

# STATE PAGES

PRESENTED BY

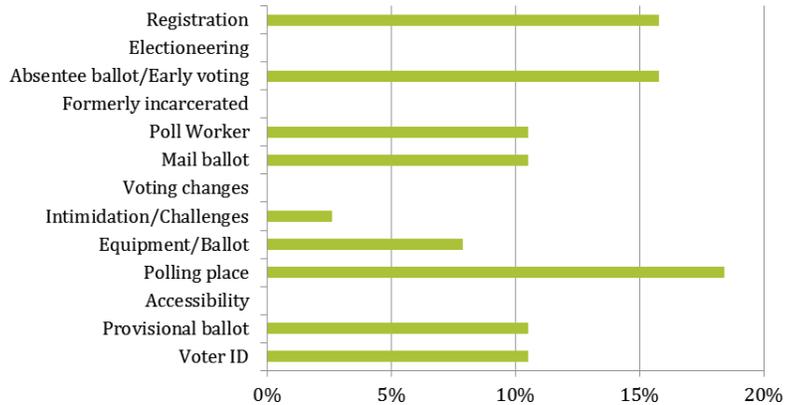
**ELECTION PROTECTION** **YOU HAVE THE RIGHT TO VOTE**



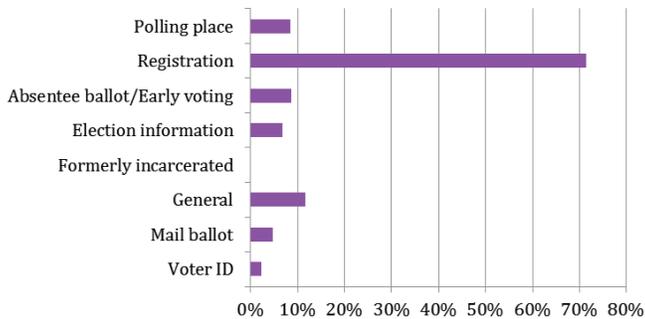
LAWYERS' COMMITTEE FOR  
**CIVIL RIGHTS**  
UNDER LAW

# ARIZONA

OVL Problems - Arizona



OVL Inquiries - Arizona



## Election Protection 2014 Program in Arizona

Election Protection had field programs in Phoenix and Tucson, thanks to strong partner support. Arizona Advocacy Network recruited and trained grassroots volunteers to serve as poll watchers and administer a survey concerning Election Day voting issues. Other Election Protection coalition members included the Inter Tribal Council of Arizona, the Indian Legal Clinic at Arizona State University's Sandra Day O'Connor College of Law and the Lawyers' Committee for Civil Rights Under Law. The Phoenix command center was hosted by Buchalter Nemer. In addition, Kirkland & Ellis LLP hosted a national call center in San Francisco staffed by a dedicated team of volunteer attorneys who responded to calls from voters across Arizona, including 719 calls on November 3 and 4.

## Snapshot of Arizona Before and on Election Day

### *Voter ID Issues for Native American Voters*

In October 2014, a partner alerted Election Protection that Pinal County has been systematically changing the addresses listed for some Native American voters. Election Protection contacted Pinal County and tried unsuccessfully to prevent the recurrence of this issue for Election 2014. Members of the Gila River Indian Reservation in Pinal County often do not have traditional residential addresses with a house or street number. Instead, they may use cross streets or other descriptions of the location of their residency, which Arizona agencies have traditionally recognized. For instance, voters are able to register to vote using non-traditional addresses, and the Motor Vehicle Services Department of Arizona (MVD) often lists cross-streets – rather than exact street numbers – on driver's licenses for individuals with rural addresses.

Election Protection learned that Pinal County replaces these non-traditional residential addresses with the address of the local District Service Center. This creates a situation in which some residents of Pinal County present identification to vote with an address that does not match the voter rolls. Pinal County's practice of replacing non-traditional addresses means that the affected voters, which include many Native American voters, have fewer options for valid ID. Although Indian voters can cast a provisional ballot with any form of tribal ID bearing their name, this does not provide them with a truly equal voting opportunity, as it will not be counted if the County Registrar cannot verify the voter's eligibility. Of the problems reported to Election Protection from Arizona, 21% concerned voter ID or provisional ballots.



## *Questions about Where to Submit Early Ballots*

In the days immediately preceding and on Election Day, a number of Arizonans called Election Protection to ask how they could submit their early ballots, since the deadline to postmark an early ballot had already passed.<sup>80</sup> Election Protection volunteers informed these voters that they could drop off their ballots at any polling place within their county on Election Day, helping ensure that those voters' ballots were received on time and counted. Difficulties involving absentee ballots or early voting accounted for nearly 16% of problems reported to Election Protection from Arizona.

## *Confusion about Where and How to Vote after Moving*

Election Protection received calls inquiring where or how to vote after having moved within Arizona.<sup>81</sup> Election Protection provided those who had moved within the same county with directions to their correct polling place and information about how to change their address there, enabling them to vote on Election Day. However, county poll workers did not always correctly implement Arizona's change of address voting rules. One voter,<sup>82</sup> who had recently moved, went to his current polling place in Maricopa County – the Desert Meadows Apartment in Phoenix -- and was turned away because he was still registered to vote at his previous address. Election Protection was able to speak with both the voter and the poll worker and resolve the issue to allow him to vote.

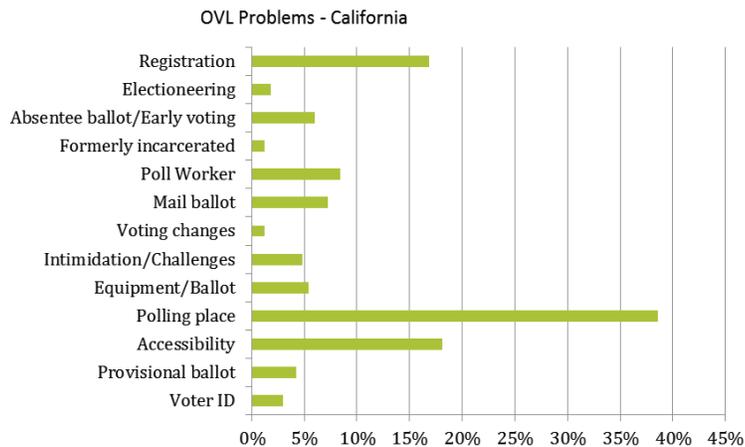
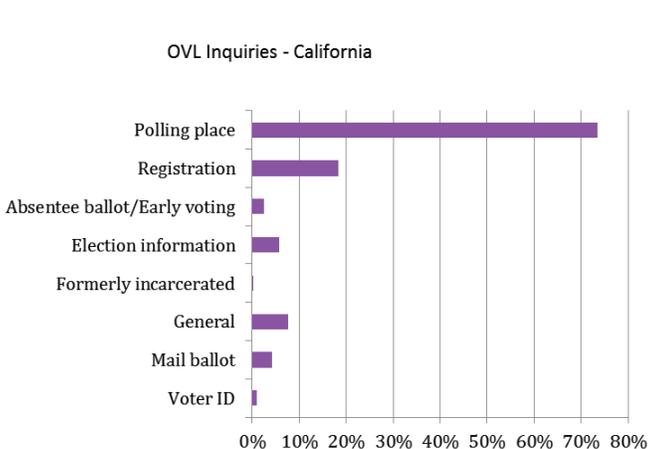
## *Citizenship Questions Prevent Eligible Voters from Voting for State Officials*

In 2013 the Supreme Court ruled in *Arizona v. Inter-Tribal Council of Arizona, Inc.* that the National Voter Registration Act of 1993 (“NVRA”) prohibits Arizona from requiring that individuals who apply to register to vote using the NVRA's mail-in registration form provide additional proof of citizenship in order to register.<sup>83</sup> In response to this ruling, Arizona developed a dual registration system. Individuals who use a state voter registration form and provide proof of citizenship can register to vote in federal, state and local level elections. However, voters who register using the federal voter registration form, which requires registrants to swear that they are United States citizens but does not require that they submit documentary proof of citizenship, are only registered to vote in federal elections. For the 2014 primary elections, this two-track system reportedly affected about 21 voters who were eligible to vote only for their federal member of Congress and not for the Governor, State Senators, judges or any other state- or local-level office.<sup>84</sup> The number of voters affected by the two-track system during the 2014 general election is not yet known.

## *Data Errors Purge Voter from Rolls*

Arizona uses data from the Department of Motor Vehicles (MVD) in its efforts to affirm the citizenship of every person on its registration rolls. A voter<sup>85</sup> who was erroneously flagged through MVD records as not being an American citizen contacted Election Protection. She had applied to register to vote in September after becoming a citizen in February 2014, yet her MVD record still indicated she was not a U.S. citizen. The State did not add her to the voter rolls, even though the voter did not receive any notice or opportunity to correct the information from the MVD. The voter wrote to Election Protection that she “would have personally walked into the recorder's office and would have provided them with whatever they needed to verify that I am a United States citizen [in order to vote]”<sup>86</sup> had she known that her citizenship was in question. Because of this database error, this Pima County resident was unable to vote.

# CALIFORNIA



## Election Protection 2014 Program in California

Election Protection worked with multiple partners in California to organize a local call center in Los Angeles at the law firm Reed Smith LLP, as well as two national call centers in San Francisco located at Kirkland & Ellis LLP and Bingham McCutchen LLP. Partners included Common Cause of California, the American Civil Liberties Union of California Voting Rights Project, the San Francisco Lawyers' Committee for Civil Rights Under Law, the Lawyers' Committee for Civil Rights Under Law, DLA Piper LLP, Kirkland & Ellis LLP, Reed Smith and Bingham McCutchen. The California Election Protection field programs covered nine counties – San Francisco, San Mateo, Santa Clara, Fresno, Orange, San Bernadino, Riverside, Los Angeles and San Diego. In addition, legal and grassroots volunteers observed polling sites and addressed problems throughout Election Day, and call centers received 6,308 calls on November 4.

## Snapshot of California Before and on Election Day

### *Addressing Polling Place Problems*

Before Election Day, California's Election Protection coalition built relationships with local election officials, enabling a coordinated approach to finding effective and rapid resolutions to reported voting problems. Over 45% of all problems reported to Election Protection from California concerned polling places. For example, Election Protection received a report<sup>87</sup> that a precinct in Los Angeles County was missing all of its voting equipment because the poll worker with the materials never arrived. Election Protection leaders immediately followed up with local election officials and, together, they were able to ensure that regular voting could occur within an hour of the report and that all provisional ballots would be counted as regular ballots.

Other prevalent problems included problems with poll workers misinforming voters about the use of vote-by-mail ballots, poll sites lacking sufficient signs and guidance and counties, such as Los Angeles, implementing last-minute changes in polling locations.



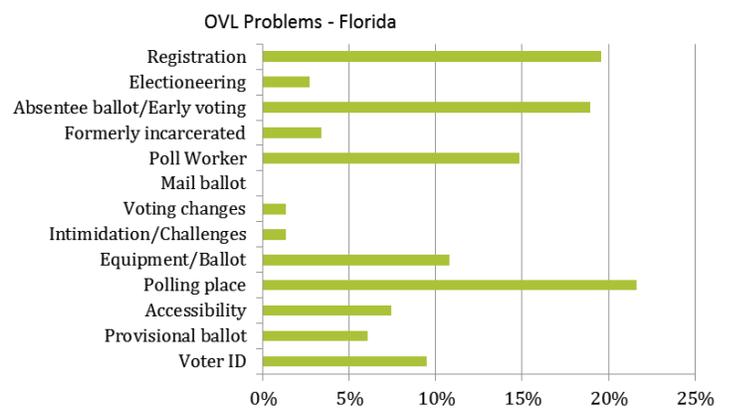
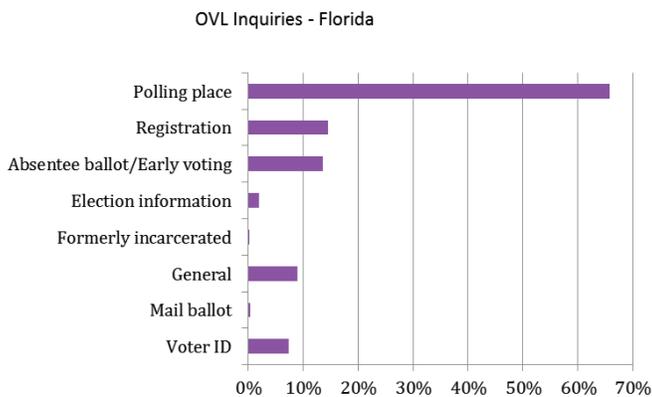
A few county websites – including Contra Costa, Alameda and Ventura<sup>88</sup> – failed on Election Day, making it difficult for voters to confirm their polling places and registration status. Through phone calls, emails and several conversations with election officials, Election Protection leaders were able to address many voting-related problems on November 4.

### *Preventing Problems that Occurred in 2012*

Election Protection formed a solid relationship with local election officials that helped prevent the voting-related problems that occurred in Fresno in 2012 from reoccurring there in 2014. In 2012, the Election Protection Hotlines received reports from Fresno about voter intimidation, the overuse of provisional ballots, and Fresno poll workers who refused to properly implement procedures and voter protections even after being informed of the law. Before the 2014 general election, Election Protection leaders met with a Fresno election official, and when volunteers visited those same Fresno precincts, they saw none of the problems observed in 2012. In addition, they were told that poll workers had received additional training as per Election Protection’s suggestion in 2012.



# FLORIDA



## Election Protection 2014 Program in Florida

Election Protection coordinated and supported voter protection efforts in Florida with legal field volunteers in Fort Lauderdale, Miami, Orlando and Tampa. The firm of Carlton Fields Jordan Burt played a key role in organizing and hosting Election Protection's legal program. Additional leadership was provided by the Law Office of Roger L. Weeden and Florida A&M University (FAMU) College of Law in Orlando, Sedgwick LLP in Fort Lauderdale and Hogan Lovells in Miami. Election Protection coalition partners in Florida included the American Civil Liberties Union of Florida, Florida New Majority, the Florida Coalition on Black Civic Participation, Florida Institute for Reform and Empowerment, the Lawyers' Committee for Civil Rights Under Law, Mi Familia Vota, AFL-CIO of Florida, LatinoJustice PRLDEF, Advancement Project and the Florida Civic Engagement Table. Many of these coalition partners organized volunteers to monitor polling places throughout the two-week early voting period. On Election Day, legal field volunteers joined the grassroots effort and helped voters at additional targeted sites. Election Protection received 2,152 calls from Florida on November 4.

## Snapshot of Florida Before and on Election Day

### *State Elections Website Not Fully Available in Spanish*

Florida is required to provide voting information and materials in Spanish due to being a covered jurisdiction under Section 203 of the Voting Rights Act. However, before the 2014 general election, Election Protection partners became aware that the Division of Elections website only offered a few forms and links in Spanish. The Lawyers' Committee and LatinoJustice PRLDEF sent a letter on September 29, 2014, notifying the State of Florida of its failure to comply with the language minority provisions set forth by Section 203. Within one week of sending the letter, the Division of Elections took steps to expand the written materials translated into Spanish on its website. In the weeks before the election, the State continued translating its voter materials into Spanish, including its voter information lookup tool, all forms used specifically by voters and other online voting information.



## *Improper Application of Change of Address Rules*

While Florida law permits many voters who have moved within the state to update their address at their polling place on Election Day, a number of voters who attempted to do this were provided incorrect information or were not allowed to do this by poll workers.

One woman now living in Orange County went to the Election Protection command center at Florida A&M University Law to ask about her voter registration. An Election Protection team member helped the voter confirm that she was registered in Broward County, where she used to live, and then looked up the correct location in Orange County for her to vote on Election Day. The woman arrived at her polling place shortly after 6:30 p.m. with the information Election Protection gave her about how to change her address. However, the poll workers incorrectly told her that she would have to go to her old polling place in Broward County to vote, even though it was 200 miles away, and the polls would be open for fewer than 30 more minutes, making it impossible for her to get to her old polling site. The voter was not allowed to change her address and was not offered a provisional ballot.<sup>89</sup>

Another woman in Broward County<sup>90</sup> went to her polling place early in the morning before her shift as a local bus driver. She had moved from another residence in Broward County, but a poll worker incorrectly told her to go back to her old polling place rather than allow her to change her address and vote at her correct polling place. The voter called Election Protection and was advised that she had been at the right polling place. Unfortunately, she had already left that polling place and needed to get to work, so she was unable to return there to vote.

Difficulties with poll workers accounted for over 15% of the reported problems from Florida.

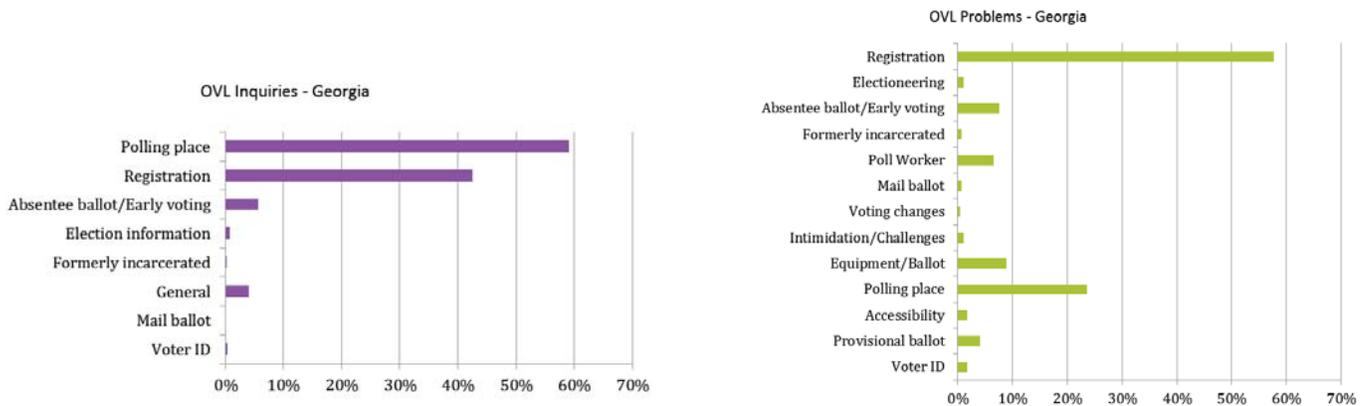
## *Photo ID Requirements Improperly Applied*

Election Protection received several reports of voters across Florida being asked for their “driver’s license” in particular or “two forms of ID”. While a driver’s license is an acceptable ID for voting, Florida voters are only required to show one of nine types of photo identification, or they can use a combination of IDs with their photo and signature. An unexpired passport meets both the photo and signature requirements, but at least two poll workers told voters that a passport alone was insufficient to allow them to vote. In addition, when an Election Protection team member called the Alachua County Supervisor of Elections office to request that the poll workers be notified that voters did not need to provide two forms of ID if one ID had all of the required information, the person answering the phone in that office was not aware that voters did not need to show two forms of ID.<sup>91</sup>

## *Voters Confused about Where to Vote on Election Day*

Hundreds of voters in Hillsborough County<sup>92</sup> arrived at the wrong polling place on Election Day, believing they could vote at the C. Blythe Andrews, Jr. Public Library regardless of where in the county they lived. Voters were unaware that while the site was used as a polling place for all voters in the county during early voting, on Election Day voters could only vote in their assigned precinct based on their residence within the county. Election Protection volunteers worked with poll workers to direct voters to their correct locations. Nearly 62% of all reported inquiries from Florida concerned polling places.

# GEORGIA



## Election Protection 2014 Program in Georgia

Election Protection 2014 coalition partners in Georgia included the Emory University School of Law, the Georgia Coalition for the People's Agenda, the Lawyers' Committee for Civil Rights Under Law and the Georgia Association of Latino Elected Officials. The Election Protection Command Center on Election Day was hosted by Kilpatrick Townsend & Stockton LLP in Atlanta, and local law firms Troutman Saunders LLP, King & Spalding LLP and Sutherland Asbill & Brennan LLP hosted trainings. Volunteers answered calls to 1-866-OUR-VOTE and dispatched field volunteers to address problems on November 4. The Hotline received 2,315 calls from Georgians on November 3 and 4, as well as hundreds of calls in the weeks leading up to the general election.

## Snapshot of Georgia Before and on Election Day

### *Problems with Registration Drives*

Many reports from Georgia came from people who submitted voter registration applications through registration drives but were unable to confirm that they were on the voter registration rolls.<sup>93</sup> On Election Day, individuals reported having registered to vote, but their names did not appear on the voter rolls. For several hours on Election Day, voters were unable to look up their registration statuses on the state's "My Voter Page" (MVP) website because it was down.<sup>94</sup> This was a significant problem in a state where over 40,000 voter registration applications were unaccounted for and little notice was given to voters about their voter registration statuses.

The Lawyers' Committee filed a petition in state court before Election Day in an attempt to remedy the registration issues.<sup>95</sup> The petition sought to compel Secretary of State Brian Kemp and election officials in five counties to process voter registration applications collected during the plaintiffs' voter registration drives and to place eligible voters on the rolls for the November general election. The state court ultimately concluded that Georgia election officials are only required to meet a "substantial compliance" standard in processing voter registration applications.<sup>96</sup> The

state court also stated that election officials are not subject to any deadline for processing voter registration applications, and that provisional ballots provide an adequate remedy for applicants who are still not on the registration rolls on Election Day.<sup>97</sup> Despite the unfavorable ruling, the Lawyers' Committee remains committed to ensuring that all eligible Georgians can participate fully and equally in the electoral process. Nearly 45% of reported inquiries and nearly 57% of reported problems from Georgia concerned voter registration.

### *Secretary of State Website Not Working for Hours*

As noted above, the Georgia Secretary of State's MVP website was down for significant periods in the early hours on Election Day. Many callers contacted the Hotline for help when they were unable to access the MVP to confirm whether they were registered to vote or to find the location of their polling place.<sup>98</sup> The website's crash made it more challenging for Election Protection volunteers to promptly help voters with registration and polling place questions.

### *Changes to Polling Locations*

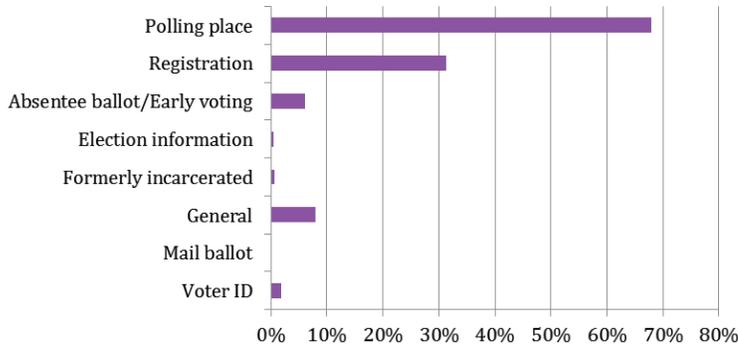
There were also reports of confusion when voters arrived at their early voting locations in their neighborhoods, only to find out that they had to vote at a different location on Election Day. There was also confusion due to the lack of proper signage at certain polling locations.<sup>99</sup> For example, a caller reported that voters left the Benteen Elementary School polling location in Fulton County because they were unable to find the onsite polling place.<sup>100</sup> The polling place had moved to the back of the school but there were no signs or poll workers at the front of the school to inform voters of this change. Questions about polling places accounted for nearly 55% of reported inquiries and over 23% of reported problems to Election Protection from Georgia. Of the reports to Election Protection that specified a county in Georgia, nearly 32% came from Fulton County.

### *Confusion over Proof of Citizenship*

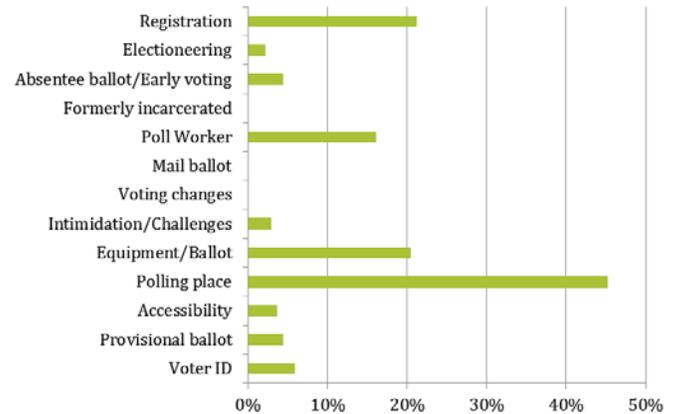
Naturalized citizens reported problems at the polls, including being told that they had to produce proof of citizenship, even though they had previously voted without being asked to prove citizenship or had produced proof of citizenship when they registered to vote in person at the county elections office. This type of confusion was reported in DeKalb County. Of the reports to Election Protection that specified a county in Georgia, more than 17% came from DeKalb County.

# ILLINOIS

OVL Inquiries - Illinois



OVL Problems - Illinois



## Election Protection 2014 Program in Illinois

Election Protection 2014 coalition partners in Illinois included the Chicago Lawyers' Committee for Civil Rights Under Law, the Lawyers' Committee for Civil Rights Under Law, Illinois Public Interest Research Group, Council on American-Islamic Relations Chicago, Common Cause Illinois, South Asian American Policy & Research Institute (SAAPRI), Asian Americans Advancing Justice – Chicago, Mexican American Legal Defense & Educational Fund (MALDEF), Illinois Coalition for Immigrant and Refugee Rights, Chicago Votes and the League of Women Voters. DLA Piper LLP hosted Illinois' Election Day command center, which took calls to 1-866-OUR-VOTE from Illinois and Indiana and managed field volunteers who monitored polling places and addressed problems onsite throughout Chicago and its suburbs. The call center and field program worked together to help more than 944 Illinois and 208 Indiana voters on November 4.

Just Vote Illinois, a coalition of Election Protection partners and others, also conducted an exit survey with voters who used Election Day registration (EDR) in Greater Chicago in order to assess the effectiveness of the EDR pilot program. Just Vote Illinois had been instrumental in advocating for the program.

## Snapshot of Illinois Before and on Election Day

### *Election Officials Unprepared for High EDR Numbers*

Illinois implemented a pilot EDR program during the 2014 general election after the program received legislative approval earlier in the year. Nearly 9,000 residents took advantage of the opportunity to register to vote (or change their registration information) and cast a ballot on Election Day at one of the few EDR sites made available throughout the State.<sup>101</sup> Election officials did not anticipate the level of voter interest and the length of time needed for the process, which led to voters waiting over an hour to register and cast their ballots at many EDR sites in Chicago



and its suburbs. Some sites also ran out of registration applications, so onsite Election Protection volunteers reached out to the Chicago Board of Elections to ensure that supplies were replenished. Volunteers also ensured that voters in line at the time polls were scheduled to close at 7 p.m. were able to register and vote. In the end, one EDR site in Chicago stayed open until nearly 3 a.m. to accommodate all voters.<sup>102</sup>

Of the reported inquiries to Election Protection from Illinois, over 35% concerned registration.

### *Poll Workers Misled into Not Going to Work*

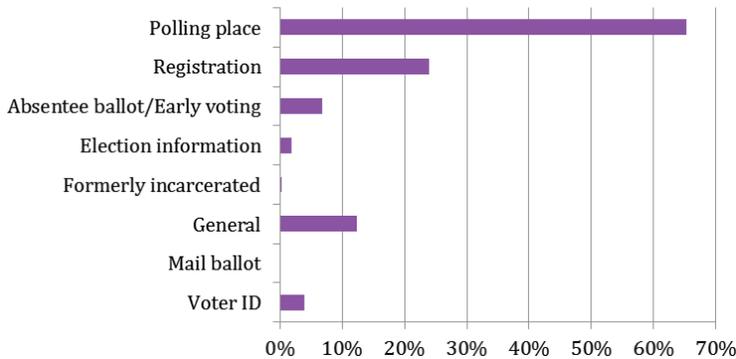
Poll workers across Chicago received a misleading automated phone call, or robocall, the weekend before the election, which caused many of them not to report to their polling places for work on Election Day. The robocall, allegedly sent by a political operative, told the poll workers that they were required to attend an additional training session on November 1 and would not be able to serve on Election Day if they failed to attend. The robocall gave the address of a vacant lot as one of the sites for that training. A later call meant to clarify the address also gave wrong information, providing the address for a clothing store.<sup>103</sup>

In the end, two to three thousand poll workers did not go to their worksites on Election Day, and some polling places were still closed when voting began at 6 a.m. According to CBS, “Some polling places had no election judges, or only one, when they were supposed to open at 6 a.m.”<sup>104</sup> The City of Chicago deployed all of its 250 standby election judges to the affected polling places. However, because of the delays and problems that resulted, a judge extended the hours of four polling places by one hour.<sup>105</sup> Of the reported problems to Election Protection from Illinois, over 45% concerned polling places.

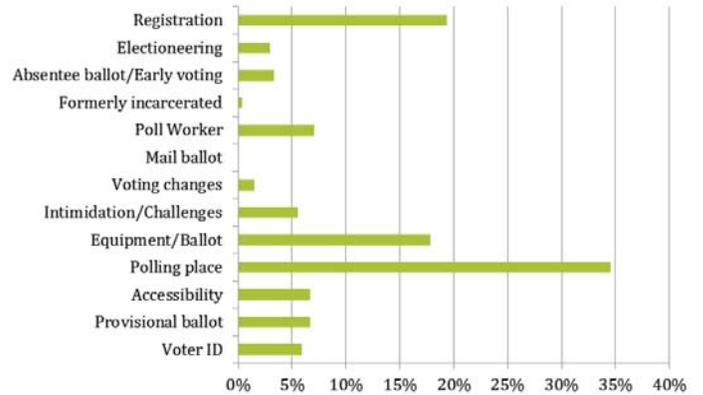
The calls are being investigated by the Cook County State’s Attorney.<sup>106</sup>

# NORTH CAROLINA

OVL Inquiries - North Carolina



OVL Problems - North Carolina



## Election Protection 2014 Program in North Carolina

An extensive Election Protection effort was based at the University of North Carolina (UNC) School of Law with the Lawyers’ Committee for Civil Rights Under Law, the UNC Center for Civil Rights, Democracy North Carolina, Advancement Project and Southern Coalition for Social Justice. The UNC call center fielded 1,331 calls from voters on Election Day. Democracy North Carolina hosted a call center during the early voting period and a poll monitoring program during the early voting period and on Election Day.

## Snapshot of North Carolina Before and on Election Day

### *Confusion about New Voting Laws*

Due to the passage of House Bill 589, a law enacting comprehensive voting and election administration changes, the Hotlines received dozens of reports<sup>107</sup> from voters who expressed confusion or were unclear about the voting requirements in place for North Carolina’s 2014 general election. For example, problems arose in relation to the State’s attempt to alert voters of a newly enacted photo ID requirement that does not go into effect until 2016. Additionally, some poll workers reportedly misinformed voters about the types of acceptable ID to vote in the 2014 general election.<sup>108</sup> At the Turning Point Academy polling site in Mecklenburg County, a caller<sup>109</sup> reported that voters were required to sign a form acknowledging that photo ID will be in effect for 2016. Poll workers were reportedly making people stand in line to sign the form and were allegedly making people feel like they had to acknowledge if they did not have an ID. The caller who reported this incident expressed frustration with the process. An Election Protection legal volunteer from the Lawyers’ Committee for Civil Rights Under Law called the Charlotte-Mecklenburg County Board of Elections and reported that the county was very helpful in calling the polling station to stress to poll workers that people did not have to sign any forms. Election Protection received several reports<sup>110</sup> of poll workers specifically asking voters of color to show ID before casting their ballot. For example, a voter<sup>111</sup> in Caswell County reported that a poll worker asked her African-American mother to present an ID to vote, but did not ask several other white voters in line with her.

Over 19% of reported problems to Election Protection from North Carolina concerned voter ID, poll workers or intimidation/challenges.

## *Long Lines at Polling Locations*

Many calls from North Carolina reported long lines at polling locations in both rural and urban areas, and over 34% of problems reported to Election Protection from North Carolina concerned polling places. For example, in October 2014, a caller<sup>112</sup> at an early voting site in New Hanover County reported that voters had to wait in line for over an hour to cast a ballot in the city of Wilmington. An Election Protection volunteer called the State Board of Elections and found out that the long lines were due to a malfunction with the laptops used to check in voters at the polls. The State Board of Elections reportedly had no immediate fix for this problem: the laptops remained down and the lines remained long well into the afternoon.

Similarly, a voter in Durham, North Carolina reported that there were long lines at the North Carolina Central University early voting site, and one disabled voter<sup>113</sup> reportedly had to wait more than two hours to vote. An Election Protection volunteer from Democracy North Carolina contacted both the State Board of Elections and the Durham County Board of Elections director but did not hear back from any office until around 8 p.m. after the polls had closed.

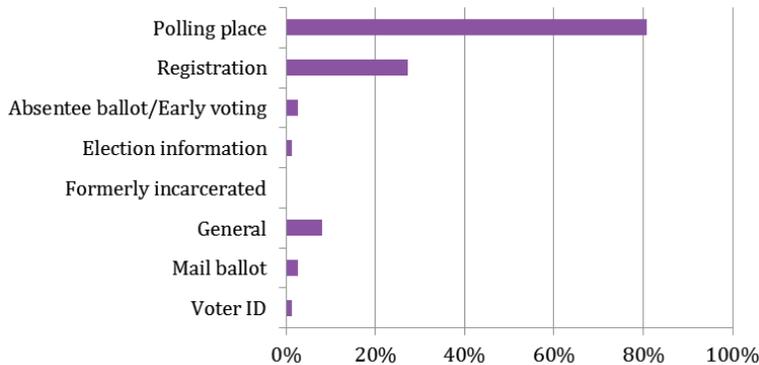
## *Voters with Disabilities*

Long lines and lack of curbside voting for disabled citizens prompted additional calls from voters. One voter<sup>114</sup> in Forsyth County reported that the only early voting site in her county – located at the County Board of Elections – had very little curbside voting space or regular parking. Another voter<sup>115</sup> at the Holt Elementary School polling site in Durham County reported that she was not assisted with curbside voting and further reported that another couple had been waiting for half an hour for curbside voting assistance.

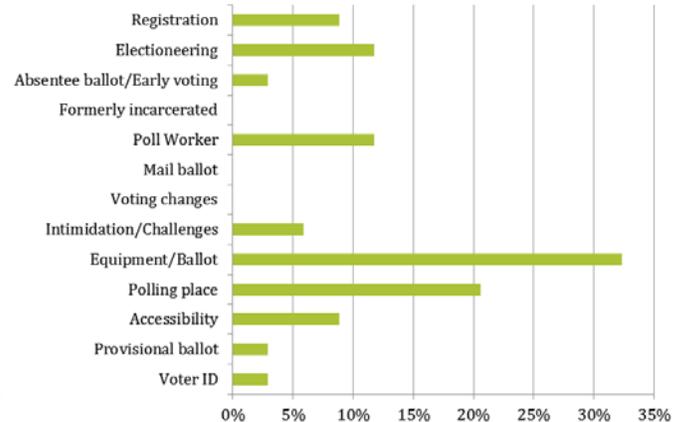
One caller, who described himself as 100% disabled,<sup>116</sup> contacted the Hotline to express his disappointment in the discontinuation of same-day registration due to House Bill 589. He went on to explain the difficulty he faces when travelling to the polling location.

# NEW MEXICO

OVL Inquiries - New Mexico



OVL Problems - New Mexico



## Election Protection 2014 Program in New Mexico

Election Protection worked with Common Cause New Mexico and the Lawyers' Committee for Civil Rights Under Law to create a field program based in Albuquerque. A small number of volunteer attorneys were available throughout Election Day to address problems requiring attention from the command center, located at the offices of Butt Thornton & Baehr PC. There were 93 calls from New Mexico on November 3 and 4.

## Snapshot of New Mexico Before and on Election Day

### *NVRA Noncompliance Leads to Potential Voter Disenfranchisement*

In 2009, the Lawyers' Committee, Project Vote, Demos and pro bono counsel – DLA Piper US, along with Freedman, Boyd, Hollander, Goldberg, Urias & Ward P.A. – sued the New Mexico Motor Vehicle Department (MVD), the Department of Human Services (DHS) and the Secretary of State after an investigation showed that these entities were not complying with the National Voter Registration Act of 1993 (NVRA).<sup>117</sup> The lawsuit ended in settlements requiring the MVD and the DHS to implement specific procedures to ensure compliance with the NVRA. In accordance with Section 5 the NVRA, MVD customers were given a voter registration form when they applied for or renewed their driver's licenses or IDs. As a result of the settlements, voter registration at both the MVD and public assistance offices grew substantially.

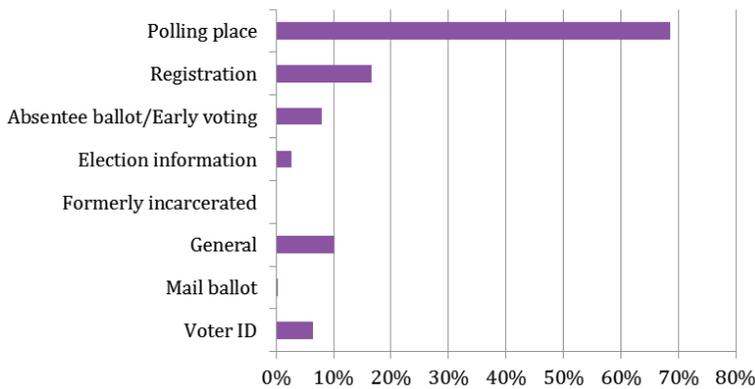
But in January 2014, the MVD began a pilot project to change how it offers the opportunity to register to vote. Customers who wished to register were directed to a kiosk where they could apply using the State's new electronic registration system. This new process violated Section 5 of the NVRA. The MVD decided to discontinue the new program after it found that thousands of people had asked to be registered but had not filled out their information at a kiosk. The MVD claimed to have developed with the Secretary of State a process for notifying the approximately 7,300 voters whose registration may not have gone through.<sup>118</sup> However, OVL reports show that some voters, who thought they had registered

through the MVD, were not registered and had never received a letter from the agency. It is unclear whether the MVD's notification reached all impacted voters and whether the county clerks received a list of MVD customers whose registration had not gone through.

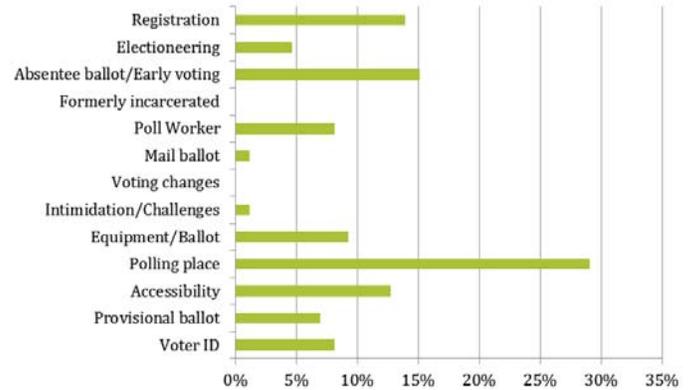
Over 27% of reported inquiries to Election Protection from New Mexico concerned voter registration. For instance, one voter<sup>119</sup> called because she had registered at an MVD office in Sierra County on October 1. Even though she registered before the voter registration deadline and did not receive any notice of problems with her registration, she was informed that she was not registered when she went to vote. The voter spoke to a poll worker, the county clerk's office and the MVD where she registered. In the end, the voter was not able to vote and was not even given the option of casting a provisional ballot.

# OHIO

OVL Inquiries - Ohio



OVL Problems - Ohio



## Election Protection 2014 Program in Ohio

Election Protection had a solid Ohio field program thanks to Common Cause Ohio, Ohio Voice, League of Women Voters Ohio, the Cleveland Branch of the NAACP, the Lawyers' Committee for Civil Rights Under Law and Progress Ohio. The programs were based in Cincinnati, Cleveland, Columbus, Dayton and Toledo. Ohio Voice and League of Women Voters Ohio also hosted a call center during the early voting period in Columbus. Proskauer Rose in New York City hosted a call center on November 3 and 4, and the Election Protection hotline received 961 calls from Ohio on those two days.

## Snapshot of Ohio Before and on Election Day

### *Changes to Early Voting Period Contribute to Voter Confusion*

One day before it was set to begin, a divided Supreme Court issued a ruling that halted "Golden Week" in Ohio.<sup>120</sup> The term "Golden Week" refers to the overlap of the last week of voter registration and the first week of the early voting period. This week effectively permitted Ohio voters to both register to vote and cast a ballot during one trip to the polls. Due to the late ruling by the Supreme Court, a large number of voters were confused, given that they had been able to take advantage of this opportunity in past election cycles.<sup>121</sup>

Absentee/early voting problems accounted for nearly 15% of reported problems from Ohio.

## *Problems at Polling Places with Poll Workers*

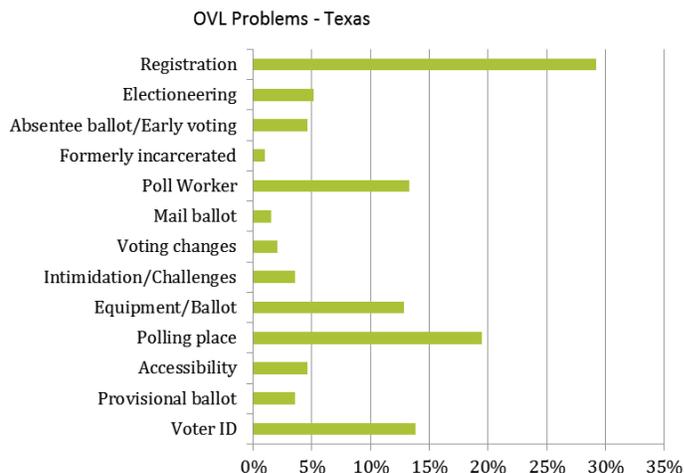
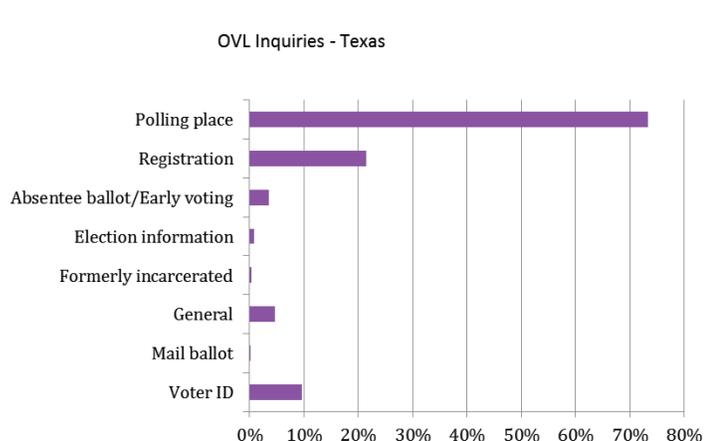
Of the problems reported to Election Protection from Ohio, nearly 38% concerned poll workers or polling places. One voter at the Board of Developmental Disabilities East Wing Community Center in Delaware County<sup>122</sup> reported that his family member was forced to vote a provisional ballot because his driver's license did not match his voter registration. This does not accord with Ohio law, and the voter should have been able to cast a regular ballot. An Election Protection volunteer from Advancement Project called the Delaware County Board of Elections (BOE) and spoke to the director. The BOE called the voter and informed his parent that his provisional ballot would be counted. In addition, the BOE called the polling place to inform poll workers of the correct law.

An Election Protection volunteer in Summit County<sup>123</sup> called to report that one poll worker had not shown up to the Saferstein Towers polling site. In addition, poll workers were reportedly unable to get through to the County BOE, and the BOE had to be emailed about those Election Day problems.

## *Accessibility Problems for Disabled Voters*

Accessibility problems were also reported. For example, a disabled voter<sup>124</sup> at the Fifth Christian Church polling location in Cuyahoga County reported that he was unable to obtain assistance. In addition, he reported that he was told that he was not registered to vote, despite the fact that an Election Protection volunteer found his registration in the voter database. Another voter called 1-866-OUR-VOTE because she is disabled and was concerned about ongoing construction near her polling place located at the Highland Hills Village Hall in Cuyahoga County. An Election Protection volunteer was able to work with the County Board of Elections, which advised her that the office would arrange a way for her to vote.<sup>125</sup> Nearly 13% of problems reported to Election Protection from Ohio concerned accessibility. And of the Election Protection reports that mention a county in Ohio, over 20% came from Cuyahoga County.

# TEXAS



## Election Protection 2014 Program in Texas

Election Protection organized field programs in Dallas and Houston, thanks to strong pro bono and grassroots partner support. In Dallas, the National Bar Association's local chapter took the lead in deploying legal field volunteers as needed. In Houston, Election Protection, in partnership with Common Cause and the Lawyers' Committee for Civil Rights Under Law, dispatched trained legal and grassroots volunteers throughout Harris County. The Houston command center, located at Seyfarth Shaw LLP and staffed throughout Election Day by attorneys and grassroots leaders, took calls from Harris County voters and managed the field volunteers. Both field programs were buttressed by a national call center, hosted by Skadden, Arps, Slate, Meagher & Flom LLP in New York City and staffed by a dedicated team of attorneys from Simpson Thacher & Bartlett LLP. This national call center also handled calls throughout the State. Election Protection received over 2,487 calls from Texas on November 3 and 4.

## Snapshot of Texas Before and on Election Day

### *Confusion Surrounding Voter ID Requirement*

Over 13% of reported problems from Texas concerned voter ID. For example, one Harris County voter<sup>126</sup> reported that a poll worker at the Tracy Gee Community Center polling location in Houston would not initially accept her unexpired U.S. passport as photo ID; the poll worker incorrectly told the voter that her passport was not a valid form of the ID required to vote and that she would need to provide a Texas driver's license instead. There was additional confusion because her passport included her maiden name, and she was registered to vote under her married name. With the help of Election Protection volunteers, the voter was ultimately able to use her passport to fulfill the photo ID requirement and cast her ballot.

To counteract confusion related to Texas' photo ID requirement, Election Protection recorded radio ads in English, Spanish and multiple Asian

languages that began to air on October 31 and ran through Election Day. These radio ads were meant to inform voters about the importance of voting, detail the photo ID requirements and encourage voters to call 1-866-OUR-VOTE for assistance. The radio ads aired in the following key markets: McAllen-Brownsville-Harlingen, Laredo, El Paso, Dallas and Houston. Of the callers to 1-866-OUR-VOTE in Texas that indicated how they had heard about the Hotline, 25% reported that they knew how to contact Election Protection from radio ads.

The radio ads were a necessary response to voter confusion about the status of the Texas voter ID law. On October 9, 2014, U.S. District Judge Nelva Gonzales Ramos issued an opinion in which she held that the Texas photo ID requirement violates both the U.S. Constitution and Section 2 of the Voting Rights Act, and functions as a poll tax.<sup>127</sup> However, on October 14, 2014, the U.S. Court of Appeals for the Fifth Circuit granted Texas' request for a stay from the district court's permanent injunction while the case was on appeal.<sup>128</sup> And on October 18, 2014, the Supreme Court denied an emergency application to reinstate the district court's injunction, allowing the requirement to go into effect for the 2014 general election, just one day before early voting was to begin in Texas.<sup>129</sup>

### *Long Lines and Late Openings*

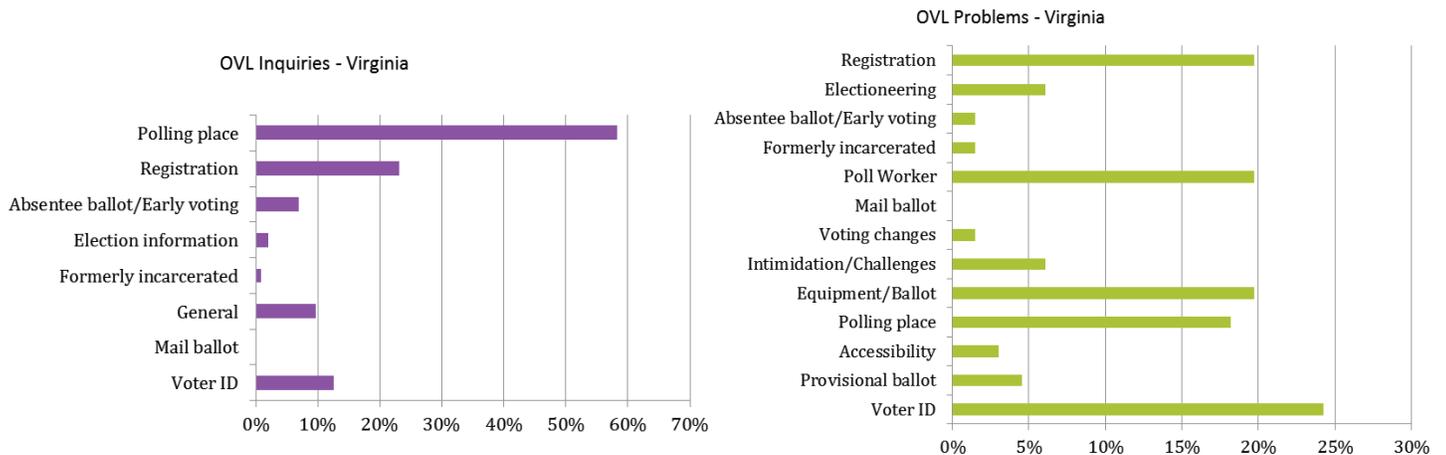
Nearly 69% of reported inquiries and nearly 20% of reported problems to Election Protection from Texas concerned polling places. Election Protection looked into reports about polling place problems that led to long lines in 10-12 precincts in Harris County. For instance, the West Grey Adaptive Recreation Center (Precinct 200) polling place in Harris County reportedly<sup>130</sup> opened late at 7:15 a.m. with many voters waiting in line. Also in Harris County, the Wainwright Elementary School polling place (Precinct 505)<sup>131</sup> opened late due to electrical problems. In that case, the Texas Election Protection Command Center called Harris County election officials, and officials sent a crew out to resolve those problems.

Election Protection volunteers also reported that hundreds of voters may have left their polling locations without casting a ballot due to these and similar polling place problems.

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**DEMOCRACY SHOULD NOT BE THIS HARD**

# VIRGINIA



## Election Protection 2014 Program in Virginia

Election Protection organized field programs in Northern Virginia, Richmond, Charlottesville and Hampton Roads. Each area had a command center with legal volunteers that supported grassroots volunteers and responded to reports in surrounding counties. In addition to providing voters with information about their rights, grassroots volunteers also administered an Election Day survey – prepared by the Advancement Project – concerning voter identification.

Virginia Election Protection partners included Virginia New Majority, the Virginia Civic Engagement Table, the Lawyers’ Committee for Civil Rights Under Law, Advancement Project and William & Mary Law School. The field programs were buttressed by a national call center hosted by the SEIU in Washington DC and staffed by a dedicated team of volunteer attorneys. Election Protection fielded 370 calls from Virginia voters on November 3 and 4.

## Snapshot of Virginia Before and on Election Day

### *Problems Implementing New Photo ID Standard*

A new, strict photo ID requirement was in effect for the 2014 general election in Virginia. Virginians were required to produce a government, school or employer issued photo ID in order to vote. However, there was significant confusion around this requirement because a different ID requirement had been in effect during the June 2014 primary election. Over 21% of reported problems and nearly 14% of reported inquiries to Election Protection from Virginia concerned voter ID.

In addition, the guidance regarding which IDs would be acceptable to vote in the 2014 general election was changing throughout the summer, as many Election Protection partners and others were starting their voter education efforts. These problems were exacerbated by the fact that most poll workers did not receive training on the new ID requirements before Election Day. According to the Election Protection partners who monitored polling places in Virginia, some poll workers only heard about the new rule when they arrived at their polling places for work on Election Day.



Virginia does not require that a person's address on their ID match the address listed for them in the poll book. In other words, ID is only meant to verify one's identity. However, many voters were concerned because their Virginia driver's licenses did not reflect their current addresses, and both voters and poll workers were confused about this. One veteran in Pittsylvania County<sup>132</sup> showed his veteran's ID card, which is an acceptable ID for voting under Virginia's new requirement, but the poll worker did not accept it and claimed that a qualifying ID must include his home address. Similarly, after one voter<sup>133</sup> at the James City County Recreation Center polling location in Williamsburg provided a poll worker with his passport, the worker requested additional proof of his address. Virginia law only requires a voter to state his address aloud and there is no requirement that a voter provide documented proof of his current address. Of the problems reported to Election Protection in Virginia, 20% concerned poll workers.

Other voters did not have the ID needed to vote. One Virginian<sup>134</sup> called Election Protection on the evening of November 3, 2014 because he had lost his driver's license and did not have another acceptable photo ID. After talking with Election Protection, the voter was able to vote a regular ballot, but only after leaving work early on Election Day (and losing the associated wages) to obtain a new driver's license before going to his polling place to vote.

### *Voting Machines Switched People's Votes*

Most Virginia voters cast their ballots directly on electronic machines,<sup>135</sup> most of which are touch screen. Voters in Virginia Beach, Prince William County, Louisa County and Henrico County<sup>136</sup> reported that they tried to vote for one candidate but their machines recorded a vote for a different candidate. Voters who called Election Protection to report a malfunctioning machine were often able to correct the error, but frequently only after compromising the secrecy of their ballot by seeking help from a poll worker. It is unclear how many other voters failed to notice the error and instead accidentally voted for candidates they did not intend to support. One caller<sup>137</sup> who voted at the Woodstock Elementary School polling location in Virginia Beach told an Election Protection volunteer that when she got help correcting her vote after the machine she was using malfunctioned, the poll worker commented that the "machines have been doing that all day." Nearly 23% of reported problems to Election Protection from Virginia concerned equipment/ballots.

### *Voters Who Did Not Update their Registration Were Unable to Vote*

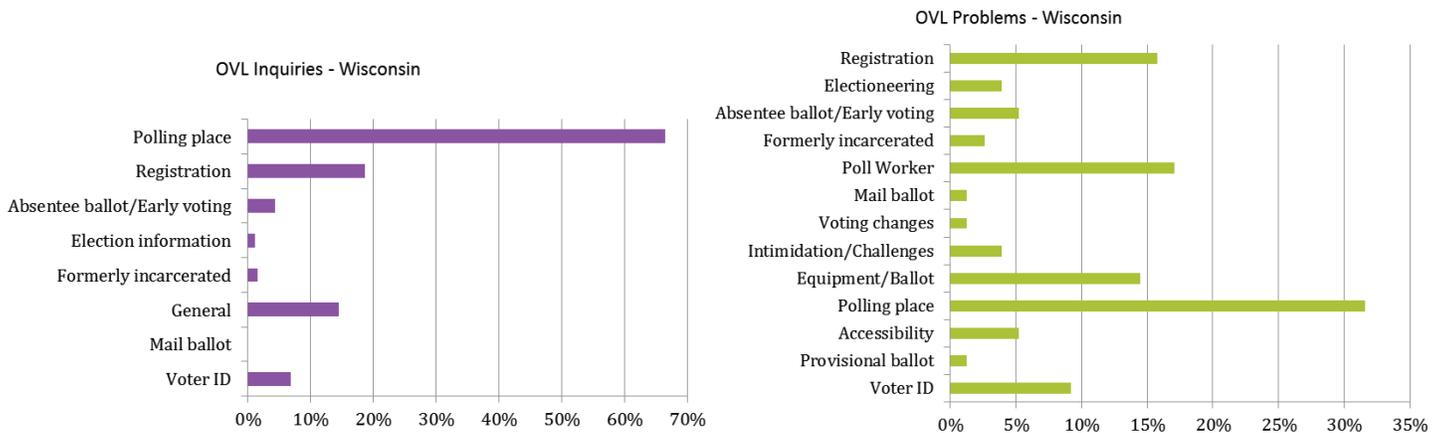
Voters in Virginia must update their records with the registrar of voters when they move within the State. Election Protection heard from more than 25 Virginians who moved within the State but had not successfully updated their registration records by the voter registration deadline. Unfortunately, these voters were then unable to vote at the polling place associated with their current home addresses.<sup>138</sup> Although many of these voters could still vote at their old polling places and were instructed to fill out a change of address to correct the records for the next election, not all voters in this situation were able to do so. Election Protection heard from at least one voter<sup>139</sup> who was unable to travel the distance to her old polling place on Election Day because it was too far from her current residence.

### *125,000 Voters Erroneously Questioned about Their Voter Registration Status*

In June, the Virginia Department of Elections sent letters to 125,000 Virginia voters questioning their voter registration status.<sup>140</sup> The letter informed recipients that records showed that they might also be registered to vote in another state and that state law required them to update or cancel their voter registration. Although the letters were intended to be sent only to voters who had moved out of state, the mailing list mistakenly included Virginians who had moved within the State or recently updated their address with the Virginia Department of Motor Vehicles. Once the error was realized, the State made efforts to correct it with another letter to the affected voters.<sup>141</sup> Of the reported problems to Election Protection from Virginia, over 25% concerned voter registration.



# WISCONSIN



## Election Protection 2014 Program in Wisconsin

Wisconsin Election Protection, a combined coalition of legal and grassroots groups, including American Civil Liberties Union of Wisconsin, the Lawyers' Committee for Civil Rights Under Law, Jacobs Injury Law S.C., Milwaukee Labor Council and Wisconsin Voice, operated an extensive program based in Milwaukee. Kirkland & Ellis LLP in New York hosted a national call center that fielded calls from Wisconsin before and on Election Day. The national call center received 634 Wisconsin calls on November 3 and 4, and supported the Wisconsin field program.

## Snapshot of Wisconsin Before and on Election Day

### *Voter ID and Proof of Residence*

Two changes to Wisconsin election law contributed to problems related to voting. First, late-breaking court decisions in the ongoing litigation regarding Wisconsin's voter ID law caused voter confusion throughout the election cycle. In early October, the Seventh Circuit Court of Appeals upheld the Wisconsin voter ID law. Implementing the law less than one month before Election Day presented a challenge because absentee ballots had already been mailed out to voters and poll workers had already attended trainings. Both civic engagement groups and the agencies charged with issuing IDs were unprepared to educate and help voters. Shortly before the election, the United States Supreme Court blocked the implementation of the ID requirement for the 2014 general election cycle. However, the fact that the decisions were made so close to the election led to voter confusion.

Second, in April 2014, Wisconsin passed a law requiring that a voter show a document with his or her address when registering to vote. Wisconsin allows same-day voter registration, and this new proof of residency requirement contributed to poll worker confusion on Election Day. For

example, a caller reported her daughter's experience<sup>142</sup> of trying to register and vote on Election Day at a polling location in Kenosha County. Her daughter had a State ID, which includes her photo and address, but the poll workers did not allow her to vote and incorrectly asked for two forms of proof of residence. Election Protection volunteers advised the voter to return to the polling site, having confirmed that her State ID was sufficient for proof of residence.

### *Voting Machine and Ballot Problems*

Nearly 11% of problems reported to Election Protection from Wisconsin related to equipment and ballots. At the Madison Municipal Building polling site in Dane County, a voter reported<sup>143</sup> that he heard a beep upon placing the ballot in the machine, and a message on the screen of the voting machine said the ballot had not been saved and to notify a poll worker. An Election Protection volunteer followed up with the City Clerk, who said that the machine was fixed by about 9:00 a.m. The problem had been caused by a jammed ballot, and the jammed ballot was resubmitted. Also in Dane County, the White Horse Middle School polling location ran out of ballots.<sup>144</sup> Voters filled out photocopied ballots, and poll workers transferred the information on the night of the election.

# Endnotes

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89. OVL Reports #40343; 28939; 40629; and 39271.
90. OVL Report #19285.
91. OVL Reports #15739; 1966; 27767; and 35203.
92. OVL Reports #2150 and 34959.
93. OVL Reports #194; 199; 208; 213; 215; 219; 221; 225; 226; 227; 230; 254; 265; 371; 445; 448; 451; 589; 865; 865; 881; 1177; 1189; 1191; 1274; 1277; 1455; 1461; 1571; 1613; 1638; 2230; 2262; 6371; 8253; and others.
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  108. OVL Reports #1417; 1823; 1824; 17077; 34073; and 36231.
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  110. OVL Reports #2552; 18335; and 38855.
  111. OVL Report #2552.
  112. OVL Report #1434.
  113. OVL Report #1464.
  114. OVL Report #1411.
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