked about people not being on the rolls to be able to vote. In the City of Philadelphia particularly, we have a provisional ballot that has just been brought into use which is really a great tool. Because if you are supposed to vote in a certain area, you can vote with a provisional ballot and after determining you should vote there, the vote is counted.

And then, as Mr. Joyner said, the disadvantage and the inconvenience for people, if they have to go to a police station or go to city hall, it is a whole 2, 3, 4 hour thing waiting in line or whatever. So our provisional ballots work really, really well.

I know that is not nationwide, but you said 40 percent of people are not in the binder or the voter rolls. Maybe through your good offices you can let people know it would be a good idea to have a provisional ballot.

Now if you find out that you are not valid and you can't vote in that polling place, you are not supposed to vote there, your vote doesn't count. But if you found out 2 or 3 days later—as you well know, a lot of the elections go past election night at 8 o'clock; and

if you do find out that you are able to vote at that particular polling place, you are eligible, then the provisional ballot will count.

Do you find in other areas provisional ballots? We find them extremely helpful. I would like to hear your opinion.

Ms. MARTINEZ. I think, Mr. Chairman, that the provisional ballots have improved tremendously since the first go-round with provisional ballots. The key to it, though, is for voters—a major key to this is for voters to understand what the process is, to plan ahead and understand that if things don't go the way they think they are going to go, what are their rights, and the provisional ballot is important.

We have improved so much. In the 2004 election, we had calls coming in from several of the urban areas that provisional ballots have run out, and people didn't realize—the poll workers didn't realize that they could photocopy them. And The Reform Institute has been working with elections officials to make sure that understand that they can photocopy them. They are very basic things, but, as you have mentioned, poll worker training is so important, and we need to continue to train our poll workers continually.

We also need to do what the private sector does, and that is continue to prepare and prepare for the worst so that we create redundancy in the process. And the private sector has done a great job with the financial services markets. Banks are constantly running backup systems. That is the kind of thing that I think election workers should continue to do, is do more training, often training and make sure that the poll workers are trained and, as we talked about before, that voters are educated as well about their rights when they go to the polls.

The CHAIRMAN. Thank you. I appreciate that.

Mr. Ehlers, any questions?

Mr. EHLERS. Thank you, Mr. Chairman.

First of all, I say amen to the comments you just made, Ms. Martinez. That is it in a nutshell. I have some 30 years experience working in this area, and you hit it right on the head.

Mr. Joyner, you said you are the busiest man in the world. I bristled a little because I thought I was. Then I found out you get up 3:00 a.m. every day, so I cede the throne to you, you can claim it now.

Mr. Bonifaz, the quote you gave was a beautiful quote at the end of your testimony of the Supreme Court decision that the right to vote is "a fundamental political right" which is "preservative of all rights." I totally agree with that, and I have a corollary to that which I always use as well: You also have to assure every voter not only that they have that fundamental political right, but you also have to assure them that that right will not be removed by nefarious means by someone voting illegally and diluting the vote of the person who voted rightfully.

I have always concentrated on both sides of that. Make sure voters have the right to vote as they wish, but also make sure that you don't have fraudulent votes that tend to negate the vote, and that is just my political philosophy. Some say there is no fraud, but there is fraud of various sorts, not so much on the part of individuals but on the part of organizations or groups.

I think the provisional ballots have taken care of a lot of the problems that were mentioned here. They, of course, have to be done carefully; and, also, the voters have to follow up if for some reason they have to demonstrate that the voting records are wrong and they may have to reappear or go to the city clerk's or county clerk's office and correct the error, but provisional ballots I think can clear up a lot of mistakes that happen.

As you know, elections are run by States and localities, not by the Federal Government. In fact, we have probably in the last 5 years intervened more in the operation of local and State elections than ever before in the history of this country. But, nevertheless, it still is a responsibility of the localities and the States.

The issue of training poll workers, I am always a little skeptical about that. Because it is awfully hard to train a worker to do something that they only do two or three times a year and have them remember from one event to the other. You really have to do the training for every election. But also a problem we have come into with the electronic age is many of the poll workers don't know how to run a computer, don't know how to run the equipment, and that is a higher level of training.

In my community and I think in a number across the country, they hired college students who were computer science majors or even who just knew how to run computers and that solved an immense number of problems just by doing that. The kids love to do it, even a few high school kids who were capable of doing it.

But I wish we really had hotlines in every community to deal with problems. There should be, I think, a big sign in every polling place that if you have any difficulties call this number; and it rings directly in the city or county clerk's office so they can deal with it directly and immediately. Because no one should be denied their opportunity to vote.

A question I have—and I don't know which of you would be best able to answer this. First of all, poll watchers—parties have always provided poll watchers. Aren't they there anymore? They are usually the ones who have an interest and make sure that everyone votes. Are they not fulfilling that function anymore?

Mr. MOORE. Mr. Chairman, Ranking Member, I will be glad to speak to that. There are several organizations, many of them in this room, through the national coalition, which has over 80 organizations that are involved in that activity. There is a number of the lawyer-type organizations that are also monitoring elections. We have a big plan with Pennsylvania with Voter Action and a number of other groups. So, "that" monitoring is happening on the nonpartisan side, and I believe the State parties also do have election monitors that are designated.

Mr. Chairman might very well know about how that works in Pennsylvania, but that is still happening. And they do have two very different roles on the inside of the polls and on the outside of the polls.

Mr. EHLERS. Yes, I agree. But, in my experience, the poll watchers, the party poll watchers that are there to make sure that the members of their party are able to vote, I also find them to be very helpful just in answering questions. Because many of them are

very well educated, very knowledgeable and have been trained to do that.

I had one other question at the tip of my tongue, and I have forgotten what it is. Sorry, Mr. Chairman. I'll come back to it later.

The CHAIRMAN. We will come back to you, if you would like.

Mr. Gonzalez, any questions?

And I have to give you a little briefing. Mr. Gonzalez was a Florida 13 expert. We dumped that election in his lap, and he has done a yeoman's job, spent time and time again deciphering through that in meeting after meeting. We thank you for that. I'm sure you are an expert in answering questions as well as asking them.

Mr. GONZALEZ. You are very generous, Mr. Chairman. I am not real sure if everybody shares that glowing analysis.

No, I think the Florida situation was resolved, and I think in a way it should have been.

I do have a question, Mr. Smukler, quickly. The MyVote1 hotline, how do you get the information out there? How is that disseminated to the voter that that's the number that they should be calling if they have any problem?

Mr. SMUKLER. Well, we try and develop partnerships with media organizations, and the partnership with Tom Joyner has given us a promotional platform. In 2004, our partnership with NBC News gave us a promotional platform.

I will say quite frankly I have reached out to Christian radio broadcasters to try to broaden the radio platform and try to get into every market. It is not so easy, but I will say that what I think we have shown with MyVote1 is there are media organizations like Tom Joyner that are willing to promote a hotline number and use a hotline number to service their listeners or service their viewers. It does give us some insight into how to promulgate a hotline number.

I spent a fair amount of time going across the country to Secretaries of State asking them if they would consider a hotline. Most of them told me that they in fact have hotlines, but the dirty little secret in this game is if you have a hotline and don't have resources to service the hotline, there is no incentive to promote the hotline. So a hotline that a Secretary of State has that is not promoted is just a voicemail system going nowhere.

Mr. GONZALEZ. We are limited, and I want to get to a couple of other witnesses, but, quickly—I think Ms. Martinez may have touched on it—it always seemed to me if you want to reach just about everybody out there is, What does everyone have in common? That is usually a utility bill, a phone bill and so on. And I would think—I know in my city, I think it would be an easy task, and I think the individuals that service and provide those services, the companies, I believe, would be very cooperative.

And I just have always thought—and it is good to have media, whether it is CBS or Mr. Joyner or whatever—I think that's incredibly important. But I'm thinking getting that into the houses where you have it printed—it says, you have a question on Election Day, this is the number that you are going to call. I never understood, and we never followed on that.

The other thing is, I have gone through the flow chart of calls made to MyVote1. You do not get a live person until the end of the

process, and that live person is going to be somebody—let's say in San Antonio that would be the election administrator's office.

My concern is, as these problems are developing—now Mr. Joyner was able to identify some of those and say we have problems in such and such an area and such and such a city. They don't have ballots. The lines are too long and such. But we didn't have that oversight or whatever, who is privy to the information that you are accumulating?

It's going to be really after the fact, is what I am getting at. How do we plug into this information that is coming through the hotline so that we do have those organizations, whether they are governmental or private, such as Mr. Moore's organization or Ms. Martinez's. I know Zoe Lofgren had Lawyers' Committee, or People for the American Way. Is there some way that we can actually plug into this information, rather than after the fact?

Mr. SMUKLER. Yes. And in fact, it is easy to plug into the information via Web site where you can drill right into the data as it is coming in. All of these, organizations and many of the organizations that you have—that you have cited have the capability, had the capability in 2004 to directly access the database as the data was streaming in real-time to it. In fact, I would be thrilled if secretaries of state would be willing to drill into this database as well. But it is a—you know, it is a big task for what are some relatively small organizations to get the awareness of a hotline so that secretaries understand the value of the data. And in fact, you know, with the leadership of the Chairman and your committee, hopefully this hearing will alert secretaries of state that there is a database that is being generated in real-time on Election Day that they can drill into so that the local county board of election in San Antonio sees the data as soon as we see the data, as soon as Tom Joyner sees the data. Because at the end of the day on this hotline, we transfer every caller to a local board of election because that local board of election is state constitutionally charged with helping that voter. And so they should take the data on the front end just as well as getting the call on the back end. And we would welcome secretaries of state and local county boards of election to do just that.

Mr. GONZALEZ. Thank you very much. And a special thanks for everything you do as well as to the other witnesses. And I yield back, Mr. Chairman.

The CHAIRMAN. Thank you. Mr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman. Just to wrap up a few things. Have any of you discovered that part of the problem is that voter registration is done by so many different groups and that they just do it sloppily and don't get all the information out? Is that part of the problem?

Ms. MARTINEZ. I mentioned that a little bit at the beginning of my statement. And there are a lot of organizations that do not—nonprofits political parties that do voter registration. And what we had found in 2004 where the voter registration hot spots were happening on the data that Ken was just describing, you could see it on the map, you know, flashing. And it turns out that that is where so many of the organizations were doing a lot of their voter activity. You know, we are talking about Allegheny County, we are talk-

ing about Columbus, Denver, a lot of the purple states, so to speak. And again, one of the things that we did after that was try to find out why exactly was that happening, why were voters in these, what we called "hot spots" were encountering so many problems with not being on the roles. And we found that talking to elections officials that they had not—they did not know that these registrations were coming in. They read about it in the media that there were groups that were operating very aggressively in their area but they had no idea exactly how many were coming in.

And so one of the things that I talked about earlier was, I think it is incumbent upon all of our groups that do voter registration, whether it is partisan or nonpartisan, is to communicate with the elections officials so that they can deploy the computers, the staff to be able to process those so that when a voter shows up at the polls, they are actually on the roster. But it is a serious issue.

Mr. EHLERS. Mr. Moore.

Mr. MOORE. Yes, Mr. Ehlers. I was one of the organizations and people who worked on passing the national Voter Registration Act for over 6½ years. Many of our groups want to do voter registration and want to do it more effectively. Our problem is, every year through voter purges, hundreds of thousands of people are taken off. And so it is not like you can register to vote at age 18 and then stay on the books. If you move, as most people do, young people, low-income people, there is this constant cycle of being taken off the list. So I don't think there is too many people doing voter registration. I think there is not enough. But we can't compete with the dollars out there that are given to officials to remove people from the list and very few dollars going to help do effective voter registration.

So we are not a very rich organization, but we try to do the best we can. But I can't compete with the hundreds and thousands of people who are taken off of the list and still say that we are expanding our democracy when there is 200,000 coming off in one State and only 15,000–20,000 coming on the books on a yearly basis.

Mr. EHLERS. Mr. Bonifaz.

Mr. BONIFAZ. Mr. Congressman, I would also just add to that, that as I highlighted in my opening statement, there is now this trend in which we are outsourcing to private companies for key election functions, including the maintenance of voter registration databases and there is no real oversight of that process. And so when you see the kind of flaws that occurred, as I highlighted in New Mexico, a presidential caucus and in other States, there needs to be a response to this if, in fact, these companies are not properly maintaining these voter registration databases.

Mr. EHLERS. Frankly they should be fired and get another one. Outsourcing is not necessarily the problem. Outsourcing to good companies is the answer. One last quick one, and all these calls, are you getting any complaints about fraud, someone observing fraudulent voting?

Mr. SMUKLER. We get very few calls that speak to either individual fraud or systematic fraud. We have gotten very few calls on the hotline on fraud.

Mr. EHLERS. That is comforting, provided it is not done so skillfully you can't see it.

Mr. SMUKLER. Well, and we frankly don't get very many coercion calls and intimidation calls, although they have been tracking up a little.

Mr. EHLERS. Good. Well, frankly, I think our voting system, Mr. Chairman, is with all the fuss and bus and bother over the past years, I think it has substantially improved. Everyone is far more alert now. And I am very pleased with the progress we have made partly as a result of the work of this committee but more likely as a result of the work of the communities and the States that are really taking your complaints and our concerns seriously. So thank you very much for being here.

The CHAIRMAN. Thank you. We have a vote coming up in a couple of minutes. We have one more—one of our colleagues asked to sit in, Mr. Meek. And he would like to be recognized for a question or two. And I hope that Florida can count this time, not like the last two times. My condolences to you.

Mr. MEEK. Thank you, Mr. Chairman. And I want to thank the members of the committee for allowing me to be a part of this discussion today. And I want to thank the witnesses for being here. Many of you I know and a number of you that are even sitting in the audience, I feel like I am in a Baptist church and there are several ministers of the gospel out there that want to preach the sermon.

Let me just quickly say that I am glad that this coalition has been created to make sure that every vote counts. And Mr. Joyner, you know over the years that you have been pushing this and every year refining it even more. And I am glad that NAACP and many of you have hooked up together in trying to make it better. But what I do see based on the trends of voting throughout the country, need it be blue or red States, that they are off the charts. They are to the point where they're general election numbers and beyond.

So I am wondering what happens when you get to November. Because I don't think government can move fast enough, Florida, case in point. We can't have another vote in Florida because the machines are out. Or the machines—there are not enough machines, and there are never enough machines. So how do we get the public ready, set, go? Ms. Martinez, you brought up a very interesting point as it relates to knowing where one's registration is in the process. Voter registration cards are getting there sometimes days prior to the day of voting because, you know, folks, what have you, procrastinate or what have you.

But throughout the country, like in Miami/Dade County, they are cutting the registrar's office ability to be able to process these voter registration forms. So Mr. Chairman, my question is going to go along the lines for the entire panel, how do we get folks prepared for getting themselves straight? I mean now. If they miss the primary season or what have you, how do we get them excited about moving through the process and building what I think Tom—Mr. Joyner, I am sorry. We are friends. It is hard for me to call you Mr. Joyner. How do we get local coordinating committees together to say that everyone in every community, communities of good will, it could be white or black or whatever the case may be. How do

we get them towards this—working with the voter now? Because I don't think government is going to be able to move fast enough and to be able to get the information out there.

What are some of the plans that y'all see as a coalition how we are going to get there and how we can get elected officials involved in making sure that happens, to get the kind of muscle that is needed to get the registrar's office at the table, to get the Secretary of State at the table to make sure that these individuals are right, the registration's right and they know their precinct well in advance before it even comes down to voting day or early voting?

Mr. JOYNER. How do you get government to talk to election officials and get them prepared for this onslaught of new and excited voters that have never voted before, have never participated in this process? That is the question. I don't know how to answer that. That is why we are here today to say that this historic election season has produced some very emotional first-time voters. And they are not—we are not—as Ken said, as Ken Smukler said, we don't get calls about conspiracies or fraud. But we get calls of suspicion of conspiracy and fraud because we are looking for it because of the 2000 and the 2004 presidential election. And there might not be anything happening that is under—that is illegal or fraud at the polling place. But it is perceived as that. And the perception is everything. And the perception is what might disenfranchise a lot of voters from participating in the November election.

Congressman Meek, I don't know how to get that across. That is why we are here. These election boards weren't prepared for these record number of people to show up at the polls. They weren't prepared. They didn't have enough machines. They didn't have enough people. Before in primary elections they may have had a fraction of the number of people that showed up. And if we want to—if we want the election process to be as exciting for them as it, you know, it has to be a very pleasant experience. And that is why we are here today, to find out how to make that happen.

The CHAIRMAN. Thank you, sir. We have a vote on. And I would like to dismiss this panel. I think it might be past Mr. Joyner's bedtime. He has got to get up at 3:00. But I want to thank all of you. Thank you for your participation. Thank you for enlightening us. And we will go further with this and make sure that we can come to a perfect Election Day one day. Thank you all, and again, thank you for your participation. Our second panel, we should be back in about a half-hour or so. We will be ready for our second panel. So we are recessed for at least a half-hour. Thank you.

[Recess.]

The CHAIRMAN. I would like to call back to order the Committee on House Administration.

Our witnesses today are April Pye, interim director of the Fulton County, Georgia, Registration and Elections; Alisha Alexander, elections administrator of Prince George's County, Maryland, board of elections, and Linda Weedon, director of the Maricopa County, Arizona, board of elections, and I would like to commend all three of you for your public service. I know firsthand how difficult it is to be an administrator of elections, and I look forward to your testimony today.

STATEMENTS OF APRIL PYE, INTERIM DIRECTOR, FULTON COUNTY, GA, REGISTRATION AND ELECTIONS; ALISHA ALEXANDER, ELECTIONS ADMINISTRATOR, PRINCE GEORGE'S COUNTY, MD, BOARD OF ELECTIONS; AND LINDA WEEDON, DIRECTOR, MARICOPA COUNTY, AZ, BOARD OF ELECTIONS

The CHAIRMAN. Ms. Pye.

STATEMENT OF APRIL PYE

Ms. PYE. Chairman Brady, and Ranking Member Ehlers, Mr. Chairman and Members of the Committee on House Administration, thank you for the opportunity to testify today regarding the February 5, 2008, Presidential Preference Primary Election in Fulton County. I bring you greetings on behalf of the Fulton County Board of Registration and Elections and the Fulton County Board of Commissioners. My name is April Pye and I am currently the Interim Director of the Fulton County Department of Registration and Elections. I have been serving in that position since January 2007. The mission of the Fulton County Board of Registration and Elections is to ensure that the registration and elections process is efficiently and effectively provided to eligible citizens of Fulton County according to applicable laws and rules, and to meet those needs of a rapidly growing voter base in Fulton County, we have sought to adhere to the rules and regulations set forth by HAVA and the State of Georgia. Fulton County is the largest county in the State of Georgia with an estimated population of 960,009 with 552,613 registered voters. We have 342 precincts and operate a total of 266 poll locations on Election Day with a staff of 24 permanent employees and approximately 80 temporary staff during elections. We generally process 100,000 to 200,000 new voter registrations during major election years.

It is important to note that elections in Georgia have been under a constant state of flux since the 2000 general election with election officials having to make quick adjustments based on changes in State law and the introduction of new technology. The electronic overhaul of elections brought increases in the cost to conduct elections. Maintenance and preparation of technical equipment requires staff with specialized skills and requisite pay, constant upgrades and specialized storage for voting equipment. Obtaining funding has been a challenge because most governing authorities do not see the immediate need until major elections, such as this year.

As a result, improvements in terms of purchasing additional equipment or hiring additional permanent staff has not kept pace with the growth in voter rolls and the changes in the law. Georgia election officials are contending with very tight budget constraints this year and cutbacks due to a very depressed economy during what will be one of the largest election years in the history of elections. Fulton County faced major reductions in the general fund budget due to recent incorporation of four new cities and the registration and Elections Department's budget request was cut by $852,000, reducing the 2008 elections budgets and eliminating all enhancement requests for new positions and election supplies.

Despite this, election officials do not use these constraints as an excuse or a crutch, in fact, they embrace the challenges and we

make the most efficient use of resources provided to us. Our ultimate goal is to ensure the voter has a pleasant voting experience and has a fair and equitable opportunity to exercise their right to vote. A great deal of planning and preparation is required in executing the many components involved in conducting an election from registering voters to conducting the election on Election Day.

Election officials must successfully maneuver functions that are performed by separate departments and most businesses. We have oversight and administration of voter registration and elections office, we are human resource managers, we are voter education coordinators, we are computer and system management specialists, we are logistics experts, we are GIS mapping experts, data entry specialists and customer service reps, providing a myriad of services to enhance the electoral process.

In preparing for the presidential preference primary in Georgia in Fulton County, which was moved forward a month by a change in the 2007 legislature, our projections for the allocation of equipment and supplies were based on current numbers of active voters and the history of turnout for previous similar elections. Were we totally prepared? Based on past historical data and turnout statistics of 30 percent, yes, we were. Was there a larger turnout than expected? Yes, we were pleasantly surprised with the 47-percent turnout. The February 5, 2008 Presidential Preference primary was a very good indicator for us and for other election officials throughout Georgia as to what we can anticipate in terms of high precinct turnouts for the coming November election. We have 2,976 touch screen voting units, which is a ratio of 1 unit per 186 voters. We have 640 express poll units, a ratio of 1 unit per 864 voters. This is an adequate ratio of voter to machine. However, our office received numerous calls and e-mails on Election Day regarding the long lines and wait times at several of our larger precincts.

Callers attribute the problem to the lack of sufficient number of electronic poll books at the polls or inexperienced poll workers. A post-election assessment revealed that 90 percent of the challenges in relation to the express poll units were user errors and not equipment malfunctions. Also, the extremely short February 5 ballot took voters less time to vote, between 15 and 30 seconds, than it took our poll workers to create the voter access cards with the express poll, which was taking about 40 seconds to a minute, causing the express poll lines to bottleneck. This created the perception to voters that the TS units were not being used.

Each expressed concern that we received was taken into account and measures have been put in place to address them. One thing that would help to decrease the wait time at the polls is early voting. The Georgia legislature passed into law during the 2008 session "no excuse" absentee voting, for the 45-day absentee voting period.

So to increase participation during our early voting, we requested funding through the Board of Commissioners for three additional early voting sites the week prior to the election which would give us a total of six and we were extending the hours of voting to 7:00 p.m. We concluded that more express polls are needed at the polls with larger numbers of registered voters and funding has been requested for this item. The longer ballot in November will cause vot-

ers to spend more time at the TS unit, causing the flow of voters to move more evenly throughout the process.

Furthermore, we are adjusting our training program to include more specific comprehensive hands-on training with extensive post-testing of our poll workers. And through our voter education efforts and media outlets and the county Web site, we are encouraging voters to take advantage of absentee voting by mail and in person, if eligible, because in November, we do anticipate a very high turnout that may result in long waits at some polling precincts. So voters who are unable to wait in line are strongly encouraged to take advantage of one of these two options.

Radio and television personalities through broadcast media provide an extremely important service and an outlet to the listening audience, elected officials and elections officials around the country. Often the voting public who is not familiar with the laws governing voter registration and elections receives information from avid community advocates and media personalities who mean well but whose information often conflicts with the laws in different States. This is often the case with syndicated radio stations that reach a broader audience and provide more general information. Their listeners are not aware that Georgia laws governing elections may be different than in other States. When they arrive at the polls and encounter a problem due to this conflict, they immediately take issue with the poll worker or election official who is delivering the message. We see this quite often in the case of provisional voting and absentee voting. It is not always understood that election officials do not make the laws and we can't change the laws, but we are required to adhere to them and to enforce them.

It would be vital for all media outlets and election offices to work together to ensure voters in each State receive accurate information about the laws governing their respective States. In Fulton County, our focus is integrity, honesty and transparency of elections. We believe education is the key, and through coordination and cooperation with broadcast and print media and community advocates, we will be able to provide our citizens with accurate information about the voter registration and elections process. Thank you, and I will be happy to answer any questions you may have.

The CHAIRMAN. Thank you.

[The statement of Ms. Pye follows:]

Testimony of April Pye, Interim Director
Fulton County Board of Registration and Elections
State of Georgia

Before the Subcommittee on Elections
Of the
Committee on House Administration
United States House of Representatives
April, 9 2008

Mr. Chairman and members of the Committee on House Administration, thank you for the opportunity to testify today regarding the February 5, 2008 Presidential Preference Primary Election. I bring you greetings on behalf of the Fulton County Board of Registration and Elections and the Fulton County Board of Commissioners. My name is April Pye and I am currently the Interim Director of the Fulton County Department of Registration and Elections. I have been in this interim position since January of 2007. I have been in elections for six years, serving as the Administrative Chief with oversight of all administrative operations for the department, and in previous years served as a poll worker and assisted with election tabulation on election night.

The Mission of the Fulton County Board of Registration and Elections is to ensure that the registration and elections process is efficiently and effectively provided to eligible citizens of Fulton County according to applicable laws and rules. We seek to be a leader in best practices for achieving and increasing voter confidence, equality, voter education and voter turnout throughout Fulton County, Georgia.

Fulton County Background

Fulton County is the largest county in the state of Georgia with an estimated population of 960,009. The total number of active and inactive registered voters is currently 552,613. We have 342 precincts and operate a total of 266 poll locations on election day with a staff of 24 permanent employees and, during elections, approximately 80 temporary staff. During General Primary and General Elections in a Presidential election year we generally process from 100,000 to 200,000 new voter registrations. Following the 2008 Presidential Preference Primary, to date we have received 47,600 applications, which are twice as many applications as received this time last year.

In an attempt to meet the needs of a rapidly growing voter base of electors, Fulton County has sought to adhere to the rules and regulations set forth by HAVA and the State of Georgia. In addition, we seek to provide the electors of Fulton County with the best possible options that fall within those guidelines as it relates to the most efficient technology, an adequate number of voting units, a

sufficient number of poll locations, and quality voter education regarding the voter registration and elections process.

Currently, Fulton County, as well as all counties within the State of Georgia, uses the TS R-6 voting units (TS unit) for in-person absentee and at the polls on election day and the Express Poll 4000 Electronic Poll Book (Express Poll). The use of the TS R-6 was implemented after the 2000 General Election with the Georgia Secretary of State selecting a statewide voting system and allocating a proportioned number to each county. Fulton County was provided 1,976 state owned voting units and the county purchased an additional 1000 at a cost of approximately $3,000,000.00 to maintain our current voter to booth ratio. The use of the Express Poll was instituted during the 2006 General Primary Election when the Secretary of State instituted statewide use of the electronic poll book, issuing a proportionate number to each county based on the number of active registered voters. At that time the county did not purchase additional Express Poll units.

Challenges for Fulton County and All Georgia Election Officials

It is important to note that Elections in Georgia have been under a constant state of flux since the 2000 General Election, with election officials having to make quick adjustments based on changes in state law and the introduction of new technology. Along with the electronic overhaul of Elections came the increase in costs to conduct the election. The maintenance and preparation of technical equipment requires staff with specialized training and requisite pay, constant upgrades to software and electrical supplies, specialized storage and electrical upgrades to office and facilities. Obtaining the required funding has been an issue because most governing authorities do not see the immediate need and as a result the improvements in terms of purchasing additional equipment or hiring additional permanent staff has not kept pace with the growth in voter rolls and changes in the law.

Election officials in all Georgia counties are contending with very tight budget constraints and cut backs due to a very depressed economy during what will be the largest year in the history of elections. Fulton County faced major reductions to the General Fund budget due to the recent incorporation of four new cities, pulling revenue with them. The Registration and Elections Department's budget request was cut by $852,769, reducing the 2008 elections budgets and eliminating all enhancement requests for new positions and election supplies. Although the county was experiencing reductions in personnel and capital, the voting population represented and served by the Fulton County Registration and Elections Department remained constant. In addition, Fulton County faced rapid succession of tenured employees with the retirement and resignation of personnel in key management positions during 2006 and 2007; Director, Elections Chief, Registration Chief, Systems Manager and Elections Administrative Coordinator.

However, election officials, though under tremendous pressure to conduct a near perfect election, do not in any way use these constraints as an excuse or a crutch. In fact, we embrace the challenges, making the most efficient use of the resources provided to us because our ultimate goal is to ensure that the voter has a pleasant voting experience and has a fair and equitable opportunity to exercise their right to vote.

Identifying and Executing the Many Facets of Elections

In order to operate at the highest level of integrity and provide a transparent process to the voters a great deal of planning and preparation goes into executing the many components involved in conducting an election, from registering voters to conducting the election on Election Day. Election officials must successfully maneuver many aspects that are performed by separate departments in most businesses. They not only have oversight and administration of the voter registration and elections office, but they are human resource managers, recruiting and training poll workers and temporary workers on a regular basis within a short time span. They are computer and system management specialists being charged with the task of testing and maintaining electronic voting equipment. They are logistics experts, strategically planning and executing the delivery and pick-up of voting equipment to and from training sites, demonstration sites and poll locations. Election officials have become GIS mapping experts, creating maps, redrawing precinct lines and placing voters in the correct precincts. Clearly, we operate a very large data entry pool with the entry of voter registration applications and processing of absentee ballot application. Last, but not least, we are customer service organizations, responding to various citizen concerns and providing myriad services to enhance their elections experience.

Prior to each election, a thorough logic and accuracy assessment is conducted to ensure that all of the equipment has been properly serviced, updated and prepared for the coming election. After each election, a quality standards assessment and survey is conducted to gauge the voting experience and the accuracy of the election. In addition, all voter registration applications received prior to the deadline are entered, polling place and boundary line changes are updated, precinct cards are mailed to the voters, absentee ballot applications received are processed and ballots mailed to qualified voters, voter identification is issued to voters, poll workers are recruited and trained, and voter education sessions are conducted throughout Fulton County.

The February 5, 2008 Presidential Preference Primary Election

In preparing for the February 5, 2008 Presidential Preference Primary (PPP), which was moved forward a month by a change in the 2007 legislature, our projections for allocation of supplies and equipment were based on the current

number of active voters and the history of turnout for previous similar elections. The total number of votes cast during the PPP Election was 213,527 of which 14,986 were cast during the absentee voting period.

Were we totally prepared? Based on past historical data and turnout statistics; yes we were. Was there a larger turnout than expected? Yes, we were pleasantly surprised. The February 5, 2008 Presidential Preference Primary was a very good indicator and our first real test of what Fulton County election officials can anticipate based on high precinct turnout for the coming November Presidential Election. In previous elections since instituting the use of electronic voting equipment, turnout during the PPP in Fulton County has been less than 30% of registered voters at the polls on Election Day. On February 5, 2008, 47% of registered voters turned out.

Currently, we have a total of 2976 TS voting units, which average out to a ratio of 1 voting machine per 186 voters. In addition, we have 640 Express Poll units, which is an average ratio of 1 unit per 864 voters. This is an adequate ratio of voter to machine. However, our office received numerous calls and emails on election day and afterwards regarding the long lines and wait times at several of our larger precincts and those of other counties. Callers contributed the problem to the lack of a sufficient number of electronic poll books at the polls or inexperienced poll workers operating the machines.

After a service quality assessment of what took place at the polls on Election Day, election officials have determined that over 90% of the challenges that occurred in relation to the Express Poll unit on Election Day were user error and not equipment malfunctions. In addition, due to the fact that the ballot on February 5th was extremely short in comparison to the preparation of voter access cards with the Express Poll units, which took on average about 40 seconds to one minute and voting time taking between 15 and 30 seconds, caused the express poll lines to bottle neck. Therefore, it created the perception to voters that in precincts where there may have been between 10 and 15 TS voting units, by the time they proceeded to the front of the line, it appeared that all the TS voting units were not being used.

Measures Established to Address Identified Issues

We have taken into account each and every expressed concern and have put measures in place to address each of them. One thing that will help to decrease the wait time at the polls is early voting. The Georgia Legislature passed into law during the 2008 session "no excuse" absentee voting, which essentially allows for early voting throughout the 45 day absentee voting period. To increase participation during the early or advance voting period the week prior to the election, we have requested funding through the Fulton County Board of Commissioners for three additional early voting sites, for a total of six, and are extending the hours for voting to 7:00 pm.

In addition, we have concluded that more Express Polls will be needed at Fulton County poll locations with larger registered voter populations. Ideally, one Express Poll per 350 voters will cause the process to move quicker and more efficiently. However, budget constraints will not allow the purchase of the required number of electronic polls books to achieve that ratio. We have requested funding to purchase additional electronic poll books for precincts with larger numbers of registered voters. Also, during the approaching November election, the ballot will be much longer causing voters to spend more time at the TS units which will cause the flow of voters to move throughout the process more evenly. Adjusting our training program to include a more specific comprehensive training with extensive post testing will be implemented for all poll workers.

Through our voter education efforts, media outlets and the county website, we are encouraging as many voters as possible to take advantage of absentee voting by mail or in person, if eligible. In November, we are anticipating a very high turnout that could potentially cause long waits at some polling precincts. If voters, for whatever reason, are unable to wait in long lines, we are strongly encouraging them to take advantage of one of these two options.

Based on the recommendation of the Board of Commissioners, a Task Force of Registration and Elections, and County Manager management staff and IT Specialist have been created and are currently meeting to bring resolution to the previously mentioned challenges with the hopes of creating a better voting experience for the Fulton County Electors.

Dispelling Perception as Fact

Broadcast Media and its many advantages is a much needed and vital resource. Radio and television personalities provide an extremely important service and an outlet to the listening audience, elected officials, boards and committees as well as election officials around the Country. It is due to the all pervasive nature of broadcast Media that we must all work together through media outlets to dispel perception as fact and insist that the election officials be allowed to provide an accurate and comprehensive description of the elections process, procedures and its challenges.

Often, the voting public, who is not familiar with the laws governing voter registration and elections, will receive information from avid community advocates and media personalities which is in conflict with the law. This is quite often the case with syndicated radio stations that reach a broader audience and provide more general information; their listeners are not aware that Georgia laws governing elections may be different than in other states. When they arrive at the polls and encounter a problem due to this conflict, they immediately take issue with the poll worker or election official who is delivering the message. We see this quite often in the areas of Provisional Voting and Absentee Voting. It is

not always understood that election officials do not make the laws but we are required to adhere to them.

In Fulton County, we believe that education is key and through coordination and cooperation with broadcast and print media and community advocates we will be able to provide our citizens with accurate information about the voter registration and elections process. Our goal is to ensure that the Fulton County electorate are informed about the laws governing voter registration and elections and know their rights within the law so that they will have every opportunity to cast a vote for the candidate of their choice and ensure their vote counts.

The CHAIRMAN. Ms. Alexander.

STATEMENT OF ALISHA ALEXANDER

Ms. ALEXANDER. Yes. Good afternoon. My name is Alisha Alexander, and I am the elections administrator for Prince George's County, Maryland. I would like to thank you, Chairman Brady, Ranking Member Ehlers and the committee members for allowing me the opportunity to discuss some of the lessons learned after the 2008 presidential primary election. Let me start off by saying that Ms. Pye must have been looking at my talking points because she covered many of the points that I was going to cover. However, I am going to move forward. Before we talk about lessons learned, I think it is important to discuss some of the challenges that we, as local election officials, face. First and foremost, we as local election officials have seen more change prior—during the past 8 years than we have in the 30 years prior to the 2000 presidential election combined. However, staffing and resources in many of our agencies have remained stagnant. It has been difficult to get county, State and Federal election officials to understand that it takes an insurmountable amount of work to conduct a countywide election. The belief is that once the election is over, that there is no activity for 2 years, not understanding that it takes a minimum of 12 months to plan for a countywide election.

This doesn't include the fact that many of us provide election support to our local municipalities. It is sad that something so important is grossly underfunded and understaffed but yet we are expected to conduct flawless elections. Another major challenge is voter education. And when I say voter education, I tie it to voter responsibility and managing voter expectations. We in Prince George's County, Maryland realized especially after the 2000 presidential primary election that we need to do more in the area of educating voters. We as election officials have to come up with the strategy to get voters to think and inquire about their registration status prior to Election Day. Many voters went to the polls and didn't know their party affiliation; they were not aware of the closed primary laws in the State of Maryland.

To make matters worse, there was—we received more than one call during the March 5, I believe—March 4, I am sorry, Texas primary, and I believe another State when—of individuals in our county who went to the polls on that day and were wondering why our polls were not—the polls weren't open. Our presidential primary was on February 12. That is the reality of how uninformed some of our voters are.

We received complaints about long lines. And in any election where you have a large voter turnout, you are going to have long lines. I can't speak for any of my colleagues, but I welcome long lines. And I say that because it shows that the voters are engaged. We have historically complained about low voter turnout, but when voters go to the polls in droves, we complain. We can't have it both ways. We just can't. We do recognize that voters get discouraged. And that is where managing voter expectation comes to play. During the presidential primary election we were told—we told the poll workers actually if there are long lines, to keep the voters informed, give them approximate wait times.

Also, poll workers were instructed to find out if each person in line was listed on the precinct register so that they would not get frustrated by standing in line only to find out that they weren't registered or were at the wrong polling place.

Also, we want the voters in the State of Maryland to know that our election process is transparent. And I am sure that is the case in many jurisdictions around the country. We conduct public demonstrations prior to every election to determine the accuracy of the voting units. And although we advertise, public participation is minimal. The election return process, the absentee and provisional ballot canvas is open to the public. We want voters to understand the elections process so that when they go to the polls, they feel confident in the process. When voters hear words like "trickery" and "tricknology" over the airwaves from various media venues, they naturally become cynical. And that is why I am making a personal plea to all of the media venues to use their power in disseminating information to assist election officials in educating the voters and encouraging them to volunteer and become a part of the process.

And to make my last point, there has not been any consistency in elections administration. Every election since 2000 the local boards of elections in Maryland have either been required to add new technology or new processes. Any time technology is instituted, election officials must develop new business processes. When new business processes are developed, there has to be a means to test it prior to the election so that it can be refined. If election officials are not given adequate time to test, the testing is done on Election Day. And we have seen in many instances around the country where those types of results were less than desired.

In conclusion, election officials are professionals who are deeply committed to conducting fair and accurate elections. Again, we want voters to walk into the polling place and have a good voting experience and feel confident about the integrity of the process. Based on our experience in the 2008 presidential election, we have learned that there must be stabilization and consistency. We cannot continue to change technology and processes every election cycle without adequate time to train poll workers and educate the voters and expect positive results.

We have learned that we need time, monetary and human resources to perfect the current system. The American public deserves a democracy that works.

The CHAIRMAN. Thank you.

[The statement of Ms. Alexander follows:]

Testimony of Alisha L. Alexander
Prince George's County, Maryland Election Administrator
Committee on House Administration
April 9, 2008

Good Morning, my name is Alisha Alexander and I am the Elections Administrator for Prince George's County, MD. I want to thank the Committee for the opportunity to discuss some of the challenges that election officials face and some of the lessons that we've learned after the 2008 Presidential Primary Election and in previous elections.

First and foremost, I'd like to say that Boards of Elections across the country have been transformed from agencies whose tasks were largely clerical to one that is technologically advanced. Elections are no longer just biennial events, but have evolved into complex and interdependent systems that must be managed on a continuing basis.

In order to administer efficient elections in the 21st century, the board must attract and retain individuals who possess high levels of technical and administrative skills for both in-house staff and the Election Judges (volunteers who manage the polling places).

We as election officials have seen more change in elections during the past eight years than we have in the 30 years prior to the 2000 Presidential election. However, staff and resources have not changed. It is sad that something as important as elections is grossly underfunded and understaffed. But yet, we as election officials are expected to conduct flawless elections.

Having said that, I want to bring the following challenges to your attention:

Election Judges/Pollworkers

Every election we have a very difficult time recruiting technologically savvy election judges. One of the reasons is that in Maryland, recruitment efforts are geared to the general public and there is no formal testing or screening process to determine competency levels. However, the overwhelming majority who serve as Election Judges are committed to ensuring fair and ethical elections. Legislators cannot continue to add layers of paperwork and technology and expect the volunteers who work at the polling places who receive four hours of training to understand it all. They work 17-18 hour days and many of them don't do it for the money, they volunteer to work because they are committed to making this great democracy work.

However, there are some pollworkers who do make mistakes and when they do, we as election officials want to know about it. That is one of the reasons why we welcome trained observers who truly understand federal, state and county

processes. We also welcome feedback from the voters. If the voter encounters a problem, we want to be able to rectify it on Election-Day. Our goal is to ensure that voters are not disenfranchised. We want to keep the process as transparent as possible.

Implementing Technology

Elections officials are not opposed to implementing technology. However, we are opposed to implementing it too quickly. Doing so does not allow election officials adequate time to polish, deliver and refine the technological implementation. It also reduces the time that election officials have to educate pollworkers which could possibly lead to massive confusion for pollworkers and voters on Election Day. This was demonstrated in Maryland's 2006 Gubernatorial Primary Election where the local jurisdictions were required to implement electronic pollbooks within an approximate six month time span. It was very difficult to mitigate any glitches, train the Election Judges and educate the voters because of the short implementation time. As a result, there were statewide problems during the 2006 election. However, it's amazing that the pollworkers did as well as they did considering the amount of technological modifications.

There has not been consistency in elections administration. Every election since 2000, the local Boards of Elections in Maryland have either required to add new technology or new processes.
Any time technology is instituted, election officials must develop new business processes. When new business processes are developed, they must be tested prior to the election so that they can be refined. If election officials are not given adequate time to test, testing is conducted on Election Day. We've seen in many instances all over the Country, where the results were less than desirable.

Voter Education

We'd be interested in soliciting various radio and television venues such as Tom Joyner and others to assist us with recruiting pollworkers and with voter outreach and education efforts. We in Prince George's County, MD realized especially after the 2008 Presidential Primary election that we need to more in the area of educating voters. We as election officials have to come up with a strategy to get voters to think about elections (i.e. their voter registration status and polling place location) prior to Election – Day. Many voters went to the polls and didn't know their party affiliation nor were they aware of the closed primary laws in the state of Maryland. That forced the local Boards of Elections to issue unprecedented amounts of provisional ballots. This is one issue that was experienced nationally.

Conclusion

In conclusion, election officials are professionals who are deeply committed to conducting fair and accurate elections. We want voters to walk into a polling

place and have a good voting experience and feel confident about the integrity of the process. Based on our experience in the 2008 Presidential Primary Election, we realize that there must be stabilization and consistency in the elections process. We cannot continue to change technology and processes every election cycle and expect positive results. We've learned that we need time, monetary and human resources to perfect the current systems.

The CHAIRMAN. Ms. Weedon.

STATEMENT OF LINDA WEEDON

Ms. WEEDON. Thank you, Mr. Chairman, committee members. The voter is the most important part of the election process. Having a direct connection to an operator and not a recording in our call center has made a huge difference to our voting public. We are a county of 1.5 million registered voters. The fastest growing county in the Nation. As a result, newly arrived voters come to Maricopa County from every State in the country. With them comes their expectation of how the laws and the election process worked back in their experience with their former State or county. At first, we tried to answer the calls ourselves. That was an unmitigated disaster.

We were so busy answering the phones, we could not concentrate on the business at hand of conducting the election. In 1996, the Star Call Center was created by a decision of the county recorder, the treasurer, the assessor and the county board of supervisors to combine resources. One call center to answer basic questions and route callers to the appropriate agency personnel on complex matters. The Star Call Center has now answered more than 12 million calls in 12 years. Two million of those were election calls. They have 33 permanent staff workers and they bring on 70 temporary workers during their peak seasons. Our recorder, Helen Purcell, has testified before you in the past. She has the total responsibility of the elections process in Maricopa County. With more than 1.5 million voters, we had to create a system to give priority to the calls being placed by the voters. We also created separate hotlines, one for the polling place workers, one for our trouble shooters and one for the lawyers. One group that I manage is a hotline set up for calls from the polling place workers. Those phones are manned from noon the day before the election through the close of the polls on election night. There are 1,142 polling places in Maricopa County.

We keep in touch with each and every polling place through our trouble shooter program. If a call comes from a voter or a political party with an issue, a trouble shooter is dispatched to that location. The final hotline is for the lawyers. They have staff assigned to enable them to respond to any field situation that might arise. By having the three separate hotlines that work separately from our general call center number, we can rapidly respond to voter calls.

The call center has live operators, not just an automated system. A brief recording at the beginning usually answers most questions. If not, the caller can request a live operator. The average wait time is 3 minutes. As a management tool the elections director and the county recorder have a banner visible on their computers indicating how many calls are in the queue, how many operators are available and the time the longest call that is holding. More than 26,000 people called on general election day in 2006. The evening prior to the election, the call center remains open until midnight to answer questions from voters. The call center begins taking calls before the polls open and remains open on Election Day until the polls have closed. The recorded message at the first greeting gives the times

that the polling places are open and reminds everyone that if you are in line by 7:00 p.m. you are able to vote. Spanish language is always an option. Information is given on how to access our Web site where the voter can view their sample ballot. They can find their polling location and they can get directions and a map to their location. Because the system is dynamic, we can ask the call center manager to change the message as necessary to fit evolving situations. In the past we have had emergencies arise and that we have been able to deal with them rapidly by changing that message on our call center line. Voters can request an early ballot by a phone call to the call center. The call center also mails voter registration forms and provides instructions on how voters can register online. Voters can request Braille ballots or large print ballots, and they can inquire about military and overseas voting. After any election, voters can call in and find out if their provisional ballot counted. Most questions are easily answered by the call center operators. We listen to our voters and take their suggestions and their complaints seriously.

Arizona's presidential preference election was held on February 5. We experienced our highest turnout since 1996. It was over 54 percent. The Arizona presidential preference election was a closed election, open only to voters registered in the Democratic or Republican parties. In the days leading up to the election, 50 percent of the calls to the call center were from voters registered as independent or without a party affiliation. The call center averaged 3,000 calls a day prior to the election. On Election Day, the call center received more than 16,000 calls. It is important to note that all issues brought forward by the call center go into our award-winning reporting database. After the election, we continued to review the issues that were presented and determine how we can better handle similar situations in the future. We can always improve the system. The voters are our greatest resource for new and important ideas. Thank you.

[The statement of Ms. Weedon follows:]

MARICOPA COUNTY ELECTIONS DEPARTMENT

VOTER HOTLINE

Linda S. Weedon, Deputy Director of Elections

The voter is the most important part of the election process. Having a direct connection to an operator and not a recording at our Call Center has made a huge difference to our voting public.

We are a county of 1.5 million voters. The fastest growing county in the nation. As a result, newly arrived voters come to Maricopa County from every state in the country. With them comes their expectation of how the laws and rules work for elections based on their experience back in their home states.

At first, we tried to answer the calls ourselves. That was an unmitigated disaster. We were so busy answering the phones we could not concentrate on the business at hand of conducting the election.

In 1996 the Star Call Center was created by a decision of the Recorder, Treasurer, Assessor, and Board of Supervisors to combine resources. One Call Center to answer basic questions and route the caller to the appropriate agency personnel on complex matters.

The Star Call Center has now answered more than 12,000,000 calls in their 12 years of operation. 2,000,000 of those were election calls. They have 33 permanent staff and they take on 70 temporary workers during peak seasons. Our Recorder, Helen Purcell, has testified before you in the past. She also has the total responsibility for the Election process in Maricopa County.

With more than one and a half million voters we had to create a system to give priority to the call placed by the voter. We also created separate "hotlines", one for polling place workers, one for trouble shooters and one for the lawyers.

One group that I manage is a hotline set up for calls from the polling place workers. Those phones are manned from noon the day before the election through the close of the polls on ›ction night.

There are 1,142 polling places in Maricopa County. We keep in touch with each polling place through our Trouble Shooter Program. If a call comes from a voter or a political party with an issue, the Trouble Shooter is dispatched to that location.

The final "hotline" is for the lawyers . They have staff assigned to enable them respond to any field situation that might arise.

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More than 26,000 people called on General Election Day in 2006. The evening prior to the election the Call Center remains open until midnight to answer questions. The Call Center begins taking calls before the polls open and remains open on election day until the polls have closed.

The recorded message at the first greeting gives the times the polling places are open and reminds everyone that if you are in line by 7:00 p.m. on election day, you will be allowed to vote. Spanish Language is always an option. Information is given on how to access our website where the voter can view their sample ballot, find their polling location and get directions and a map.

Because the system is dynamic, we can ask the Call Center manager to change the message as necessary to fit evolving situations. In the past we have had emergencies crop up and we are able to deal with them rapidly.

Voters can request an early ballot by phone through the Call Center. The Call Center also mails voter registration forms and provides instruction on how voters can register online. Voters ı request Braille ballots or large print and can inquire about military and overseas voting. After any election, voters can call in and find out if their provisional ballot counted.

Most questions are easily answered by the Call Center operators. We listen to our voters and take their suggestions and complaints seriously.

Arizona's Presidential Preference Election was held on February 5th. We experienced our highest turnout since 1996--54%. The Arizona Presidential Preference Election was a "closed" election open only to voters registered in the Democratic or Republican parties. In the days leading up to the election 50% of the calls to the Call Center were from voters registered independent or without a party affiliation. The Call Center averaged 3,000 calls a day prior to the election. On election day the Call Center received more than 16,000 calls.

It is important to note that all issues brought forward by the Call Center go in to our award winning reporting data base. After the election we continue to review the issues that were presented and determine how we can better handle similar situations in the future.

We can always improve the system. The voters are our greatest resource for new and important ideas.

The CHAIRMAN. Thank you. Let me just start by asking all of you, are your volunteers, are your poll workers the temporaries you use, do you use also temporary workers on Election Day?

Ms. PYE. Yes.

The CHAIRMAN. How long do they work?

Ms. PYE. Our poll workers only work the election on Election Day.

The CHAIRMAN. Just Election Day?

Ms. PYE. Yes.

The CHAIRMAN. How about the extra work at the voter registration office, the county board; are there temporary workers there?

Ms. PYE. We have temporary workers in our office that work with us during elections, beginning—say for the election that is coming up in July—they started working with us this month and will work through the end of the year throughout all of the elections.

The CHAIRMAN. So maybe like 6 months?

Ms. PYE. Yes.

The CHAIRMAN. 6 months temporary?

Ms. PYE. Yes.

The CHAIRMAN. Same thing, Ms. Alexander?

Ms. ALEXANDER. Yes. The same thing. We use as many as 50 to 60 temporary workers and particularly during a presidential primary election cycle where the voter registration is typically higher. However, we have approximately 13 that we utilize—13 temporary employees that we utilize on a regular basis just to maintain our regular normal core work load.

The CHAIRMAN. So you will hire them for a couple of months and then rehire the same people back again?

Ms. ALEXANDER. That is right, yes.

The CHAIRMAN. Same thing in your county?

Ms. WEEDON. Yes, Mr. Chairman. We hire poll workers for each specific election and they are trained for each election. They go in the day before to set up the polling place. And then they are there on Election Day from a 5:30 until the polls close, which can be quite late sometimes.

The CHAIRMAN. You don't hire any temporary workers to do the paperwork prior to registration?

Ms. WEEDON. Yes, we do hire temporary workers to do voter registration, to input information, to do the early voting process. We usually hire around 80 temporary workers leading up to the election.

The CHAIRMAN. 3 months, 6 months, is there any time frame?

Ms. WEEDON. Usually starting in June and July, we will start bringing on our temporary workers.

The CHAIRMAN. The reason I am asking you, I like to relate where you are from. I am from Philadelphia. And our election board hires our temporary workers for 3 months and then they can't succeed themselves for a calendar year. But because of unemployment purposes, you know, they can work 3 months and then they can't succeed themselves for a calendar year. They have to wait a whole calendar year before they get rehired again. And that is a re-education process over and over and over. I am sure that you have a turnover. I am sure there is some turnover.

Ms. ALEXANDER. Yeah, there is a turnover. And again, there is a process of retraining over every election cycle.

The CHAIRMAN. Well what is your turnover roughly? Is it 50 percent?

Ms. ALEXANDER. I would say our turnover is about—I would say it is about 35 percent.

The CHAIRMAN. That is not bad because this training 35 percent instead of 100 percent of people. And a lot of times they may come back after a calendar year. They are gone a calendar year. And I am trying to rectify that process in the City of Philadelphia. Because we can only hire them 3 months and we hire them ongoing 3 months. That is just a bigger need prior to elections and then they are gone and they don't come back for the next two elections. That year will take you through two more and then you have to retrain them or train all new people. And that is a problem. You mention money. Everybody needs money. And we heard your plug. We understand that. Everybody needs money, and time.

You know, everybody's election unfortunately in the primaries were at different times all over the county. The generals are the same, so you know, what you are looking at for the general. And the time frame is what I was concerned about with the poll workers. Not only the poll workers on that day, because a lot of them where I am from, the City of Philadelphia, the poll workers were brought on by some of the political people that worked the polls. Some are paid by election boards and some are paid politically. And that is a one-day kind of thing. They usually know they are going to work Election Day. They take off.

That is relatively easy. The problem that we face is with the county boards. It is a clerical error, just a mistake that is being made because there are new people and people that are registered—you talk about provisional ballots. You talk about the education process. And I heard you, you are waiting in line to vote for an hour and then by the time you get up there, somebody tells you, you don't vote here. You vote someplace else. And then they get mad at the election worker who it is not his or her fault. They need to take it out on somebody.

The most important thing they take it out on, they take it out on the process of voting. They probably don't go vote. They probably won't go wait in the other line.

I like what you say about the election workers when there is a long line. In the City of Philadelphia it is 8:00. But if there is a line, then the election worker is supposed to stand in the back of the line at 8:00 and nobody behind them can vote. We have had polls open until an hour and a half because of a big election. But those people that are waiting in that line can't go anywhere else. If they are not in the right place, they are not in the right spot.

So it is a good idea to educate them when they are waiting in line. I am going to learn from you too, letting our people know that that is not a bad idea to do that. But it is a problem. You know, uniformity is a problem. It would be great to have everybody receive the same training. Everybody's ballots are kind of the same. We are in the State of Pennsylvania. We have all kinds of municipalities. Every one is different. And they are all—and myself, I run in two districts. I run in the City of Philadelphia, and I run in

Delaware County. I have got two different numbers, different machines, different ways to work them. But look, we have to do what we have to do. And you do a good job trying to allow other people to give them the opportunity to exercise the right to vote. And we applaud you for that.

The best thing we have going started a year or two is the provisional ballots which we tell it, everybody vote. We will sort it out later. Let them all vote. We will sort it out later. If you are in the wrong place, the right place. If you are in the right place, or if you are in the wrong place, we can even transfer that over to the right place as long as you are an eligible voter. So we applaud you and all you are doing. Keep continue doing it. Hopefully we can do it a little better. Mr. Ehlers, any questions?

Mr. EHLERS. Thank you, Mr. Chairman. I think the three young women here have all the answers. I am very impressed——

The CHAIRMAN. They just need the money.

Mr. EHLERS. I am just very impressed with the way you run the show in your shops, and it looks like you have learned out how to do it right.

Just to comment about the people who have to wait in line for a long time and find out they were in the wrong place. It seems to me every polling place should have someone who screens people the minute they come in the door. If they are in the wrong place, you say, I am sorry you have to go to so and so. And they will grumble about it, but at least they don't have to wait in line to find that bit of information out. I also agree with the Chairman, provisional ballots are a great thing. We can't use them if someone is in the wrong precinct because then they will be voting for different positions differently. Some of them overlap but not all of them.

We have about 7 months to go until the 2008 general election. I take it you consider yourselves ready for that, right? What would you judge the readiness of the nation to be? You have contact with a lot of people. Do you anticipate if there are a number of problems across the country? Or do you think there is so much attention being made—being attached to all this now that everyone should be pretty well prepared?

Ms. PYE. I will speak to that one. Ranking Member Ehlers, I anticipate or we anticipate that the problem with the upcoming November election is going to be on the end of voter registration. There will be a large number of groups out there who are registering people to vote. And in the past with large elections, some of those groups do not get the information to the county offices in time to get those people registered.

In Georgia, we don't have same-day voter registration, so there is a deadline. And if we don't get those applications in prior to that deadline, then those people can't vote on Election Day. And it matters not that they go to the poll and vote a provisional ballot. They are not registered. So all they see is that at the Kroger store or whatever location, they filled out a voter registration application with someone. And they know they are registered. So I know that will be a major problem, and we will have the long lines. I know at one of our poll locations during the February election on an African-American college campus, the poll worker had 245 provisional

ballots because the students registered through someone that held a drive.

The majority of them were not registered because we never got the applications. So those are some of the issues I think that we will deal with and that's why we feel that education is important, educating the voter. And we are, through our voter education team, ensuring that we are trying to work not only with the media but with community organizations such as the NAACP, the local chapters in Atlanta to reach out to these people and to help them or train them in getting the proper information from voters when they register and to getting the information to us in a timely manner.

So we hope that that will help in terms of helping us to educate our voters so that they will understand the process and know that they need to check for themselves, you know, voter responsibility; check for yourselves to see if you are actually registered and contact our office.

Ms. WEEDON. Mr. Chairman, Ranking Member Mr. Ehlers, in Maricopa County, of course we hope we are prepared. I know that nationwide, the elections officials always conduct the election to the best of their ability with the resources that they have. I know that one of our issues is always getting polling place workers. Many of our workers are elderly and are getting slowly to the point of where they can no longer work for us. A lot of folks that are coming along aren't as interested in public service or community service and that sort of thing. And we all know we can't pay high dollars to those workers. They are doing a sacrifice to be there. But we try to work closely with our voter registration groups in Maricopa County. We have a staff member who works with them and with our observers, our political activist groups so to speak, so that we can educate them on Arizona laws when they go out and do their registration drives and that they will get those registration forms in to us quickly.

And we are very fortunate that voters can register when they come into Arizona when they get their driver's license and then that will come to us through an electronic pass which is a lifesaver when it comes to staffing. So we do have some advantages along that line. But I can assure you we are doing our best to be ready for November.

Mr. EHLERS. Thank you. And that is one of the advantages we have in Michigan. The Secretary of State also runs a DMV so when anyone changes a license, it is automatically in the system. Ms. Alexander, did you have something?

Ms. ALEXANDER. Yes. I was actually going to tie in to Ms. Pye's comment regarding voter registration, which actually is going to be a major issue for Prince George's County, Maryland. We have historically had many problems with the motor vehicles. Individuals going to the motor vehicles, registering to vote, and for whatever reason, our board of elections does not receive that voter registration application. And that is always a major issue. And I would venture to say that it is an issue nationally.

Mr. EHLERS. I used to live in California and I was impressed there. They always mailed us ahead of time a notice of the election as well as a summary of the ballot proposition and a list of the people running for office. That is very expensive but it was certainly

useful. California almost had to do it because they have all these proposals every year, and voters have to learn something about them. But that I think is a good thing to do. One other question, as I mentioned earlier in the first panel, running elections has been the responsibility of States and localities for a couple of centuries. Just recently, the Federal Government poked their nose into it with HAVA and now we have some other bills pending.

What is your attitude about that? Do you think we ought to just keep our dirty hands off? Or do you find this to be very helpful that we are showing some interest and passing some laws?

Ms. ALEXANDER. I will speak to that. I actually don't think—I think it is good on one hand that the Federal legislators are getting involved in the process. However, I think that there needs to be close communication that I don't believe that there has been in the past with the local election administrators because we are the ones who conduct the elections.

And let me give you an example. The Help America Vote Act of 2002 required that we in Prince George's County change our voting systems. We had approximately 6 months to institute—and I am not sure if this was a result of the State procurement or what the issues were regarding the voting units. But we had approximately 6 months to institute a full-fledged implementation and change of technology. Fortunately by the grace of God, we were able to pull it off. But we needed more time to get it done.

Mr. EHLERS. We're struggling with that right now because we have another bill before us. I think it is a little late to act on it, but we are considering it.

Ms. Weedon.

Ms. WEEDON. Mr. Chairman, Mr. Ehlers, I just wanted to say that I think it is good when you have your Federal oversight so you can have some uniformity throughout the Nation. And I say that also to let you know that my boss, County Recorder Helen Purcell, serves on the Technical Guidelines Committee of the EAC. So we get some insight into what goes on with their committee hearings and so forth. But I think we definitely need uniformity and that helps contribute to it when you have Federal oversight.

Mr. EHLERS. Okay. Any other comments?

Ms. PYE. I would just like to add to the comments that both Ms. Weedon and Ms. Alexander made, that I think it is important that we do have oversight from the Federal Government into the elections process. However, there is a need for uniformity, just as with provisional ballots just in talking to my counterparts, I realized that in Georgia, we handle provisional ballots differently than they handle provisional ballots. I think that has been confusing for a lot of voters because the word that gets out there via the media tells voters, for instance in Georgia, "even if you are not registered, just go to the polls and vote, you can vote a paper ballot."

And I feel that there should be some uniformity because I know that it is up to the jurisdiction, the State jurisdiction, to implement the law regarding provisional ballots, the procedures regarding provisional ballots based on the HAVA law. And that ends up with procedures being different in every State, and sometimes that gets confusing.

Mr. EHLERS. Well thank you very much for your comments. I appreciate it. I have no further questions.

The CHAIRMAN. Thank you. Again, thank you for your time, your participation. You do a great job. Keep doing it. It can be frustrating from time to time. But like Ms. Alexander said, it is the right to vote, and you are there to ensure that they have that right. Thank you very much. We appreciate all your participation. I would now like to adjourn this hearing.

[Whereupon, at 2:08 p.m., the committee was adjourned.]

[Information follows:]

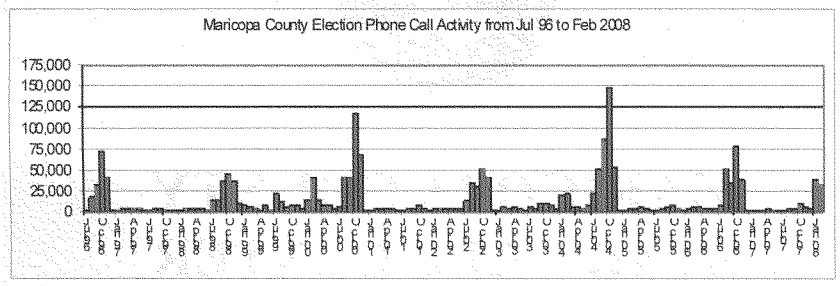
MARICOPA COUNTY STAR CALL CENTER

Voter Hotline

Established June, 1996

STAR CALL CENTER

The STAR Call Center answered their first call in June, 1996. Their mission is to provide timely and accurate service to the callers to Maricopa County. The Elections Department is unique with their cycles of Election Calls. This graph below shows the call growth during three Presidential Elections.

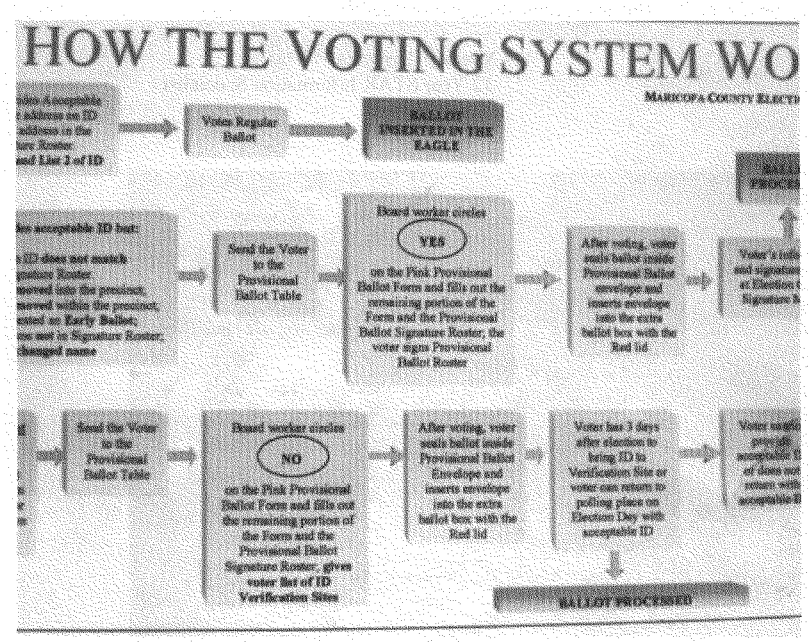


SPOTLIGHT ON YVONNE CARRIZOZA – STAR AGENT SINCE 1996

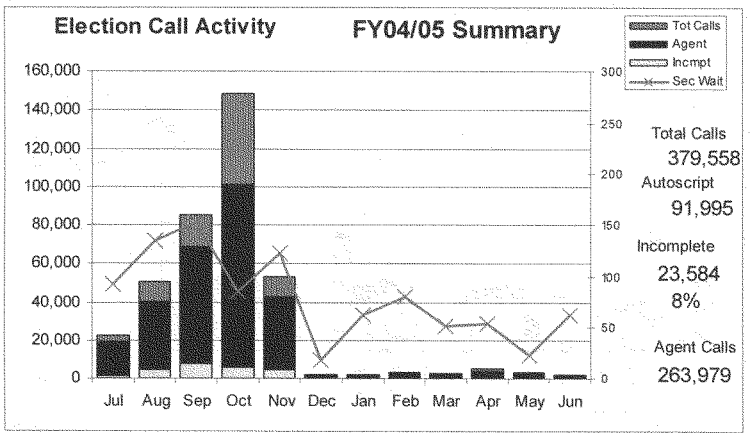
"Sometimes callers tell me that I made their day. I am just glad that I have been able to help them. They appreciate it. This is the rewarding part of this job."

- Yvonne Carrizoza
12 Year STAR Information Specialist

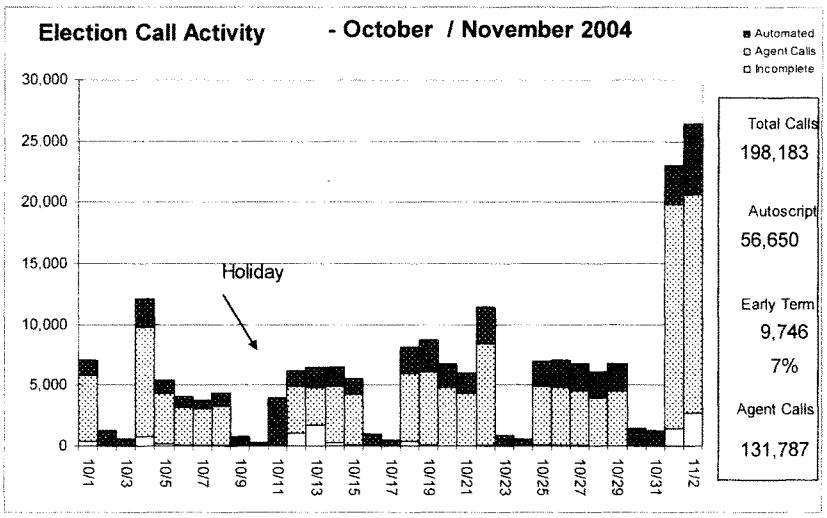
TRAINING INVOLVES REVIEWING ELECTION MATERIAL NECESSARY TO ASSIST THE CALLERS.



TIMELY RESPONSE IS IMPORTANT. FOR THE 2004 PRESIDENTIAL ELECTION, THE AVERAGE RESPONSE TIME TO ANSWER A CALL IN NOVEMBER WAS APPROXIMATELY TWO MINUTES.



STAFFING LEVELS ARE MATCHED TO THE ANTICIPATED CALL VOLUME



ELECTION FREQUENTLY ASKED QUESTIONS FOR (602) 506-1511

ELECTION OFFICIALS
CALLS FROM THE MEDIA

REGISTRATION AND ELIGIBILITY
VOTER-ID CARDS IN THE MAIL
THE VOTER_ID CARD LAYOUT

EARLY BALLOTS
- ORDERING AN EARLY BALLOT
- PERMANENT EARLY VOTING LIST (PEVL)
- QUESTIONS ABOUT THE BALLOT LAYOUT
- COMPLETING AN EARLY BALLOT AND SIGNING
- RETURNING AN EARLY BALLOT ON ELECTION DAY

TRANSPORTATION TO THE POLLS

THE POLLING LOCATION

VOTER-ID AT THE POLLS

VOTING AT THE POLLS FROM 6AM TO 7PM
- INSIDE THE POLLS
- QUESTIONS ABOUT THE BALLOT LAYOUT
- VOTING A PROVISIONAL BALLOT

COMPLAINTS ABOUT STAFF / PROCESS

ELECTION RESULTS

MISCELLANEOUS
- KEY PHONE NUMBERS
- I WANT TO WORK THE NEXT ELECTION

ELECTION OFFICIALS
I want to speak to Helen Purcell – the Maricopa County Recorder
I want to speak / complain to Karen Osborne – Director of Elections

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CALLS FROM THE MEDIA
I am from a newspaper / tv / or radio station and have some questions

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REGISTRATION PROCESS
I am a registered Independent – I am entitled to vote in this primary?
I want to complain about independents not being allowed to vote.
I am not registered here in Maricopa County. Can I register and vote today?
I have moved since I last voted. Can I still vote?
I am new to Maricopa County but am registered in XXX County. Where can I vote?
I registered but never received an ID card. Can I still vote?
My spouse died, how do I remove their name from the list, rolls?

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VOTER-ID CARDS IN THE MAIL
I never received a voter-id card, can you send me one?

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VOTER ID CARD LAYOUT
What do all these codes PND CON SUP LEG mean on my voter-id card?
What district am I in?
Do I vote at the school listed on my card?

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VOTER ID AT THE POLLS:
I don't have a current address on my driver's license, can I vote?
I don't have any ID, can I vote?
Can I take my passport as ID?
What are some of the 2 forms of non-photo ID I can use?
How much time do I have to return with sufficient Voter ID?
I turned 18 and don't have a driver's license and didn't receive a voter-ID card. What do I use?

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TRANSPORTATION
I need to vote but don't have transportation or am disabled. Come pick me up.
I have trouble walking. Do I have to go in? Can I vote at the curb?

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POLLING LOCATIONS:

What are the hours I can vote?
Can I vote at any polling location?
I moved. I can vote at my old location, right?
I never received or voted my early ballot. Can I still vote?
Why do you keep moving my polling location?
Why do you use a church as a polling location?
I want to complain about my location or board worker?
My polling location isn't open – what's wrong?
I went to the polling location listed on my card, it wasn't open
I can't find my polling location here in Queen Creek. Why?

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VOTING INSIDE POLLING LOCATIONS:

Q: Can someone assist me inside the booth when I vote?
Q: I take my sample ballot with me inside when I vote?
Q: I was denied my right to vote and want to complain
Q: The staff was rude and I want to complain

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ORDERING AN EARLY BALLOT

I want to order an early ballot for the March or May election
Can I order an early ballot for my spouse – I have her voter-id number

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THE PERMANENT EARLY VOTING LIST (PEVL)

Can you tell me if I am on the permanent list?
Can you tell me if my spouse or family member is on the permanent list?
How do I sign up to be on the permanent list?

Top of Page

QUESTIONS ABOUT THE BALLOT LAYOUT

Who are all these people on my ballot?
How come I don't see both Republican and Democrats on my ballot?
How was the order of the candidates determined?
What does the CD number mean on the top of the ballot

Top of Page

PROVISIONAL BALLOTS

What is a provisional ballot?
What is a conditional provisional ballot?

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COMPLETING AN EARLY BALLOT AND SIGNING

Q: It is election day and I spoiled my ballot, what do I do?
Q: Where do I sign on the outside of the envelope?
Q: My wife and I signed each other's early ballot envelope – what do we do?
Q: I used blue ink on my ballot. Will it be counted?
Q: Can I drop off my early ballot to my polling location on Monday before the Election?
Q: I voted an early ballot but my candidate withdrew from the race.
Can I vote again on Election Tuesday?

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RETURNING AN EARLY BALLOT ON ELECTION DAY

Q:I am filling out an early ballot on election day. Can I mail it?
Q: Can I give my friend my ballot to return on Election day or do I have to return it?
Q: Are all early ballots counted, or are they counted only when it is a close race?

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ELECTION RESULTS

Preliminary results cannot be released before 8:00pm on election evening per Arizona law. To monitor results after 8:00pm, go to recorder.maricpa.gov on the internet.

The first results released will be of early ballots mailed several days before the election, along with preliminary votes tallied at the polling locations.
The last votes to be counted, usually several days later, are the provisional and conditional ballots that must be hand verified before counted.

Return

KEY PHONE NUMBERS

EXPERT QUEUE – 5-9058
SPANISH QUEUE – 5-8047

HELEN PURCELL 602 506-2825 – always announce yourself
KAREN OSBORNE 602 506-7960 – always announce yourself
YVONNE REED 602 506-8253 – always announce yourself
DAVID SOBIESKI 602 506-7008– always announce yourself

JAN BREWER – SECRETARY OF STATE 602 542-8683 (vote)

COUNTY DEMOCRATIC PARTY 602-298-0503
STATE DEMOCRATIC PARTY 602-298-4200

COUNTY REPUBLICAN PARTY 623-977-4532
STATE REPUBLICAN PARTY 602-957-7770

Return

I WANT TO WORK THE NEXT ELECTION

Use the pink Elections Pollworker form and take the callers information. Please include their voter-id number, contact phone numbers, note any previous experience, note if they speak any other language, and whether or not they will be willing to travel 10 miles. There is a place for all this on the form. Don't forget the phone number.

The form will be picked up and faxed to elections.

Top of Page

ELECTION OFFICIALS

Q: **I want to speak to Helen Purcell – the Maricopa County Recorder**
A: AGENT ACTION – Press the Transfer button and dial 6-2825. Maureen or the office staff should answer. Announce yourself to the person who answers the call and give any information about the nature of the call. Then press the transfer button a second time.

RETURN

Q: **I want to speak / complain to Karen Osborne – Director of Elections**
A: AGENT ACTION – Press the Transfer button and dial 6-7960. Donna or the support team should answer. Announce yourself to the person who answers the call and give any information about the nature of the call. Then press the transfer button a second time.

RETURN

CALLS FROM THE MEDIA

Q. I represent the media and have some questions – can you answer them?
A. Let me transfer you to our Public Information Office Yvonne Reed. Her direct number **is 602 506-8253.**

RETURN

REGISTRATION

Q: I am a registered Independent – Am I entitled to vote in this primary
A: The Feb 5 Presidential Preference is not a primary election under Arizona law. The open primary is held in September, but every four years the Presidential Preference is held at the **option** of the political parties, and under the law, voters are eligible only if they are registered as one of the participating parties. This year both the Democrats and Republicans are participating. Registered Independents are not eligible.

RETURN

Q: I want to complain about independents not being allowed to vote.
A: Your two state representatives and one state senator have the power to change the law. I can look you up on the election system and provide you with their phone numbers of these elected officials.

RETURN

Q: I am not registered here in Maricopa County. Can I register and vote today?
A: State law requires a voter be registered 29 days in the same county as their residence to vote. If you feel you are entitled to vote, I can send you to your nearest poling location but election officials are not allowed to run your provisional ballot through the machine unless they verify your registration in Maricopa County..

RETURN

Q: I have moved since I last voted. Can I still vote?
A: Yes. You must vote at the polling location for your new precinct which I can provide with your new address. You must bring ID and will vote a provisional ballot.

RETURN

Q: I am new to Maricopa County but am registered in XXX County. Where can I vote?
A: State law requires a voter be registered 29 days in the same county as their residence to vote. If you feel you are entitled to vote, I can send you to your nearest poling location.

RETURN

Q: I registered but never received an ID card. Can I still vote?
A: Yes. A Voter ID card is only one of may forms of ID. If you have an updated drivers license, that will suffice.

RETURN

Q: My spouse died, how do I remove their name from the list, rolls?

A: I am sorry for your loss, The elections department needs documentation before anyone can be taken off the list. If you could send in a copy of the death certificate, a copy of the obituary, or a copy of the document from the funeral we will remove their name.

RETURN

VOTER ID AT THE POLLS:

Q: I don't have a current address on my driver's license, can I vote?
A: Yes. If you don't have one photo ID or 2 non-photo ID documents, you will vote a provisional ballot.

RETURN

Q: I don't have any ID, can I vote?
A: Yes – You will vote a conditional provisional, and must return with proper ID within 5 working days for a federal election or 3 days for a non-federal election, for your vote to count. You will be given information at the polls about where to return with proper ID.

RETURN

Q: Can I take my passport as ID?
A: Passports cannot be used as ID at the polls since passports do not list an address.

RETURN

Q: What are some of the 2 forms of non-photo ID I can use?

A: Voter ID card, your sample ballot (if it has your name on it), insurance papers, vehicle registration, bank or utility statements if less than 90 days old, property tax statement, or other official election material with your name and address. The address must be current.

RETURN

Q: How much time do I have to return with sufficient Voter ID?
A: For a conditional provisional ballot you must return with proper ID by 5pm, within 5 working days for a federal election or 3 days for a non-federal election, for your vote to count.

RETURN

Q: I turned 18 and don't have a driver's license and didn't receive a voter-ID card. What do I use?
A: Any other acceptable non-photo ID will be accepted, such as bank statements, sample ballot, or cellular phone bill with the voters name and current address.

RETURN

VOTER ID CARD

Q: What do all these codes PND CON SUP LEG mean on my voter-id card?
A: **PND**= Party Not Designated – you didn't indicate a party preference on your registration
CON = Your Congressional District – who represents you in Washington DC
LEG = Your State Legislative District – who represents your district at the state capital
SUP= Your Maricopa Board of Supvsr District – Who represents you at the county level
JP= Your Justice of the Peace District number – Which Justice and Constable represent you

RETURN

Q:What district am I in?
A:Let me look up your record in the Elections file so I may find all your districts and your representatives.

Return

Q: Do I vote at the school listed on the card?
A: Your polling location is never listed on the card since polling locations change from election to election. We print the school districts on your card for your reference only. To find your polling location, check your sample ballot, the web at recorder.Maricopa.gov or call **this number 602 506-1511.**

Return

VOTER-ID CARDS IN THE MAIL

Q: I never received a voter-id card, can you send me one?

A: I will look you up in the system and flag you for another voter-id card. They are only printed when they have sufficient volume to save printing and postage costs, so it may take up to 6 weeks before you get a card. The card is not a requirement to vote. One photo id (such as your drivers license) or two non-photo id (such as utility bills) will work, as long as they have your current name and address.

Return

TRANSPORTATION

Q: I need to vote but don't have transportation or am disabled. Come pick me up.
A: The elections department does not have resources on election day for transportation. Please contact a neighbor, friend, family member for transportation. You may also try calling your political party office to see if they have drivers available. (phone numbers at the bottom).

Return

Q: I have trouble walking. Do I have to go in? Can I vote at the curb?
A: Yes, we have curbside voting. When you arrive, notify someone to go in and ask for curbside voting. Depending on how busy they are, they can come out and vote you at the curb.

Return

POLLING LOCATIONS:

Q: What are the hours I can vote?
A: 6AM to 7PM- Anyone in line at 7:00pm will be allowed to vote.

Return

Q: Can I vote at any polling location?
A: No, you must vote where you reside. Every polling location has a roster of voters that are specific to your location. If you are not on the roster, you must vote a provisional ballot.

Return

Q: I moved. I can vote at my old location, right?

A: No, provide me with your new address and I can send you to your new location. You will vote a provisional ballot. Bring ID.

Return

Q: I never received or voted my early ballot. Can I still vote?

A: If you were flagged for an early ballot but didn't vote the ballot, you can still vote (it will be a provisional ballot). Bring one photo ID or two non-photo ids.

Return

Q: Can I vote at one of these early voting sites?

A: No, unless one of the early voting sites is assigned as your precinct as a polling site on election day.

Return

Q: Why do you keep moving my polling location?
A: That is not our choice. For this Presidential Preference, the State Legislature mandates fewer polling locations to save money. The County cannot force any site to be a polling location. Some (like schools) no longer want the public walking through the school campus. Others sites have other commitments. As the county grows, newer precincts have to be split which create a need for new polling sites.

Return

Q: Why do you use a church as a polling location?
A: We use churches, synagogues, and mortuaries. We understand some are not happy, and they could always vote early, but churches often have community areas, large parking areas, and wheel chair access. Generally, they are not busy on Tuesday.

Return

Q: I want to complain about my location or board worker?
A: Agent – write up the specific complaint – get the callers name, phone number, and verify their precinct and nature of their complaint.

Return

Q: My polling location isn't open – what's wrong?

A: Agent – make sure the caller is at the correct location for their address – many go to the school on their voter ID card which is often not a polling location. If the caller is at the correct location, and there are no signs or other voters walking around, notify the supervisor IMMEDIATELY. This is top priority.

Return

Q: I went to the polling location listed on my card, it wasn't open or they said they are not a polling site. What is wrong?

A: The card list your precinct, elementary and high school district, your state legislative and federal congressional district. It does not list a polling location since polling locations can change during the life of the card.

Return

Q: **I can't find my polling location here in Queen Creek. Why?**
A: Many parts of Queen Creek are in Pinal County. Is it possible you live in Pinal.

Return

VOTING INSIDE POLLING LOCATIONS:

Q: Can someone assist me inside the booth when I vote?
A: Yes.

Return

Q: Can I take my sample ballot with me inside when I vote?
A: Yes – we encourage it to help speed up voting.

Return

Q: Lines are too long. Get some more equipment over here
A: Agent – get the polling facility (and the voter's phone number) write it up.

Return

Q: I was denied my right to vote and want to complain.

A: Agent – we take these complaints seriously– find out the voters name, voter- number, and their polling location. Write up the details and notify your supervisor immediately. Find out if the caller was asked for ID and what ID the caller had available. Was the caller living in that precinct? Assure the caller that anybody should be able to vote a provisional or conditional provisional, if they insist.

Return

Q: The staff was rude and I want to complain.
A: Same as above – we take these complaints seriously.

Return

ORDERING AN EARLY BALLOT

Q: I want to order an early ballot for the March or May election
A: I can verify your information and write up your request to be sent to elections.

Return

Q: Can I order an early ballot for my spouse – I have her voter-id number
A: I can certainly take your order, but I must speak to your spouse before I can order her an early ballot. We are required by law we must speak to each person to take the order.

Return

THE PERMANENT EARLY VOTING LIST (PEVL)

Q: Can you tell me if I am on the permanent list?
A: I can look you up on the system, verify your identity and let you know if you are on the PEVL list.

RETURN

Q: Can you tell me if my spouse or family member is on the Permanent list?
A: If you spouse / family member has the same name and same address, I can verify if they are on the PEVL list.

RETURN

Q: How do I sign up to be on the permanent list?
A: You can go to recorder.maricpa.gov and download the form. We cannot take your request over the phone, as it requires you signature to sign up. If you don't have the internet, I will take you name, address and phone number and mail one to you.

RETURN

QUESTIONS ABOUT THE BALLOT LAYOUT

Q: WHO ARE ALL THESE PEOPLE ON MY BALLOT?
A: All 24 names on the Republican ballot and 24 names on the Democrat ballot registered with the Arizona Secretary of State to run for President. While the public is familiar with the national candidates, others simply can register with the Secretary of State to run in Arizona.
Some candidates have withdrawn but too late to change the ballot.

RETURN

Q: HOW COME I DON'T SEE BOTH REPUBLICAN AND DEMOCRATS ON MY BALLOT
A: In the Presidential Preference, you will only receive the ballot with all the candidates registered in your same political party. You cannot mix and match candidates of different parties on the same ballot.

RETURN

Q: HOW WAS THE ORDER OF THE CANDIDATES LISTED? IT ISN'T FAIR
A : The Secretary of State selected position numbers by random to assigned to each candidate per state law.

RETURN

Q: WHAT DOES THE CD NUMBER MEAN ON THE TOP OF THE BALLOT
A: It represents the Congressional District for your residence. Votes must be tabulated by congressional district in Arizona. There are eight congressional districts in Arizona.

RETURN

COMPLETING THE EARLY BALLOT AND SIGNING

Q: IT IS ELECTION DAY AND I SPOILED MY BALLOT WHAT CAN I DO?
A: We cannot get you a new ballot on election day. If you over-voted for the presidential preference, the ballot will not be counted. If you feel you must vote a new ballot, then go to your polling location and vote there. You will vote a provisional ballot because the system knows your were sent an early ballot and election officials will not count your polling place ballot without first verifying that your early ballot wasn't returned.

RETURN

Q: WHERE DO I SIGN ON THE OUTSIDE OF MY ENVELOPE
A: Sign in the lower right of the envelope, in the red box. Date your signature. All the small print on the left is for exceptional cases where the voter cannot sign for himself or herself.

RETURN

Q: MY WIFE AND I SIGNED EACH OTHER'S ENVELOPE – WHAT DO WE DO?
A: Cross each other's name out and write your correct name as close to the other name as possible. Elections needs a signature to verify that it was your envelope that was returned.

RETURN

Q: I used blue ink on my ballot. Will it be counted?
A: As long as you filled in the arrow with a bold line, it will be counted.

RETURN

Q: Can I drop off my early ballot at my polling site on Monday?
A: No, Early ballots cannot be accepted until 6:00am on election day.

RETURN

Q: I voted an early ballot but my candidate withdrew from the race. Can I vote again on Election Tuesday?
A: No. A mailed ballot is a cast ballot. Elections cannot pull your Mailed ballot. If you go to vote again, your second ballot will Not count.

RETURN

RETURNING AN EARLY BALLOT ON ELECTION DAY

Q: I am filling out my early ballot on election day, can I mail it?
A: **NO**, it must be in election offices or any polling location by 7:00pm Tuesday. Post marks Do Not Count. You can drop it off at any polling location before 7:00pm when the polls close.

RETURN

Q: Can I give my friend my early ballot to return on election day or do I have to return it?
A: Anyone can drop off an early ballot as long as the voter has signed the outside of the envelope

RETURN

Q: Are all early ballots counted, or are they only counted when it is a close race?
A: **ALL** EARLY BALLOTS ARE COUNTED – REGARDLESS OF HOW CLOSE THE RACE

RETURN

BALLOT QUESTIONS:

Q: I am voting my early ballot at home and I messed up. Can I get a new ballot?
A: We cannot get you a new ballot on election day. If you over voted for the presidential preference, the ballot will not be counted. If you feel you must vote a new ballot, then go to your polling location and vote there. You will vote a provisional ballot because the system knows your were sent an early ballot and election officials will not count your polling place ballot without first verifying that your early ballot wasn't returned.

Top of Page

Q: I am filling out my early ballot on election day, can I mail it?
A: No, it must be in election offices or any polling location by 7:00pm Tuesday. Post marks Do Not Count.

Top of Page

Q: Why is there Spanish on the all the ballots?
A: It is mandated by the US Department of Justice.

Top of Page

Q: I don't have any ID. Can I vote?
A: Law requires you have one photo ID or 2 non-photo ID's with your address. If you don't have the required ID, you can still vote, but you will need to return within 5 working days with the required ID (for federal elections) or 3 working days (for local elections), to have your vote count.

Top of Page

PROVISIONAL BALLOTS

Q: What is a Provisional Ballot?
A: A provisional ballot is the standard tool for a) voters who do not appear on the roster for that precinct, or b) voters who show up to vote but were flagged to receive an early ballot or c) voters who did not have sufficient ID. Provisional Ballots are counted when election officials verify that only one vote is cast by the voter.

RETURN

Q: What is a conditional provisional ballot?
A: A conditional Provisional ballot is given to the voter when insufficient identification is provided at the polls. It gives the voter several days to return with identification so the ballot may be counted.

RETURN

COMPLAINTS ABOUT STAFF / PROCESS

NOTE TO AGENT: We take all complaints seriously. Take the voters name (voter-id) is possible, and his phone number, and write up their complaint. Use your judgment to notify your supervisor or Director of the Call Center of the most serious complaints. For example;

SOME COMPLAINTS THAT REQUIRE IMMEDIATE ATTENTION

Polling location not open by 6:00am (verify the caller is at the right location)
A polling location facility had to close

- There is a personnel incident at a polling location (somebody is causing problems)
- Any complaint that sounds like ballots / security / or personnel are at risk
- Voters are told incorrect information at the polling location
- The equipment is not working…

Top of Page

EARLY BALLOTS QUESTIONS:

Q: Must I return my early ballot to my polling place?
A: You can return your early ballot to any polling location before 7:00pm.

Top of Page

Q: I live in zip code 85nnn. Where is the nearest polling location?
A: We don't have polling locations identified by zip code. Please give me your address and I can direct you to your polling location. It is probably the nearest to you.

Top of Page

Q: I never received my early ballot. How do I know if somebody else didn't vote that ballot?
A: That cannot happen since each ballot requires a signature. If it didn't have your signature as verified against your registration, it will not be counted.

Top of Page

Q: I signed my husband's envelope by mistake. What do I do?
A: Draw a line through the signature and sign your name as close to the box as possible.

Top of Page

Q: I didn't receive an envelope with my early ballot. How do I mail it?
A: Agent - make sure the voter isn't trying to vote a sample ballot mailed to every voter. Sample ballots are identified as "sample" near the name. Verify if the caller really did order an early ballot. If not, their only choice is to vote at their polling location.

Top of Page

Top of Page

Q: I didn't receive my early ballot this year. I am on a permanent list. Why didn't you send it?
A: We are sorry for the confusion, but Maricopa County Elections do not have, nor can they have by law, a permanent list. Many candidates and some cities often send out cards for early ballots, and many voters receive early ballots this way, but Maricopa County cannot maintain a permanent mailing list.

Top of Page

SUPPLEMENTAL / MISCELLANEOUS

Q: I want to vote early Monday before the election day?.
A: Early voting ended at 5:00pm Friday per state law. Tuesday at 6:00am is when the polls open on election day.

Top of Page

Q: Can I drop off my early ballot at one of the early voting sites?
A: Only at the three Maricopa County Offices, which were early voting sites, can receive early ballots on Monday. The other offices cannot accept mail-in ballots dropped off on Monday.

Top of Page

Q: Can I mail my ballot today? Will it be counted since I mailed it?
A: We discourage you to mail your ballot on Monday before Election Day. It must arrive IN the Election's Office by 7:00pm election day.

Top of Page

Q: Can I use my passport as ID at the polling location?
A: No, the passport does not contain an address. It shows you are a US Citizen but does not verify you live in Maricopa County.

Top of Page

Q: Is alcohol served / bars open on election day?
A: Yes

Top of Page

Q: Why is XXX(someone)XXX not on my ballot?
A: You are not in this person's district, thus you cannot vote for them.

Q: I tried to vote at my polling location, and the touch screen for the disabled didn't work.
A: This is not anticipated, but if you should get such a call where equipment was not working, notify you supervisor immediately.

Top of Page

Q: Where are the Presidential candidates on my ballot?
A: The Presidential election will be held in 2008.

Top of Page

SCROLLING BANNER USED TO MONITOR CALLS IN QUEUE

This is the example of the scrolling banner showing the call status for the STAR for the Call Center. In the above example, only two of the 8 call types are listed – Clerk of the Court and Elections. The Election example shows there are 9 agents available to answer Election calls, one Election caller is currently speaking to a STAR agent, while one Election caller has waited 51 seconds so far for the next available agent. Where are the other 8 Election Agents at the time of this snapshot? They are likely taking other calls (Treasurer, Assessor, Recorder etc) since one agent can answer multiple call types.

HOT MESSAGE SCRIPT

Below is the message voters will hear while they are on hold.

Polling hours for Tuesdays Election are from 6am to 7pm. You can find your polling location on the internet at recorder.maricopa.gov, or on your sample ballot. Please press 0 for the next available agent or stay on the line for additional information.

MARICOPA COUNTY ELECTIONS DEPARTMENT

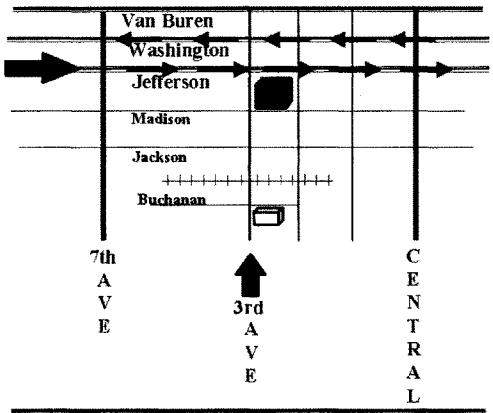
Karen Osborne, Director
506-7960

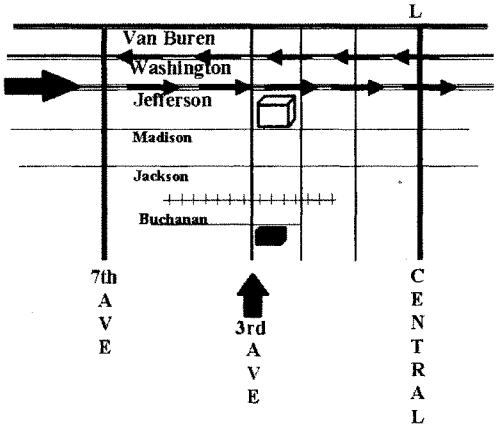
http://recorder.maricopa.gov FAX Number 602-506-3069

Downtown Offices	Mesa Office

Maricopa County Cities and Towns Listing	2008 Election Support Calendar
Other Important Numbers	
ID Verification Sites for March 2006	

Downtown - 111 South 3rd Avenue – Phoenix 85003
510 South 3rd Avenue – Phoenix 85003





Maricopa County Cities and Towns Listing
Updated February 1, 2005

Apache Junction (City of)	Avondale (City of)	Buckeye (Town of)
Carefree (Town of)	Cave Creek (Town of)	Chandler (City of)
El Mirage (City of)	Fountain Hills (Town of)	Gila Bend (Town of)
Gilbert (Town of)	Glendale (City of)	Goodyear (City of)
Guadalupe (Town of)	Litchfield Park (City of)	Mesa (City of)
Paradise Valley (Town of)	Peoria (City of)	Phoenix (City of) (Cris Meyer)
Queen Creek (Town of)	Scottsdale (City of)	Surprise (City of)
Tempe (City of)	Tolleson (City of)	Wickenburg (Town of)
	Youngtown (Town of)	

Other Important Numbers

Clean Election Commission	602-364-3477 or 1-877-631-8891
Kids Voting	602-279-3414
League of Women Voters of Metropolitan Phoenix	602-604-9148
Political Parties	
Democratic Headquarters	
State	602-298-4200
County	602-298-0503
Green Party Headquarters	
State	602-417-0213
Libertarian Headquarters	
County	602-248-8425
Reform Party Headquarters	
State	480-391-0821
Republican Headquarters	
State	602-957-7770
County	623-977-4532
Secretary of State (AZ)	602-542-8683
Yvonne Reed – Media Information	68253

ELECTIONS CUSTOMER SERVICE GUIDE

POLLING HOURS:
6:00AM- 7:00PM
Voters in line at 7pm will be allowed To vote.

TRANSFERS
Expert Queue – 5-9058
Spanish Queue - 5-9047
Provide estimated wait time…

CALLERS - special handling
Demand to speak to **Karen Osborne**:
Conference to Donna 67960

Demand to speak to **Helen Purcell**
Conference to Maureen 62825
Call from **Media**–Yvonne Reed 68253

Callers asking which voting machines we use, or operational types of questions, should go to Yvonne reed at 88253 or Donna at 67960

Announce your call before your trnsfr

KEY PHONE NUMBERS

PARTY NUMBERS

DEM State HQ 602 298-4200
County 602-298-0503

REP State HQ 602-957-7770
County 602-977-4532

LBT (Libertarian)
County 602-248-8425

GREEN state 602-417-0213

REFORM state 480-391-0821

OTHER

AZ Secretary of State
602 542-8683

Calls from newspapers and TV stations should go to Yvonne at 602-506-8253

ID REQUIREMENTS (Nov 7)
- 1 photo id with current address
  Or
- 2 non-photo id such as utility bills, bank statement, sample ballot, id card, Note- NO Passport

ABBREVIATIONS:
ID CARD
PRC – Precinct number and name
DOR – Date of Registration
CON: Congressional District (FED)
LEG: Legislative District (STATE)
SUP:Supervisioral (County Supervsrs)
JP: Justice of the Peace District#

NOTE: Voter ID cards do not list polling locations, only the school districts.

PARTY:
REP – Republican
DEM – Democrat
LBT – Libertarian
IND - Independent
PND – Party Not Designated
Same as IND

POLLS:
MHP – Mobil Home Park
FLW – Frank Loyd Wright
LDS - Latter Day Saints

ADDRESS UPDATES:
- To Update an address: www.servicearizona.com or
- download registration form from www.azsos.gov or
- www.recorder.maricopa.gov
- if no internet – write up for form to be mailed to caller

MAJOR WEB SITES:
- TO VIEW **PROPOSITIONS:** WWW.AZSOS.GOV
- TO VIEW **SAMPLE BALLOT for a Maricopa County** : RECORDER.MARICOPA.GOV
  For changes to voter registration www.servicearizona.com
-

CURRENT ARIZONA CONGRESSMEN

DIST 1 – Rick Renzi
DIST 2 – Trent Franks
DIST 3 – John Shadegg
DIST 4 – Ed Pastor
DIST 5 – Harry Mitchell
DIST 6 – Jeff Flake
DIST 7 – Raul Grijalva
DIST 8 – Gabrielle Giffords

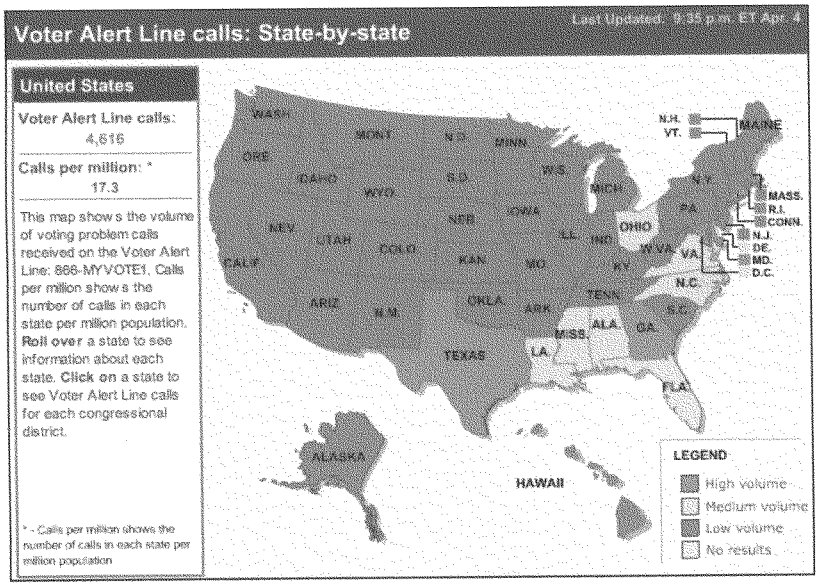
CURRENT ARIZONA SENATORS

JON KYLE
JOHN McCAIN

INFO VOTER TECHNOLOGIES

866.MYVOTE1: Primary Season 2008
Lessons Learned

A Review of The Top 10 Reporting States By Call Volume and Problem Type



By: InfoVoter Technologies
Principal: Ken Smukler
Date: April 4, 2008

one bala ave • bala cynwyd pa 19004 • 610.664.1161 • info@ vlinkdata.com

INFO VOTER TECHNOLOGIES

As of *Apr 04 09:06 pm ET*

Texas (TX): Coded Complaints by Problem Type

Absentee	25	2.4%
Registration	197	19.2%
Identification	17	1.7%
Mechanical	31	3.0%
Paper Voting Ballots	10	1.0%
Provisional Ballots	1	0.1%
Coercion/Intimidation	12	1.2%
Poll Access	475	46.3%
Election staff	12	1.2%
Other	247	24.1%
Total Coded	1,027	
Total Complaints	1,027	

Voter Alert Line calls: State-by-state

Last Updated: 9:20 p.m. ET Apr. 4

Texas

Voter Alert Line calls: 1,191

Calls per million: * 53.8

* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

Texas

Congressional districts

Statewide results

Voter Alert Line calls 1,191

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

Last Updated: 9:20 p.m. ET Apr. 4

one bala ave • bala cynwyd pa 19004 • 610.664.1161 • info@ vlinkdata.com

INFO VOTER TECHNOLOGIES

As of *Apr 04 09:09 pm ET*

Georgia (GA): Coded Complaints by Problem Type

Absentee	48	8.2%
Registration	179	30.5%
Identification	36	6.1%
Mechanical	67	11.4%
Paper Voting Ballots	14	2.4%
Provisional Ballots	5	0.9%
Coercion/Intimidation	9	1.5%
Poll Access	115	19.6%
Election staff	23	3.9%
Other	90	15.4%
Total Coded	586	
Total Complaints	586	

Voter Alert Line calls: State-by-state

Last Updated: 9:20 p.m. ET Apr. 4

Georgia

Voter Alert Line calls:
651

Calls per million: *
75.0

* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

Georgia

Congressional districts

1 2 3 4 5 6 7 8 9 10 11 12 13

Statewide results

Voter Alert Line calls
651

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

Last Updated: 9:20 p.m. ET Apr. 4

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INFO VOTER TECHNOLOGIES

As of *Apr 04 09:10 pm ET*

Ohio (OH): Coded Complaints by Problem Type

Absentee	28	6.3%
Registration	122	27.2%
Identification	15	3.3%
Mechanical	49	10.9%
Paper Voting Ballots	22	4.9%
Provisional Ballots	7	1.6%
Coercion/Intimidation	3	0.7%
Poll Access	89	19.9%
Election staff	11	2.5%
Other	102	22.8%
Total Coded	448	
Total Complaints	448	

Voter Alert Line calls: State-by-state

Last Updated: 9:20 p.m. ET Apr. 4

Ohio

Voter Alert Line calls:
493

Calls per million: *
43.1

* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

Ohio

Congressional districts

Statewide results

Voter Alert Line calls
493

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

Last Updated: 9:25 p.m. ET Apr. 4

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INFO VOTER TECHNOLOGIES

As of *Apr 04 09:11 pm ET*

Florida (FL): Coded Complaints by Problem Type

Absentee	20	7.9%
Registration	101	39.8%
Identification	6	2.4%
Mechanical	15	5.9%
Paper Voting Ballots	4	1.6%
Provisional Ballots	1	0.4%
Coercion/Intimidation	1	0.4%
Poll Access	12	4.7%
Election staff	6	2.4%
Other	88	34.6%
Total Coded	254	
Total Complaints	254	

Voter Alert Line calls: State-by-state

Last Updated: 9:20 p.m. ET Apr. 4

Florida

Voter Alert Line calls: 303

Calls per million: * 17.8

* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

Florida

Congressional districts

Statewide results

Voter Alert Line calls 303

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

Last Updated: 9:25 p.m. ET Apr. 4

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INFO VOTER TECHNOLOGIES

As of *Apr 04 09:12 pm ET*

Maryland (MD): Coded Complaints by Problem Type

Absentee	17	7.3%
Registration	112	48.3%
Identification	7	3.0%
Mechanical	14	6.0%
Paper Voting Ballots	1	0.4%
Provisional Ballots	6	2.6%
Coercion/Intimidation	0	0.0%
Poll Access	25	10.8%
Election staff	3	1.3%
Other	47	20.3%
Total Coded	232	
Total Complaints	232	

Voter Alert Line calls: State-by-state

Last Updated: 9:20 p.m. ET Apr. 4

Maryland

Voter Alert Line calls: 258

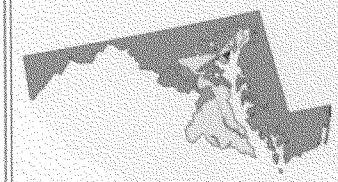
Calls per million: * 46.8

* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

Maryland

Congressional districts



Statewide results

Voter Alert Line calls 258

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

Last Updated: 9:25 p.m. ET Apr. 4

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INFO VOTER TECHNOLOGIES

As of Apr 04 09:13 pm ET

Virginia (VA): Coded Complaints by Problem Type

Absentee	16	8.6%
Registration	65	35.1%
Identification	4	2.2%
Mechanical	6	3.2%
Paper Voting Ballots	6	3.2%
Provisional Ballots	0	0.0%
Coercion/Intimidation	0	0.0%
Poll Access	30	16.2%
Election staff	6	3.2%
Other	52	28.1%
Total Coded	185	
Total Complaints	185	

Voter Alert Line calls: State-by-state

Last Updated: 9:30 p.m. ET Apr. 4

Virginia

Voter Alert Line calls:
207

Calls per million: *
28.0

* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

Virginia

Congressional districts

1 2 3 4 5 6
7 8 9 10 11

Statewide results

Voter Alert Line calls
207

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

Last Updated: 9:30 p.m. ET Apr. 4

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INFO VOTER TECHNOLOGIES

As of *Apr 04 09:15 pm ET*

New York (NY): Coded Complaints by Problem Type

Absentee	6	9.8%
Registration	32	52.5%
Identification	2	3.3%
Mechanical	3	4.9%
Paper Voting Ballots	0	0.0%
Provisional Ballots	0	0.0%
Coercion/Intimidation	1	1.6%
Poll Access	6	9.8%
Election staff	0	0.0%
Other	11	18.0%
Total Coded	61	
Total Complaints	61	

Voter Alert Line calls: State-by-state

Last Updated: 9:30 p.m. ET Apr. 4

New York

Voter Alert Line calls: 183

Calls per million: * 9.5

* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

New York

Congressional districts

Statewide results

Voter Alert Line calls 183

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

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INFO VOTER TECHNOLOGIES

As of *Apr 04 09:16 pm ET*

Illinois (IL): Coded Complaints by Problem Type

Absentee	6	3.9%
Registration	72	47.4%
Identification	3	2.0%
Mechanical	14	9.2%
Paper Voting Ballots	4	2.6%
Provisional Ballots	2	1.3%
Coercion/Intimidation	3	2.0%
Poll Access	11	7.2%
Election staff	5	3.3%
Other	32	21.1%
Total Coded	152	
Total Complaints	152	

Voter Alert Line calls: State-by-state

Last Updated: 9:30 p.m. ET Apr. 4

Illinois

Voter Alert Line calls: 171

Calls per million: * 13.5

* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

Illinois

Congressional districts

Statewide results

Voter Alert Line calls 171

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

Last Updated: 9:30 p.m. ET Apr. 4

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INFO VOTER TECHNOLOGIES

As of *Apr 04 09:18 pm ET*

North Carolina (NC): Coded Complaints by Problem Type

Absentee	14	12.6%
Registration	64	57.7%
Identification	0	0.0%
Mechanical	0	0.0%
Paper Voting Ballots	0	0.0%
Provisional Ballots	0	0.0%
Coercion/Intimidation	0	0.0%
Poll Access	8	7.2%
Election staff	0	0.0%
Other	25	22.5%
Total Coded	111	
Total Complaints	111	

Voter Alert Line calls: State-by-state

Last Updated: 9:30 p.m. ET Apr. 4

North Carolina

Voter Alert Line calls: 139

Calls per million: * 16.5

* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

North Carolina

Congressional districts

Statewide results

Voter Alert Line calls 139

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

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INFO VOTER TECHNOLOGIES

As of *Apr 04 09:19 pm ET*

Mississippi (MS): Coded Complaints by Problem Type

Absentee	3	2.9%
Registration	39	38.2%
Identification	0	0.0%
Mechanical	19	18.6%
Paper Voting Ballots	6	5.9%
Provisional Ballots	0	0.0%
Coercion/Intimidation	0	0.0%
Poll Access	13	12.7%
Election staff	0	0.0%
Other	22	21.6%
Total Coded	102	
Total Complaints	102	

Voter Alert Line calls: State-by-state

Last Updated: 9:30 p.m. ET Apr. 4

Mississippi

Voter Alert Line calls:
117

Calls per million: *
40.6

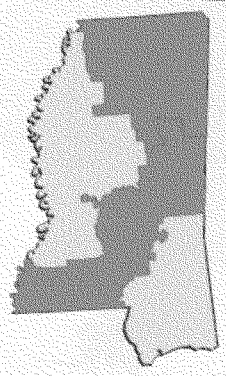
* - Calls per million shows the number of calls in each state per million population

BACK TO U.S. MAP

Mississippi

Congressional districts

1 2 3 4



Statewide results

Voter Alert Line calls
117

Legend
- High Volume
- Medium Volume
- Low Volume
- No Results

Last Updated: 9:35 p.m. ET Apr. 4

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INFO VOTER TECHNOLOGIES

As of *Apr 04 09:37 pm ET*

United States: Coded Complaints by Problem Type

Absentee	258	6.5%
Registration	1,329	33.6%
Identification	106	2.7%
Mechanical	249	6.3%
Paper Voting Ballots	92	2.3%
Provisional Ballots	24	0.6%
Coercion/Intimidation	37	0.9%
Poll Access	872	22.0%
Election staff	78	2.0%
Other	910	23.0%
Total Coded	3,955	
Total Complaints	3,955	

Voter Alert Line calls: State-by-state

Last Updated: 9:35 p.m. ET Apr. 4

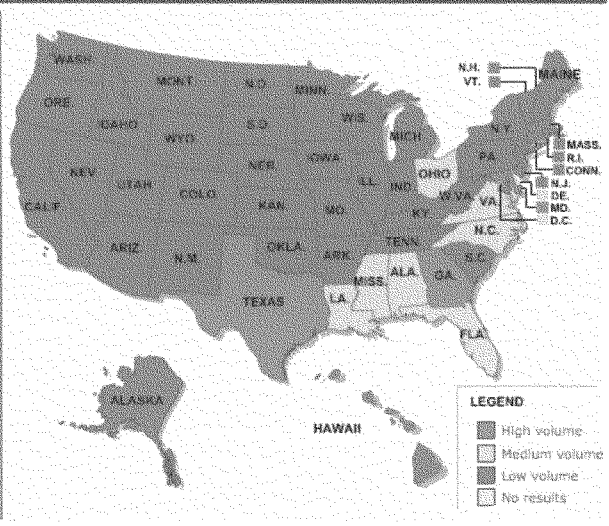
United States

Voter Alert Line calls: 4,616

Calls per million: * 17.3

This map shows the volume of voting problem calls received on the Voter Alert Line: 866-MYVOTE1. Calls per million shows the number of calls in each state per million population. **Roll over** a state to see information about each state. **Click on** a state to see Voter Alert Line calls for each congressional district.

* - Calls per million shows the number of calls in each state per million population



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INFO VOTER TECHNOLOGIES

MYVOTE1: TESTIMONY PRESENTED TO THE CARTER-BAKER COMMISSION ON FEDERAL ELECTION REFORM

Presented To:	**Carter-Baker Commission**
Presented By:	**Ken Smukler**
Organization:	**InfoVoter Technologies**
Consortium:	**866.MYVOTE1**
Date:	**June 30, 2005**

One Bala Avenue, Suite 305 • Bala Cynwyd, PA • 19004 • phone 610.664.5892 • fax 610.664.1160 • www.infovoter.net

Testimony of Ken Smukler, President, InfoVoter Technologies

Presented to the Commission on Federal Election Reform
(Carter-Baker Commission)
June 30, 2005 Hearing
Rice University, Houston, TX.

Note: These remarks and data are based upon the MYVOTE1 National Election Report: Voice of the Electorate 2004. www.infovoter.net.

President Carter, Secretary Baker, distinguished Commission Members, staff and guests:

My name is Ken Smukler. I am President of InfoVoter Technologies.

Allow me to take a moment at the outset to thank the folks who made this testimony possible. The Open Society Institute, JEHT Foundation, Knight Foundation and most importantly, Geri Mannion and The Carnegie Corporation of New York whose vision and passion saved literally tens of thousands of voters in 2004 from the fate of a vote that did not, could not, or would not be counted.

Sunday October 24th, 2004. Day 1. NBC News launches its promotion of the National Election Hotline -- 1.866.MYVOTE1 – across its cable properties, owned-and-operated stations, and affiliates. Day 1 marked the culmination of months of work by the MYVOTE1 Consortium: the University of Pennsylvania Fels Institute of Government, The Reform Institute, The Common Cause Education Fund, The Hispanic Voter Project at Johns Hopkins University and the National Constitution Center.

Tuesday October 26th. 2004. Day 3. Responding to a reporter's inquiry regarding the nature of call traffic on the MYVOTE1 hotline, I give the following statement that appears in the Philadelphia Inquirer:

"Of the 2000 Florida calls we've taken, the lion's share is coming out of Broward...That might change although it's a little late for Broward to be handing out absentee ballots."

Day 4, NBC6, the local NBC affiliate in South Florida, runs a story, based on the MYVOTE1 data, raising the concern that absentee ballots are missing in Broward County.

Day 5. The Florida Sun Sentinel, citing activity on the MYVOTE1 hotline and its companion, 1.866.OURVOTE, runs a story entitled "Broward To Resend Thousands of Missing Absentee Ballots". The story leads with these words,

"Hoping to avoid another presidential election fiasco, Broward County officials scrambled Wednesday to replace tens of thousands of missing absentee ballots, cut long waits for early voting and beef up a phone system deluged with calls from angry voters."

Broward County 2004 is a cautionary tale for election officials.

In just five days of operation, an election monitoring station in Philadelphia identified problems arising in a county in South Florida triggering a series of events that ultimately forced Broward County to take actions that, in the absence of such a system, may never have been taken.

As technology can empower voters during the election process, it equally empowers all of us in the business of trying to improve the system of elections after the polls are closed.

As of midnight Election Day, November 2nd 2004, the MYVOTE1 hotline had taken over 208,000 calls, processed over 102,000 poll location inquiries, attempted to transfer over 96,000 calls to local boards of election and captured over 55,000 audio recordings of voters in distress. Its companion, the OURVOTE hotline, took an additional 205,000 calls and processed an additional 54,000 poll location inquiries.

At the press conference following the April 18th Carter-Baker hearings, Secretary Baker noted that the "cynical view...[would be]...that the easy, bipartisan recommendations were all included in HAVA and that the low-hanging fruit has been picked, if you will. But I remain confident that there is more that we can do."

Secretary Baker, you were correct on both counts: first, it would be cynical and, indeed, flawed to assume that all of the low hanging fruit had been picked in HAVA; second, there is more that we can do.

For the data generated by the national election hotlines leads to one inescapable conclusion: More voters are let down by our failure to communicate basic information to them in the days leading up to Election Day than are let down by the cumulative breakdowns in machines, provisional balloting, identification requirements, fraud, coercion, and intimidation.

Put another way, if all we did was figure out a way for voters to receive the most basic of electoral information in the days leading up to an election – if all we did was give voters the answers to two basic questions: am I registered to vote and where do I vote – we would do more to support the franchise in the US than all of the HAVA reforms combined.

Ladies and gentlemen, this is the low-hanging fruit that remains to be picked.

Poll Location Data

Of the 208,524 calls logged into the MYVOTE1 system, 102,058 or 49% simply needed to know where their poll location could be found. Of the 205,877 calls into OURVOTE, 54,778 or 26% selected the poll finder option.

The magnitude of the problem can be seen in the Internet traffic on Election Day running to mypollingplace.com – a national poll locator website that InfoVoter supported. This website received over 3 *million* hits on Election Day.

Voter Registration Data

Of the 55,000 complaints we recorded over the MYVOTE1 hotline – calls that came from every state in the US – registration problems far out paced any other problem type.

The data distributes the calls by problem type as follows:

Provisional Ballots:	1.8%
Mechanical:	1.8%
Identification:	3.6%
Ballot/Screen:	3.6%
Coercion/Intimidation:	4.0%
Poll Access:	13.4%
Absentee:	20.7%
Registration:	38.9%

Note: These numbers are based upon an analysis of 7,500 audio files originating primarily in the states of Florida, Pennsylvania, Ohio, South Carolina, Michigan, California, Texas, and Arizona.

The overwhelming majority of callers citing registration as a problem simply did not know if, in fact, they were registered to vote. They knew that they had filled out a registration form yet, just days before the election, they had not received a registration card -- and time was running out.

To really appreciate the devastating impact of registration failure, I implore the members of this Commission to listen to the voices of voters who first called the hotline just curious, next confused, then frustrated, and finally furious at a system that, through no fault of their own, failed them.

I have said many times that I am like the boy in the movie, *The Sixth Sense* – I hear the voices of voters who, for all intents and purposes in the 2004 election, are dead. You should hear these "dead" voters too.

A review of Secretaries of State websites finds only nine (9) that can get a voter from a street address to a poll location or provide registration information. I know of only a handful of county websites and no newspaper in the country that provides this information.

The bottom line: In 2004, a properly working phone system at the county or municipal board of election is a lifeline for voters in the days preceding the election; a dysfunctional phone system was, more often than not, a death sentence for the franchise.

In 2004, Phone Systems Failed

The MYVOTE1 hotline was built to enable callers to transfer to their local county board of election after they retrieved their poll location or registered their complaint. The Interactive Voice Response System (IVRS) that processed their call was designed to recognize and tabulate whether the transferred call was picked up by the local board or was met by a busy signal or no answer.

Of the 96,092 calls we attempted to transfer out of the MYVOTE1 system to a local county board of election, only 50,987 or 53% were even answered. If we factor in those that were answered by a voice mail system and never processed by a live operator, only one conclusion becomes clear: On Election Day 2004, a voter placing a call to a local county board of election was more likely to get no one than get an answer.

In the State of South Carolina alone, where we attempted to transfer 3,716 calls, only 652 transferred successfully --- 82% of the calls transferred went unanswered.

Moving Forward

If phones are the problem, phones are the solution: If we insure that voters can access their poll location and registration status in an automated environment by phone, more will vote. It is as simple as that.

This is not an issue of federalization versus states' rights. I have no doubt that the non-profit community and national media networks will continue to provide a national hotline and website as a safety net for voters. But it should be just that: a safety net for voters living in jurisdictions where the first responders, the local boards of election and Secretaries of State, have failed.

There are promising signs on the horizon.

The District of Columbia Board of Elections and Ethics, the first local board to offer voters a choice of DRE and optical scan voting at every poll location, has taken the lead in automating its phone system to include poll locator and registration functionality.

The HAVA directors for the states of Delaware and New Jersey have asked to connect to the MYVOTE1 system to monitor call traffic in their jurisdictions.

We must move to the universal adoption, at both the state and local level, of phone and Internet systems that provide poll location information in an automated environment. Such systems could cut the call traffic running into local boards by 50% on Election Day. Providing registration status in an automated environment may cut call traffic by as much as 75%.

In 2004, the MYVOTE1 Consortium proved that the same technology that for years has been used to buy a movie ticket or train ticket over the phone could be applied to customer service in an electoral environment. The MYVOTE1 Consortium built this technology at a cost that was but a small fraction of the HAVA budget for a state the size of Vermont.

Today I have presented the Commission with a glimpse of the data generated by the MYVOTE1 and OURVOTE hotlines...but it is just a glimpse.

This data tells us things we may find intuitive – like 65% of the callers to the MYVOTE1 hotline were women – and some things that we may find counterintuitive –a relatively small percentage of callers choosing the Spanish-speaking option in areas of high Latino concentration.

But it can tell us so much more: which hours of Election Day experience the most call traffic; what percentage of problems came from households with median household incomes less than $50,000; proportionate impact and problem type by age grouping; which machine types posed the greatest problem for voters; where were long lines linked to insufficient machines.

The MYVOTE1 database was designed to create a baseline against which future

elections should be measured; a wealth of data to be mined for greater truths about the electorate and Election Day.

The Election Assistance Commission, fulfilling its clearinghouse role under the Help America Vote Act, should immediately acquire the MYVOTE1 and OURVOTE data. The EAC should use its resources to fund a comprehensive academic analysis of the data. In addition, the EAC should work to insure on-line access to this data for state and local election board officials.

Again there are promising signs on the horizon. Senator Dodd, a key architect of the Help America Vote Act has approached the EAC seeking full analysis of and access to the MYVOTE1 data. A copy of the Senator's letter to the EAC is attached to the MYVOTE1 Report.

President Carter, Secretary Baker and Members of the Commission: if we do not address the critical telecommunication failures of 2004, if we do not listen to the voice of the voters coming through the hotlines of 2004 and analyze this data in 2005, and if we do not move at the state level to make an automated poll location and registration phone system a reality by 2006, ours will not be a failure of technology, it will be a failure of leadership.

Thank you.

INFO VOTER TECHNOLOGIES

In the News

2008-Articles

1. March 12, 2008
   ClarionLedger.com
   Machine glitches blamed for most voting problems

2. February 12, 2008
   Wired Magazine (By Kim Zetter)
   Voters Say Diebold E-Pollbooks Crashed During Primary; Official Says They Didn't

3. February 11, 2008
   www.naacp.org
   Irregularities Reported Early In Georgia Primary Voting

4. January 31, 2008
   Orlando Sentinel.com
   Confusion at Orlando-area polls spurs voter complaints

5. January 31, 2008
   South Florida Sun-Sentinel.com
   Broward's 140 voter complaints led state

2005-Articles

6. November 5, 2005
   The Philadelphia Inquirer
   Survey: Many N.J. election boards did not answer calls

7. July 1, 2005
   The Houston Chronicle
   Panel: Congress may sit on vote reform

8. June 30, 2005
   Associated Press
   Panel Hears Problems Tied to U.S. Voting

9. April 7, 2005
   www.electionline.org
   'I hear disenfranchised people', Call-in line gives voice to voter frustration, provides data of problems

2004-Articles

10. October 29, 2004
    The Florida Sun-Sentinel
    Get Help with Poll Troubles

11. October 28, 2004
    The Florida Sun-Sentinel
    Broward to resend thousands of missing absentee ballots

12. October 27, 2004
    The Philadelphia Inquirer
    Voter hotline already drawing trouble calls

Clarion|Ledger.com

March 12, 2008

Machine glitches blamed for most voting problems

Kathleen Baydala
kbaydala@clarionledger.com

For the most part, voting went smoothly throughout Mississippi Tuesday, but some minor problems were reported.

Most involved malfunctioning voting machines or not enough machines at some polls, but it appears that election workers are getting used to the state's new electronic voting system.

Carvill Cox, who was working at one of the Republican tables at the Victory Baptist Church voting precinct in Madison, said she saw some problems Tuesday with the voting machine encoders, small cards that voters must insert into the machine.

"The encoders have given us the dickens all day," Cox said.

Several counties reported problems with the new machines last year, leading many to require more training.

On the Democratic side at the Victory Baptist precinct, election worker Linda Brown said they, too, had had minor issues with the encoder cards.

By 5:30 p.m., the precinct at Old Canton and Hoy roads had seen nearly 150 Democratic voters and more than 400 Republican.

With the exception of problems with the encoders, voting went smoothly, election worker Lori Godwin said.

Some had to vote by affidavit ballot because they had moved recently and did not change their addresses, she said, but there were no problems associated with the thousands of names erroneously purged in Madison County since January.

An emergency meeting was held March 5 after election officials realized Election Commissioner Sue Sautermeister had moved more than 10,000 names from active to inactive status without following protocol.

Those names were restored to the voter rolls last week. "All of that was cleared up, so we've not seen any problems because of it today," Godwin said.

A nationwide voter hotline also received reports of problems in Madison County.

Callers to 1-866-MYVOTE1 reported an insufficient number of Democratic machines at polling locations and broken machines, according to a news release from the hotline. The hotline, promoted by the Tom Joyner Morning Show and sponsored by a coalition of civil-rights organizations including the NAACP, received more than 1,200 calls from Mississippi.

Of the Madison County complaints, voters had problems at precincts located in Canton, Madison and Flora.

District 5 Election Commissioner Leroy Lacy said he had not heard of any voter complications, and Madison County Circuit Clerk Lee Westbrook and Election Commission Chairwoman Kakey Chaney

could not be reached for comment.

For the most part, voting in the metro area Tuesday was light, especially in the Republican presidential primary.

Secretary of State Delbert Hosemann had predicted a light to moderate turnout with about 125,000 to 150,000 votes. Mississippi has 1.78 million registered voters.

In many precincts, the number of votes cast for a Democratic candidate greatly outnumbered Republican votes. And in Jackson, at least a couple of precincts had recorded no Republican votes well into the afternoon.

Poll workers chalked up the difference to heightened interest in the Democratic presidential primary with close races between senators Hillary Clinton and Barack Obama and recent campaign stops in Mississippi, coupled with a decreased interest in the Republican presidential primary after Sen. John McCain became the GOP nominee.

Voters Say Diebold E-Pollbooks Crashed During Primary; Official Says They Didn't

By Kim Zetter February 12, 2008 | 11:06:41 AMCategories: E-Voting, Election '08

I've been getting a number of reports from voters in Georgia that the electronic pollbooks the state used during last week's Super Tuesday primary crashed in a number of counties, resulting in the long lines that I reported about last week and in voters leaving without casting ballots.

Numerous voters in at least five Georgia counties have complained that there weren't enough e-pollbooks and that the machines crashed or were otherwise inoperable. But an election official in Fulton County, Georgia, where many of the crashes were reported, denied that any machine crashed, and said voters were mistaken. (I've posted some .mp3 files below that come from a voter hotline in which voters discuss crashes and inoperable machines.)

The ExpressPoll e-pollbooks, made by Diebold Election Systems, are used to verify that a voter is registered. (Georgia uses an older model of the ExpressPoll pictured above.)

Ralph Presley, who voted at a church in Fulton County, said there were about

200 people waiting in line at his precinct and although the church had fourteen voting machines, only two of them were being used at any one time due to a backup caused by problems with the e-pollbooks.

"They were crashing, and then they'd call the technician and wait for the technician to come out," he told me by phone.

There were only two items on Presley's ballot -- the presidential primary and a bond referendum -- and while it took only 30 seconds to cast a ballot, it took 90 minutes to reach the poll booth. Presley said voters had to wait until a technician arrived to re-boot one of the e-pollbooks that was down. It took the machine about five minutes to re-boot, he said.

Maureen Goodman reported that when she arrived at 8:30 am to vote at Inman Middle School in Fulton County, the line was already running the length and a half of the school's gym. Although there were eight voting machines at the gym, only two were being used at any one time. There were only two e-pollbooks in her polling location and she said one of them kept crashing and would take 5-10 minutes to reboot. Poll workers also had trouble finding voters' names in the e-pollbook databases.

"The general feeling in the line was that it was an atrocity," she said. "In the state where Jimmy Carter is from and is known for election monitoring around the world, we can't seem to get it right. I found that kind of ironic."

Voters who called a hotline run by InfoVoter Technologies on the day of the primary were also certain that the machines were crashing.

- Stone Mountian_DeKalb County_E-Pollbook Malfunctioned First Thing in Morning (.mp3)
- Mableton_Cobb County_Machine Down Workers Stumped (.mp3)
- Atlanta_Fulton County_One E-Pollbook Down (.mp3)
- Atlanta_Fulton County_10 Minutes to Reboot Machine (.mp3)

(I've included more .mp3 files after the jump to give you a sense of the prevalence of this problem.) A story in the *Atlanta Journal-Constitution* quoted state election officials acknowledging that they received "isolated" reports about the machines crashing and dispatched technicians in some cases to look into the matter.

But I spoke with Mark Henderson, voter education and public information coordinator for Fulton County, the site of many of the reported crashes, who told me voters were mistaken. Henderson said his county's election office received 72,000 calls on Super Tuesday (slightly higher than previous election days, he

said) and not one of them involved a crashed e-pollbook. He also disputed reports that technicians were dispatched to precincts to reboot the devices.

Although he acknowledged that several poll workers called during the primary to report that e-pollbooks were freezing, he said the poll workers were confused and the devices were simply running slow due to the size of the registration database on them. He said that during poll worker training, the devices were loaded with only a small list of about 350 voter names for demonstration purposes so they performed name searches quickly. But on election day, the entire state voter registration list of four and a half million active voters was stored on each device, increasing the time it took the device to find a voter's name, leading poll workers to erroneously conclude that the devices were freezing up.

"But they didn't crash or shut down completely as reported by pollworkers," he said, adding that during this slowdown "voting never stopped."

When I pointed out that to voters who stood in line for 1 to 3 hours voting did appear to stop, he reiterated, "Voting may have been delayed in some instances but it did not stop."

Henderson acknowledged that there were too few e-pollbooks at precincts and this contributed to the long waits. He said it was the result of poor planning due to lack of experience with the devices. Georgia purchased the e-pollbooks from Diebold in July 2006 and used them for the first time during the mid-term elections that year. That experience didn't prepare the county for Super Tuesday since voter turnout in Fulton County for the 2006 election was only 23 percent, whereas the turnout for the primary this year was 46 percent.

Fulton has 640 ExpressPoll devices and 360 precincts spread out in 251 polling locations (some locations house more than one precinct). Each precinct was given an average of two e-pollbooks. Henderson said his office didn't anticipate the large turnout or the effect that searching through the statewide database would have on the speed of the e-pollbooks. The day after the primary, the election office submitted a request to county commissioners to obtain more e-pollbooks before the county's next election in July.

Below are some additional voter calls complaining about e-pollbooks not working, as well as a videotape of the long line at the Welcome All Community Center in Fulton County. The video was taken by John Fortuin, a volunteer with Video the Vote.

- Fairburn_Fulton County_E-Pollbook Down (.mp3)
- Stone Mountain_DeKalb County_E-Pollbook Disc Full (.mp3)

- Lithonia_DeKalb County_E-Pollbook Battery Issues **(.mp3)**
- Lithonia_DeKalb County_E-Pollbook Down No Backup **(.mp3)**
- Lithonia_DeKalb County_E-Pollbooks Not Working for 20 Minutes **(.mp3)**
- Lithonia_DeKalb County_E-Pollbook Down **(.mp3)**

IRREGULARITIES REPORTED EARLY IN GEORGIA PRIMARY VOTING

Dallas, TX – Widespread voting problems were discovered at polls in Georgia according to calls into 1-866-MYVOTE1, an election protection and voter information hotline promoted by the nationally syndicated Tom Joyner Morning Show and sponsored by the NAACP National Voter Fund.

So far today, the hotline has received in excess of 5,000 calls. Roughly 1,000 of those callers cited voter infractions concentrated in the 13th congressional district in Georgia that includes parts of Clayton, Cobb, DeKalb, Douglas, Fulton and Henry counties.

The majority of callers expressed long lines and delays in voting due to insufficient voting machines and problems associated with the enforcement of Georgia's new controversial voter ID law.

Similar problems were also found in parts of Georgia's 4th, 5th and 11th congressional districts.

"The problems faced in Georgia by thousands of voters were tied directly to the larger than expected influx of voters during the primary, and the failure of many county election officials to plan for the large influx of new voters." according to Greg Moore, Executive Director of the NAACP National Voter Fund.

"This is looking more and more like a carbon copy of what went wrong in Ohio in 2004." said Moore. "Georgia lacks any statewide standard for machine to voter ratio that can help mitigate long lines and unnecessary delays. Add to it the problems with the initial enforcement of the controversial mandatory voter ID law and you have a prescription for disaster."

The Tom Joyner Morning Show urged voters throughout the day to stay in line and to report any problems they are encountering to the MYVOTE1 hotline number throughout the day.

orlandosentinel.com/orl-glitchfolo3108jan31,0,6913275.story

OrlandoSentinel.com

THE FLORIDA PRIMARY

Confusion at Orlando-area polls spurs voter complaints

Robert Perez

Sentinel Staff Writer

January 31, 2008

Voter confusion about Florida's closed-primary system was partly to blame for widespread complaints in Tuesday's elections, observers said.

One warned that voter rancor could be repeated across the country as early as next week's Super Tuesday primaries.

"I think Florida revealed it first, but I think any state with closed primaries will have the same problems," said Greg Moore, executive director of the NAACP National Voter Fund.

In closed primaries, only voters registered to a party may cast ballots for that party's candidates.

A number of other factors could have contributed to voting problems, including a Department of Highway Safety and Motor Vehicles voter-registration system that doesn't explain partisan elections.

But the bottom line for some election observers is that the system failed some voters, said Ken Smukler, president of InfoVoter Technologies in Philadelphia.

A national hotline created by Smukler, and aimed primarily at black voters, received about 600 calls from disgruntled Florida residents who said they had trouble voting Tuesday.

"The amount of data and the kinds of audio we're hearing convinces me there was a problem that ended up disenfranchising voters," Smukler said.

After the 2000 election, Smukler helped create the 1-866-MYVOTE1 hotline, which was supported by news outlets, nonprofit groups and universities across the country.

On Tuesday, Orange County had the third-highest number of calls to 1-866-MYVOTE1 in the state, trailing Broward and Miami-Dade counties.

Most of the hotline calls involved voters who asked for Democratic ballots but were told they were not registered Democrats. Smukler said it didn't take him long to spot a trend. He said he concluded that problems were widespread because three-quarters of the calls involved complaints about incorrect ballots.

The NAACP's Moore said his group would look into the complaints to make sure no voters were disenfranchised. He said it was likely that if Democratic candidates had actively campaigned in Florida, their staffs would have noticed the inadvertent no-party voters on the rolls and encouraged them to make sure their party affiliation had been properly noted.

The NAACP's National Voter Fund helps finance 1-866-MYVOTE1.

On Election Day, a number of voters in Orange County reported getting wrong ballots or incorrect information from confused poll workers, including one who was told the Democratic primary wasn't scheduled until March.

But Orange County Elections Supervisor Bill Cowles said Wednesday that the criticism is unwarranted and said some voters

simply didn't understand the closed-primary system.

A majority of elected offices in Orange County are nonpartisan, which means any registered voter can participate, Cowles said.

What's more, a larger-than-usual turnout spurred by competitive races in the Republican and Democratic parties and a controversial property-tax proposal generated more than 4.1 million votes, leading to a higher number of complaints, Cowles said.

Other voters also found problems with the state's Department of Highway Safety and Motor Vehicles. A number of Orange County voters, who thought they were registered Democrats but were told they had no party affiliation, said they registered to vote while getting their drivers license.

A spokesman for the department said workers at drivers-license bureaus offer voter registration or change-of-address services but are legally banned from coaching voters about party affiliations.

Cowles estimated that half the new registration applications in his office come through drivers-license bureaus.

Elsewhere in the region, election supervisors reported fewer problems and complaints. Lake County officials confirmed Wednesday, however, that a registered Democrat incorrectly received and voted a nonpartisan ballot.

"We're really sorry. It was a human error," Elections Supervisor Emogene Stegall said Wednesday. "But we can't go back and change the vote or let her vote again."

Minor equipment glitches were reported in Osceola and Volusia counties.

Martin E. Comas, Denise-Marie Balona and Mark Pino of the Sentinel staff contributed to this report. Information from the South Florida Sun-Sentinel also was used. Robert Prez can be reached at rperez@orlandosentinel.com or 407-322-1298.

Get an earful

Hear complaints about the primaries made by callers from Orange and Volusia counties to 1-866-MYVOTE1: OrlandoSentinel.com/votingproblems

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sun-sentinel.com/news/local/broward/sfl-flbvoterbrief0131sbjan31,0,4403897.story

South Florida Sun-Sentinel.com

Broward's 140 voter complaints led state

By Jamie Malernee

South Florida Sun-Sentinel

January 31, 2008

Broward County was home to the largest number of voter complaints after Florida's presidential primary on Tuesday, according to a national voter hotline that logged 140 calls from the area, mostly from black residents.

The most common complaint came from people who were unable to vote because they were registered as independents, even though they considered themselves Democrats, said Ken Smukler, founder of the 866.MYVOTE1 voter hotline. In Florida primaries, only voters registered to a party may cast ballots for that party's candidates.

Rather than anything "nefarious" going on, Smukler said he believed many new voters galvanized by Democratic candidate Sen. Barack Obama of Illinois were unfamiliar with the requirement. Others may have left their party affiliation blank on a registration form, and it defaulted to independent or nonpartisan without them being aware, he said.

Greg Moore, director of the NAACP National Voter Fund, said his group would be looking into the complaints to make sure no voters had been disenfranchised. "We need to do a better job of voter education," Moore said. "My guess is there will be other states ... that will have this same problem."

Complaints largely came from black voters because the hotline, which is run from Pennsylvania, was advertised primarily on a black talk radio show, Smukler said. Miami-Dade County came in second in the state with 107 complaints, followed by Orange County in the Orlando area, with 87.

Jamie Malernee can be reached at jmalernee@sun-sentinel.com or 954-356-4849.

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Philly.com
Posted on Sat, Nov. 05, 2005

Survey: Many N.J. election boards did not answer calls

A voter-information group says some New Jersey voters could be frustrated on Election Day on Tuesday if they call their county boards of elections seeking information.

A survey of the boards by MYVOTE1 Election Hotline - a joint venture of InfoVoter Technologies and the University of Pennsylvania Fels' Institute of Government, funded by the Fund For New Jersey - found that less than 37 percent of test calls into county boards made last week were answered.

In the 2004 presidential election, a similar test found that county boards that didn't answer calls in the week before the election were just as likely to ignore voter calls on election day.

"The consequence for voters who cannot get through to their county boards is often a death sentence for their voting rights," said Ken Smukler, president of InfoVoter Technologies. "It appears that New Jersey has learned very little from the experience of 2004 and New Jersey voters are paying the price."
Cynthia Burton

HoustonChronicle.com -- http://www.HoustonChronicle.com | Section: Local & State

June 30, 2005, 11:48PM

Panel: Congress may sit on vote reform

Carter, Baker say stalling won't stop them from offering ideas for improvement

By KRISTEN MACK

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A commission studying election problems will submit substantive recommendations for reform recognizing that Congress may take years to act on the plan, two of the nation's elder statesmen said Thursday.

Democratic former President Carter and Republican former Secretary of State James A. Baker III of Houston, co-chairs of the Commission on Federal Election Reform, are looking at voting problems with the intention of proposing recommendations to improve the electoral process.

The 21-member bipartisan commission, which first met in Washington in April, held its second hearing Thursday at the James A. Baker III Institute for Public Policy. It will meet privately in August in Atlanta to draft a report, scheduled for release in September.

Baker said Congress may not have any real stomach for dealing with federal election reform, but that is not going to stop the commission from suggesting changes.

"We intend to make recommendations without regard whether Congress wants to act on this immediately," Baker said.

Carter echoed that sentiment. "It may be a long time before all the recommendations we make are seriously considered," he said. "To put all of the recommendations in one package might encourage Congress to take action earlier and more definitively than it otherwise would."

Voting technology, election administration, voter registration and ballot access are among the issues the commission discussed. Carter and Baker also said they were sensitive about preserving states' rights while attempting to develop federal election standards.

But they talked about creating "interoperable" state voter registration databases.

Registration review

In the 2000 presidential election, settled by the Supreme Court after a recount battle in Florida, more votes were lost to voter registration problems than to voting equipment or polling place practices, according to research done by Michael Alvarez, a professor at the California Institute of Technology.

One reform suggested Thursday was providing voters easy ways to determine whether they are

registered and where to vote on Election Day.

A review of Web sites operated by secretaries of state found that only nine can get a voter from a street address to a poll location or provide registration information, according to Ken Smuckler, president of InfoVoter Technologies .

"It's almost easier to find any other information in America than your polling information. We've created an information cul-de-sac instead of an information highway," he said. "More voters are let down by our failure to communicate basic information to them than are let down by the cumulative breakdowns in machines, provisional balloting, identification requirements, fraud and intimidation combined."

Political scientist Bob Stein of Rice University said research there suggests that "Election Day voting centers" could increase turnout. These would operate as early voting does now, allowing voting at any county poll location instead of requiring that all Election Day ballots be cast at home precincts.

Old vs. new

Most panelists agreed that the Help American Vote Act of 2002, designed to address some of the problems that arose in Florida in 2000, was implemented late and has been underfunded. A group of about 15 people, who protested outside Rice University during the hearing, agreed.

The "Verifiable Vote Coalition," which has been in existence for about two months, wants to see a return to the old voting system, where a paper trail provided a record of votes.

"Computers make errors and they can be tampered with," said protester Don Cook. "We need a hard copy for each vote."

But Harris County Clerk Beverly Kaufman, who administers most elections in the county, said, "The notion that a paper-based voting system somehow provides voters, or election officials, with a substantive sense of integrity is misleading at best and inherently false at worst."

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HoustonChronicle.com -- http://www.HoustonChronicle.com | Section: Local & State
This article is: http://www.chron.com/cs/CDA/ssistory.mpl/metropolitan/3248695

RIGHT TO VOTES

The bipartisan Commission on Federal Election Reform is looking for ways to improve the nation's voting system.

- **Co-chairs:** Former President Jimmy Carter and former Secretary of State James A. Baker III.
- **Ahead:** Final meeting in Atlanta in August, report to be released in September.

Panel Hears Problems Tied to U.S Voting

Commission Hears Problems Related to U.S. Election Process
By JUAN A. LOZANO Associated Press Writer

The Associated Press

HOUSTON - Experts told a bipartisan federal commission Thursday that problems as simple as not knowing where to vote remain major stumbling blocks in U.S. elections.

The Carter-Baker Commission on Federal Election Reform is seeking ways to increase voter registration and participation and ensure people have confidence in the voting process. It is co-chaired by former President Carter and former Secretary of State James A. Baker III.

"It may be a long time before all the recommendations we make are seriously considered," Carter said at a news conference after the hearing. "But there will be one definitive assessment of how our election process can be made better. We hope some benefits will come from it."

Norman Ornstein, a resident scholar at the American Enterprise Institute for Public Policy Research, said concerns need to be resolved about the security of electronic voting machines and whether a paper record of votes should be provided.

Voter confidence dropped after the 2000 presidential election, the outcome of which was delayed for weeks because of problems with ballots in Florida. There were also claims of voting irregularities in Ohio after last year's presidential election.

"We need a bold call to action and a bold call for reform," Ornstein said. "We have a problem with voter confidence in the system right now."

Ken Smukler, president of InfoVoter Technologies, which helped create a national hot line for voter questions and complaints, said voters also have difficulty accessing information on where and how to cast their ballots.

"On Election Day, it is easier to find a vegetarian or Chinese restaurant than a voting location," he said.

Some problems were addressed in the Help America Vote Act, which was passed by Congress in 2002 and called for modernizing voter registration systems, updating voter machines and improving voter education and poll worker training. But some states are behind schedule in meeting their goals.

The commission is set to issue its final recommendations in September. Other members of the privately funded panel include former Senate Minority Leader Tom Daschle and former Secretary of Commerce Robert Mosbacher.

On the Net:

Carter-Baker Commission on Federal Election Reform:
http://www.american.edu/ia/cfer/

American Enterprise Institute for Public Policy Research:
http://www.aei.org/

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electionline Weekly - April 7, 2005
electionline.org

I. In Focus This Week

'I hear disenfranchised people'
Call-in line gives voice to voter frustration, provides data of problems
By Doug Chapin
electionline.org

New data from a voter hotline reveals that registration problems were the leading source of voter complaints leading up to and on Election Day 2004.

As concerns about the 2004 election mounted last fall, several organizations set up voter hotlines to enable voters to register complaints and concerns about the electoral process. The hotline, 1-866-MYVOTE1, was funded by a consortium led by the University of Pennsylvania 's Fels Institute of Government and designed by InfoVoter Technologies of Bala Cynwyd, Pa.

InfoVoter President Ken Smukler presented a preliminary analysis (Powerpoint format) of the data on Tuesday at a conference of local election officials sponsored and hosted by Fels in Philadelphia . According to Smukler, the hotline received 208,524 calls from voters for two weeks between October 22 and November 3. Using a database linking voters' phone numbers to geographic data, the hotline software was able to offer voters a variety of services.

Slightly less than half of callers (102,058, or 49 percent) opted to use the hotline's polling place locator. The remaining callers chose either to be transferred to their local election office or to record a message describing their problem. The messages - 55,836 in all - provide striking, first-hand evidence of voter frustration on Election Day 2004.

According to Smukler's analysis, the overwhelming complaint voters had was registration problems. In Allegheny County, Pa. (Pittsburgh), almost seven in 10 callers reported difficulties with voter registration, while half of the calls in Delaware and selected New Jersey counties reported similar problems. More often than not, the complaint was that a voter had filled out an application but had yet to receive a registration card.

Listening to some of the calls brings home the frustration many voters experienced. "I feel a little like the kid in 'The Sixth Sense,'" Smukler said, "except I don't see dead people - I hear disenfranchised people."

One Allegheny County voter described an attempt to register with a military recruiter who reportedly asked the voter how he planned to vote for president. The voter refused to answer, and he wondered in his recorded call whether that was the reason he had not received his registration card. *[NOTE: Although voters who left messages with 1-866-MYVOTE1 were notified that their personal information could be made public,* electionline.org *has edited the sound files linked here to delete certain personal information of voters.]*

In another case, an Ohio State University student who registered in Franklin County with a group she thought "looked legit" complained that she had failed to receive her registration card - a fact she confirmed with a visit to the Franklin County Board of Elections Web site.

Christopher Patusky, executive director of the Fels Institute, said the calls themselves - almost as much as the data gathered as a result of the calls - were valuable.

"One of the most promising features of the system is its ability to record voter complaints *en masse* on Election Day, thus creating an electronic record of actual complaints, including the type, place, and time of the call," Patusky said.

Moreover, he said, the data is valuable in identifying potentially systemic problems with the election process. "The same way that a doctor uses instruments and information to diagnose an illness in the body, [1-866-MYVOTE1] is able to use data, not conjecture, allegation or rumor, to accurately diagnose problem areas in the electoral administration system."

An excellent example of this emerged in Broward County, Fla. About a week before Election Day, Smukler and 1-866-MYVOTE1 staff noticed a sharp spike in complaints from county voters about absentee voting problems (example). Based on that data, Smukler told the *Philadelphia Inquirer* that "I think Broward County has an absentee voting problem." The next day, Broward County announced that it would re-send up to

58,000 missing absentee ballots.

Patusky and Smukler are both seeking additional funding to analyze the full list of voter messages. In so doing, they hope to fill out the nation's understanding of the conduct of the 2004 election as well as to help guide the election reform process for the 2006 election and beyond.

II. Election Reform News This Week

- Washington Republicans stormed out of an election-reform hearing this week after a Democratically-controlled Senate panel rejected a dozen GOP-sponsored amendments, *The Seattle Times* reported. Republican lawmakers wanted a package of reforms passed after the state's controversial gubernatorial election to include provisions requiring voter ID.
- Erratic mail delivery and troops constantly on the move contributed to a large percentage of ballots cast by soldiers and others overseas to be uncounted, *Scripps-Howard News Service* reported. A study by the National Defense Committee found that more than 30,000 of the 131,000 ballots sent by troops to local election offices were not counted. The committee blames an archaic absentee ballot process that relies on mail rather than more modern means. Click here for the report.
- More "sweeping changes" are on the way for Florida elections, *The Miami Herald* reported, including provisions that would place more power in the hands of state, and not local, election officials. One bill would allow the secretary of state to issue "a binding 'statement of interpretation' if there is a dispute over election laws." Some local officials say the state is trying to silence local election officials who might be critical of the state's handling of election matters. (Registration required.)
- Equipment and not-so-distant memories of voting and counting problems in the 2004 election will lead the agenda when North Carolina 's state election directors meet this month, *The New Bern Sun Journal* reported. Machine problems in one county led to more than 4,400 lost votes while other glitches - not machine related - caused election troubles in others.

III. Opinion Summary This Week

- No-excuse absentee voting "has problems," state the editors of the *Jackson Citizen-Patriot*. One is fraud - 122 Colorado voters are being investigated for voting once by mail and again at polling places. The other is cost. " Michigan should have any-reason absentee voting. However, let any changes be thoroughly evaluated - with plenty of input from clerks ... and a due concern for Colorado-style fraud -before the law is revised." Elsewhere in the state, *The Grand Rapids Press* strongly endorses no-excuse absentee voting for the state. "Lawmakers should look for ways to expand voter opportunity, while guarding against abuse of the system. Broadening absentee voting is one obvious path."
- Suspicion hangs over the e-voting business," write the editors of the *Charleston Gazette*, in an editorial in which they urge West Virginia lawmakers to pass a bill requiring voter-verifiable paper audit trails. "Election officials everywhere should be wary of [Diebold, ES&S and Sequoia] -- and beware of vote-stealing that might arise from their electronic devices. Voting machines that don't print out paper records open the door to election fraud." (Registration required.)
- Georgia 's recently enacted voter ID law "could keep some away from the polls," warn the editors of *The Gainesville Times*. "Making it impossible for a noncitizen to vote in our political elections is a good idea. But, unfortunately, eliminating some of the materials used for identification at the voting booth only keeps out some of the American citizens who should be voting. Government-issued, photo-identification doesn't guarantee that you are a legitimate citizen. Fake photo IDs are easy to obtain, and an added barrier to voting may encourage some to prove that they can beat the system."
- In Arizona , the editors of the *Yuma Sun* write that Gov. Janet Napolitano (D) has "ignored the people's will" by vetoing a bill that would have expanded voter ID and hindered those without from receiving a provisional ballot. Proposition 200 was approved by voters in the state, and the bill would have implemented the changes for September elections. Napolitano argued that the bill would violate the Help America Vote Act's guarantee of a provisional ballot. Secretary of State Jan Brewer (R) disagrees. "Brewer's position makes sense. It also would seem to be supported by the U.S. Justice Department, which oversees voting requirements, and has already reviewed and given its approval to the Proposition 200 identification rules."
- Former President Jimmy Carter is "not the guy to study elections," state the editors of the *Boston Herald*. Carter's record of cozying up with dictators as president and as head of the Atlanta-based Carter Center is "objectionable." When the new commission was announced, Carter said there was ``much we could learn from other democracies." We don't doubt it. But he's not the man to bring any lessons home.

Other opinion:

California; Florida, II; Michigan, II; Washington; Wisconsin (Some sites require registration.)

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Return

OpEd by Senator John McCain
Printed in the Sun Sentinel, October 29, 2004

Get Help with Poll Troubles

John McCain

It is painfully clear, in the last days of this election cycle, that more than the presidency is on the line on Nov. 2. Nearly four years after the Florida 2000 debacle, the American people are being treated to a daily dose of unhappy evidence that we have yet to fix our nation's troubled election apparatus. The health of a democracy can be measured by the willingness of its citizens to take an active role in the nation's democratic institutions. If the malaise of our electoral system overwhelms citizens, the American tradition of active citizen participation in civic life will begin to suffer. How we meet -- or fail to meet -- that challenge will have a profound effect on public faith in our democracy and active civic participation.

The good news is that there are steps we can take to avoid failure. First, we need to acknowledge that Florida was the beginning not the end of our problems. The failures there were not an anomaly. Instead, they served to focus public attention on problems across the nation that have plagued voters for decades. This year, it is fair to say, the whole world will be watching -- and not just Florida. Indeed, as early voting goes on across the country, we already see problems emerging. More than two dozen states are engaged in legal skirmishing over how to count provisional ballots. Many states continue to use unreliable voting methods that fail to solve many of the same problems we saw in Florida in 2000. The e-voting systems more than 30 states have deployed are subject to mechanical error or intentional disruption by hacking, and most fail to provide a voter verifiable paper record of votes. Many election personnel are poorly trained and unprepared to solve problems they might face on Election Day. And of course, there is the inevitable partisan wrangling by both Democratic and Republican poll workers and election officials. Regardless of the apparent conclusion on Nov. 2, it seems certain that lawyers will be focusing on the way Americans cast their votes for months after the polls close.

Fortunately, a number of different efforts are in place to help voters make sure they can vote and to make sure their votes are correctly counted. The Reform Institute, a nonpartisan, nonprofit election reform group I chair, is helping lead one of these efforts. Along with an unprecedented consortium that includes NBC News, the University of Pennsylvania Fels School of Government and a team of election experts, we have launched a national, toll-free telephone number voters can call for help when problems occur. In addition to anyone with questions about their polling location, any voter having trouble at the polling place can call 866-MY-VOTE-1 and an operator will instantly redirect their call to a local election official for help. As of today, Florida voters have logged in the highest number of incident calls to the alert line, with 40 percent of those calls coming from Broward County.

The conduct of this election is critical in ways that will have a profound impact far beyond the actual result. Our democracy is based on the faith of the governed -- the belief in each and every American that their views matter, that their voice will be heard, that they have a stake in the outcome of elections. That faith, already so badly damaged in recent years by a succession of campaign finance scandals, is the essential ingredient in a working democracy. Take away Americans' faith that their vote counts, and we will have lost the necessary premise of any democracy worthy of the name. The 866-MY-VOTE-1 line can help to revitalize this faith. We need not fail. Our nation has the tools in place to guarantee an election process that can continue to be an example for the world. By using the 866-MY-VOTE-1 number when problems do arise, Americans can make sure their vote counts, that our election is fair and that democracy works.

John McCain is a Republican senator from Arizona. He serves as chair of the Advisory Committee to the Reform Institute in Alexandria, VA.

Sun-Sentinel.com

Broward to resend thousands of missing absentee ballots

By Scott Wyman
and Jean-Paul Renaud Staff writers
South Florida Sun-Sentinel October 28 2004

Hoping to avoid another presidential election fiasco, Broward County officials scrambled Wednesday to replace tens of thousands of missing absentee ballots, cut long waits for early voting and beef up a phone system deluged with calls from angry voters.

A day after acknowledging that up to 58,000 absentee ballots have not reached the voters who requested them, Elections Supervisor Brenda Snipes decided to mail new ones. She will pay extra for overnight delivery of those sent outside Broward in hopes of ensuring voters can return them before Tuesday's deadline.

County commissioners also assigned 40 employees to help answer phone calls at Snipes' office and process people in line at early voting sites. More workers could soon follow as Snipes contemplates extending early voting hours and upgrades her phone system to add more lines.

Some of the problems have plagued other Broward elections over the past four years. Long lines of frustrated voters were common in the 2000 and 2002 elections, while 268 absentee ballots were misplaced during the September 2002 primary.

A calm and collected Snipes defended her election preparations. She said voters should have confidence in the Nov. 2 balloting.

"There's been a whole lot of partisanship about the election, so everything that happens is magnified," she said. "But when we see something functioning like it shouldn't, we fix it immediately."

Not everyone agrees. The Southern Christian Leadership Conference called late Wednesday for Gov. Jeb Bush to suspend Snipes, a retired educator whom he appointed last year to replace Miriam Oliphant. The civil rights group charged that Snipes is making the same missteps that Bush cited in suspending Oliphant.

"I alerted them to these problems, only to be attacked for political reasons," said Oliphant, who lost the Democratic primary in August to Snipes. "I warned them about the poll workers, I warned them about the phones, and I warned them about the absentee ballots."

The breadth of the problems is putting Broward County again in the national spotlight it held during the 36-day recount in 2000.

State officials said the only complaints they've received about early voting have come from

Broward and Palm Beach counties. A national hotline set up by a coalition of civil rights groups reports twice as many complaints about Broward than any other community.

Snipes said she first became aware absentee ballots were missing a week ago and has been working since to figure out what went wrong and fix it. Her staff thinks many of those missing were in the first batch of ballots mailed after the office began processing requests on Oct. 7.

Although there are about 58,000 ballots not accounted for, Snipes said many are actually in the hands of voters waiting to be mailed back and thus the problem will turn out to be much smaller.

She said that about 14,000 completed ballots arrived Wednesday and that others had been deposited in the office's -off box and at early voting locations. She estimated that she will resend no more than 20,000 ballots.

She pointed the finger at the U.S. Postal Service as the source of the mix-up. She said that all ballots are postmarked the day voters request them and that they are then are couriered to the post office's main facility in Fort Lauderdale for delivery.

But the Postal Service says it is not to blame. The agency said in a statement that special employees are assigned to handle all ballots and that those sent locally should arrive in one day.

The Florida Department of Law Enforcement launched an investigation into the missing ballots Wednesday but concluded there was no criminal wrongdoing. Postal inspectors also investigated and determined there had been no delays in the agency's handling of ballots.

Volunteers began helping Snipes' office package the ballots Wednesday evening. All should be mailed out by Friday morning at the latest but must be returned by the end of business Tuesday.

Officials argue that there is no conspiracy to prevent voting but said the number of people seeking to vote is overwhelming Broward's election machinery. Turnout is expected to top 70 percent, with almost 90,000 people already casting ballots at early voting sites and 127,000 requesting absentee ballots by mail.

Those waiting for ballots are expressing deep dissatisfaction with the handling of the election.

Linda Lemle-Goldberg said she requested a ballot in early October for her mother, who is homebound with Parkinson's disease in Pompano Beach, but has never received it. She said officials told her more than two weeks ago that it had been mailed and then promised to send another one, but it also has not arrived.

"I'm angry and frustrated and feel like crying," said Lemle-Goldberg, who said she will drive to Fort Lauderdale today to pick up her mother's ballot.

Murray Hirsh of the Century Village condo community in Pembroke Pines said he finally received in Wednesday's mail the absentee ballot he requested on Oct. 7. It was postmarked Oct. 19, meaning it took Snipes' office 12 days to process his request and the post office eight days to deliver it.

"Someone is trying to sabotage this election," Hirsh said.

Snipes said she will ask county officials for extra money to pay for the new mailing, but did not know how much the added expense will be. County Mayor Ilene Lieberman and other county commissioners said they are willing to give her additional money or staff to ensure the election is successful.

The county initially gave Snipes $2.9 million to cover the election's cost and bought her $3.2 million in new voting equipment as part of this year's budget. Commissioners also agreed to loan her 800 employees to help at the polls on Election Day.

"I'm tired of Broward being the laughingstock of the nation, and I want to get it right," said Commissioner Suzanne Gunzburger, who served on the vote canvassing board during the 2000 election dispute. "All voters need to be assured they can vote and that their vote will be counted. These people who applied for an absentee ballot want to vote."

Both the Republican and Democratic parties expressed concern, but the Democrats may have the most to lose because Broward is such a major base for the party.

Charles Lichtman, lead Florida attorney for Democratic presidential candidate John Kerry, met with Snipes and Lieberman on Wednesday afternoon and asked them to defer finding out what went wrong and concentrate on getting ballots to voters. County Commissioner Diana Wasserman-Rubin, a major player in Kerry's campaign, on the other hand, sought to downplay the missing ballots, fearful it could prompt some not to vote.

Absentee ballots traditionally are used heavily by Republicans, but Democrats mounted a major effort this year to get their supporters to vote early. To win the state, Kerry will need a heavy turnout in Broward to offset conservative areas in Northern and Central Florida.

"It's disturbing that we have the greatest voter interest in my lifetime, and people aren't getting their ballot," said Mitch Ceasar, chairman of the Broward County Democratic Party.

Staff writers Linda Kleindienst, Rafael Olmeda, Brittany Wallman and Buddy Nevins contributed to this report.

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Voter hotline already drawing trouble calls
With a toll-free number, the system directs voters to polling places and officials to problems.
By Stephan Salisbury
Inquirer Staff Writer

Ken Smukler vividly remembers watching the 2000 presidential election play out.

Hanging chads, voter intentions, challenges and lawsuits dominated the weeks after the voting, and Smukler decided then and there to search for a better way.

The result - a nationwide voter hotline that can direct voters to polling locations and plug callers with problems directly to local election officials - already is up and running.

The toll-free Voter Alert Line - 1-866-MYVOTE1 (1-866-698-6831) - also automatically records callers and logs their complaints into a computer database. All of this can be accessed as it occurs - in real time, as techies like to say - making it possible to track developing voting irregularities and difficulties as they happen.

"Nobody has ever tried to empirically analyze what's happening on Election Day," said Smukler, president of InfoVoter Technologies in Bala Cynwyd. "Now that's possible. We're going to have data that nobody else has ever had before."

At a news conference yesterday announcing plans to deploy the technology, Richard Stengel, head of the National Constitution Center, emphatically agreed.

"This could be huge," Stengel said of the potential for large numbers of calls. "If it is huge, then that could mean big problems for the country."

The Constitution Center will play host to the voter-alert line on Election Day. The 1-866-MYVOTE1 number is being publicized across NBC's multiple media platforms, including television, radio and the Internet.

NBC, MSNBC and Telemundo will set up shop at the center that day and report on hotline results as they unfold. About 50 graduate students from the Fels Institute for Government at the University of Pennsylvania will help monitor the system.

The Common Cause Education Fund, Fels, the Reform Institute, the Hispanic Voter Project at Johns Hopkins University, the Election Protection Coalition, and the Constitution Center are sponsors of the project.

All calls going into the system are logged and recorded and can be played back via computer.

"For the first time, we'll be able to monitor voter complaints and problems," Stengel said. "That has never happened before."

This feature could prove particularly significant if voting irregularities once again loom over the outcome of the election. Actual recorded complaints of voters will be available and could be used in legal challenges and in analyzing what actually happened precinct by voting precinct.

The system already is logging complaints of early and absentee voters across the country, Smukler said.

There have been complaints from several states, with most, so far, from Florida.

"Of the 2,000 [Florida] calls we've taken, the lion's share are coming out of Broward and Miami-Dade Counties," Smukler said. "Most of the problems we're getting are from absentee voters... . I think Broward has an absentee-ballot problem right now, just because of the volume of calls and the overwhelming number of people frustrated that they haven't gotten their absentee ballot.

"That might change, although it's a little late for Broward to be handling its absentee ballots."

Broward election officials could not be reached for comment yesterday.

InfoVoter Technologies is a bipartisan effort put together by Democratic consultant Smukler and VoterLink Data Systems and Republican consultant Scott Reed, a former executive director of the Republican National Committee. Reed now heads Chesapeake Enterprises, a consulting firm.

"We can see call traffic is building daily," said Smukler, adding that the system can handle 40,000 calls an hour. "It's like being on a beach and waiting for the tsunami."

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