

ELECTION PROTECTION

**YOU
HAVE THE
RIGHT TO
VOTE**



87,940,148 VOTES
CAST



MORE THAN
2,000

LEGAL
VOLUNTEERS

OVER
20

THOUSAND
CALLS FROM VOTERS
SEEKING ASSISTANCE &

25 JURISDICTIONS WITH
COMPREHENSIVE
VOTER SUPPORT



ELECTION PROTECTION 2010 REPORT



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

Partners

Election Protection would like to thank the state and local partners who led the program in their communities. The success of the program is owed to their experience, relationships and leadership. In addition, we would like to thank our national partners, without whom this effort would not have been possible:

ACLU Voting Rights Project	Electronic Frontier Foundation	National Coalition for Black Civic Participation
Advancement Project	Electronic Privacy Information Center	National Congress of American Indians
AFL-CIO	Electronic Verification Network	National Council for Negro Women
AFSCME	Fair Elections Legal Network	National Council of Jewish Women
Alliance for Justice	Fair Vote	National Council on La Raza
Alliance of Retired Americans	Generational Alliance	National Disability Rights Network
American Association for Justice	Hip Hop Caucus	National Education Association
American Association for People with Disabilities	Hispanic National Bar Association	National Voter Engagement Network
American Bar Association	Human Rights Campaign	Native American Rights Fund
American Constitution Society	IMPACT	New Organizing Institute
America's Voice	Just Vote Colorado	People for the American Way
Asian American Justice Center	Latino Justice/PRLDEF	Project Vote
Asian American Legal Defense and Educational Fund	Leadership Conference on Civil and Human Rights	Rainbow PUSH
Black Law Student Association	League of Women Voters	Rock the Vote
Black Leadership Forum	League of Young Voters	SEIU
Black Youth Vote	Long Distance Voter	Sierra Club
Brennan Center for Justice at New York University Law School	League of United Latin American Citizens	Student PIRGs
Campaign Legal Center	Mexican American Legal Defense and Educational Fund	United Church of Christ
Campus Progress	Mi Familia Vota	United States Student Association
Center for Community Change	NAACP	US PIRG
Color of Change.org	NAACP Legal Defense Fund	Verified Voting
Committee of Seventy	National Association of Latino Elected and Appointed Officials Education Fund	Video the Vote
Common Cause	National Asian Pacific American Bar Association	Vote Again 2010
Credo Mobile	National Bar Association	Voto Latino
Democracia USA	National Black Justice Coalition	Young People For
Demos		

Note: This report reflects the views of the Lawyers' Committee for Civil Rights Under Law and does not necessarily reflect the views of any other Election Protection partner or supporter.

Introduction

In November 2010, the ten year old nationwide, non-partisan Election Protection coalition provided crucial support to voters across the country so that they could confidently participate in one of the most vital acts of our democracy: choosing their elected representative in local, state and congressional elections. Election Protection assisted voters who had questions or those who encountered problems at polling locations. The narrative following the Midterm Elections on November 2 mainly focused on the change in leadership in the House of Representatives and in state legislatures across the country, and whether or not the electoral gains of the Republican Party were a rebuke of President Obama and the Democratic leadership. But, there was another equally important, but underreported story of the 2010 elections – the intractable deficiencies of our nation’s systems of elections that led to the disenfranchisement of too many eligible Americans. It is unacceptable that voters continue to have their electoral voice silenced through no fault of their own.

Led by the Lawyers’ Committee for Civil Rights Under Law (Lawyers’ Committee), Election Protection’s 2010 coalition included over 70 national non-partisan organizations along with state and local partners. This coalition, representing a diverse array of Americans, came together to share expertise and combine limited resources to ensure that the rights of an ever diversifying electorate were protected.

In 2010, Election Protection:

- Organized Election Protection Legal Committees comprised of volunteer attorneys and grassroots organizations in 25 jurisdictions;
- Received over 20,000 calls from voters to the 1-866-OUR-VOTE and 1-888-Ve-Y-Vota hotline centers located in 17 call centers from coast to coast;
- Recruited, trained, and deployed over 2,000 legal volunteers;
- Assisted voters at polls through field programs in 20 states; and
- Collected 13,350 reports of voter questions and problems in the Our Vote Live database (www.OurVoteLive.org)

Voter experiences from this past election cycle and the last decade have demonstrated that, although great progress has been made since the 1960s in advancing the right to vote, the goal of an election system that provides equal and complete access to all eligible citizens has yet to be realized. Outdated voter registration laws, crumbling election infrastructure, under-resourced and ill-prepared election administrators, and persistent attempts to intimidate and deceive minority, student, low-income, and other traditionally disenfranchised citizens deter many eligible Americans from voting. That, when coupled with the Supreme Court decision in *Citizens United v. Federal Election Commission*, which cleared the path for corporations to overwhelm the voices of citizens with money, makes Election Protection needed now more than ever.

Continued Evidence of Persistent Problems

Unfortunately, the 2010 elections reinforced what we have known since November 2000 and can no longer ignore: our system of election administration needs reform and efforts to deny minority voters full access to the franchise persist. Election Protection has documented this disappointing reality for the last 10 years. Though the images of hanging chads and the awareness that African-American voters were wrongly purged in Florida in 2000 and the hours-long lines faced by Ohio voters in 2004 may have faded, the root institutional problems, which led the public to realize our election administration system is fraught with opportunities for mass disenfranchisement, endure. Over the last four major election cycles, the top problems reported to Election Protection have remained the same:

- 2004 – Registration problems (44%), polling place problems (19%), absentee ballot problems (11%), voting equipment problems (7%)
- 2006 – Polling place and voting equipment problems (53%), registration problems (17%), voter intimidation problems (9%), absentee ballot problems (6%)
- 2008 – Registration problems (34%), polling place problems (26%), voting equipment problems (15%), absentee ballot problems (9%)
- 2010 – Polling place problems (29%), registration problems (24%), voting equipment problems (11%), absentee ballot problems (8%)

Registration Problems

Although 2010 was a midterm election with significantly lower turnout and fewer new registrants than in 2008, problems with our outmoded registration system were among the top problems reported to Election Protection. This problem has not abated over the past 10 years. A prominent example of this was the failure of Cuyahoga County Employment and Family Services in Ohio to submit new registration applications and change of address requests, completed before the close of registration, to election officials for approximately 165 of their clients. This oversight denied those clients the opportunity to cast a ballot in the general election. . Another example of this sort of issue was evidenced on Election Day in Chicago, Illinois when election judges improperly gave provisional ballots to voters who appeared on the suspension list even after they produced the required two forms of identification.

Absentee Ballot Problems

The failure of local boards of elections to process requests for absentee ballots in a timely fashion disenfranchised still more voters who, because of disability, illness, military service overseas, work, childcare, or other extenuating circumstances, could not get to the polling place on Election Day. In Philadelphia, there were widespread reports from voters who had their absentee ballots returned to them rather than sent to the board of elections as a result of faulty post office scanners.



Polling Place Problems

Problems at polling places, which included insufficient preparation, under-resourced and undertrained poll workers, problems with voting machines, and the consolidation of polling places, led to confusion, chaos, and long lines. These conditions left voters frustrated and prevented many from voting. During both the September primary and November general elections, New York City had significant problems with the rollout of new optical scan ballots. Across the city, polls opened late, machines broke down, and poll workers did not know how to properly operate the machines or what to do when machines did not work. This unfortunate series of events led to long lines and disenfranchised New Yorkers. Another example of these problems occurred in counties across California and Ohio when polling places were consolidated or eliminated in an effort to save money without properly publicizing the changes. As a result, Election Protection received reports on and before Election Day from voters who did not know where to vote.

Deceptive & Intimidating Practices

Once again, political gamesmanship in the form of deceptive and intimidating practices took advantage of the complexities and vagaries of our voting system to confuse and deny voters the opportunity to cast ballots. In African-American neighborhoods of Houston, a group called the “Black Democratic Trust of Texas” distributed flyers falsely warning that a straight-ticket vote for the Democratic Party would not count and that a vote just for Bill White would count for the entire Democratic ticket. In Maryland, a political consultant paid for robocalls on election night to thousands of African-American households that said, “I’m calling to let everyone know that Governor O’Malley and President Obama have been successful. Our goals have been met. The polls were correct... We’re okay. Relax. Everything is fine. The only thing left is to watch on TV tonight.”

“Election Integrity” Squads

The ghost of voter fraud was the driving force behind “election integrity” squads that organized across the country. Well before Election Day, these campaigns sought to deter targeted voters from voting and disrupted voting when polling began. In Harris County, Texas, voters complained that poll watchers organized by the King Street Patriots under an initiative called “True the Vote” confronted them about their eligibility to vote. The complaints were from primarily African American and Latino early vote locations and led to an investigation by the Department of Justice. In Pima County, Arizona, a Republican poll watcher videotaped voters and election judges at the polling site sign-in table, and disturbed voting until Election Protection was successful in having him removed.

Success Despite Limited Resources

For the 2010 Midterm Elections, Election Protection worked overtime to ensure that voters who had come to rely on the information and problem-solving infrastructure of the program would have access to its voter support infrastructure. Election Protection's 2010 coalition included over 70 national non-partisan organizations and many more local partners. This coalition, representing a diverse array of Americans, was assembled to pool resources and expertise to protect the rights of our diverse electorate.

Crucial Support Before Election Day

The Lawyers' Committee began to lay the foundation for the program over the summer by organizing leaders of the private bar and local organizations into Election Protection Legal Committees (EPLCs) in 25 jurisdictions. These EPLCs provided crucial pre-election day support by meeting with election officials, providing support for non-partisan civic engagement organizations, educating voters, publicizing coalition resources and voter support hotlines, preparing for Election Day, and addressing issues as they arose. In particular, EPLCs followed up with election officials regarding voter concerns, questions, and problems. An example of this outreach occurred after a fire destroyed all of the voting equipment in Houston, Texas, leaving voters concerned about their ability to vote on Election Day. The EPLC interviewed election officials in Houston to determine how they were preparing for Election Day and ensured that voters were aware about what to expect. EPLCs also sent a letter on behalf of Election Protection that raised concern about the need for a process to address allegations of voter fraud raised by nationwide campaigns in a way that ensured eligible voters were not disenfranchised.

Litigation

In Minnesota, in the weeks leading up to Election Day, a Tea Party group called Election Integrity Watch announced plans to launch a statewide campaign to track down cases of "in-person voter fraud." The group encouraged their members to wear "please I.D. me" buttons into the polling place in attempt to encourage voters to voluntarily show photo identification. The group admitted on its website that they wanted the buttons to create a false impression about state identification requirements for voting. Election officials barred them from wearing the buttons in polling places and the group sued claiming violation of their First Amendment rights. Election Protection, led by the Lawyers' Committee and along with Dorsey & Whitney LLP, filed an *amicus curiae* brief in support of Secretary of State Mark Ritchie and the other officials named in the suit. In rejecting the plaintiffs' request for a temporary restraining order that would allow them to wear the buttons, the U.S. District Court Judge Joan Ericksen relied, in part, on the specific concern Election Protection raised: "[t]he record suggests that the buttons are designed to affect the actual voting process at the polls by intimating that the voters are required to show identification before voting. This intimation could confuse voters and election officials and cause voters to refrain from voting because of increased delays or the misapprehension that identification is required."



Election Protection Hotline

As in years past, the 1-866-OUR-VOTE Election Protection hotline joined with 1-888-Ve-Y-Vota, administered by the National Association of Latino Elected and Appointed Officials Education Fund (NALEO), to provide comprehensive voter protection support to Spanish-speaking voters. This continued strategic partnership between the Lawyers' Committee and NALEO has helped guarantee that this growing portion of the electorate has the resources needed to fully participate in the electoral process. In response to increased volume to the hotline's voicemail system, Election Protection answered the hotline live during the final week of the elections to provide crucial support to voters during early voting and before they went to the polls on Election Day. Due in large part to the Lawyers' Committee's vast pro bono network, the hotline was answered live in seven call centers on November 1st and 17 call centers on November 2nd. The 1-866-OUR-VOTE and 1-888-Ve-Y-Vota hotlines received 26,144 on November 1st and 2nd, including 20,519 on Election Day from voters in all 50 states and the District of Columbia.

Collecting Invaluable Data

Once again, the Electronic Frontier Foundation administered the Our Vote Live database, allowing volunteers to quickly capture information about voters' problems. All call data was immediately made public, minus personally identifiable information, on the website www.OurVoteLive.org. This allowed the coalition to better inform the public about the problems voters face. Over 13,000 reports were catalogued on the Our Vote Live website for 2010.

Utilizing Online Tools

Building on work begun in 2008, Election Protection harnessed an assortment of online tools to educate voters. The www.866OurVote.org website served as an interactive clearinghouse for state and national voting rules, regulations, news, and information. Voters were able to use a 50-state map to quickly access the information necessary for them to cast a meaningful ballot in their jurisdiction, including answers to frequently asked questions about the voting process and requirements. The website received 45,365 visits during the final week of the election and 26,060 on Election Day.

Election Protection also expanded its use of the social networking tools Twitter (www.twitter.com/866OurVote) and Facebook (www.facebook.com/866OurVote), to further the reach of its comprehensive voter education and voter support programs. Throughout the fall, Election Protection used Twitter to post breaking news, key election information, and respond to requests for assistance and reports of problems. On November 1st and 2nd, an assortment of media outlets and commentators, organizations, political leaders, and celebrities used Twitter to publicize the 1-866-OUR-VOTE hotline number and information about the coalition's resources. Nine hundred and forty eight



users mentioned @866OurVote over the course of those two days and those tweets reached 1.6 million users.

At the Polls on Election Day

On Election Day, the coalition provided crucial on-the-ground assistance to voters and poll workers through a comprehensive legal field programs at the polling place and in election officials' offices in 20 states. Coalition leadership strategically placed these volunteers in jurisdictions where they would have the greatest impact (locations with high concentrations of traditionally disenfranchised voters, history of problems, and/or highly competitive elections). All told, over 2,000 legal volunteers were deployed across the country to provide a coordinated response to quickly address issues before they turned into mass disenfranchising events.

The contributions by the legal community to Election Protection were once again impressive. Across the country, volunteers from over 75 national law firms and corporate legal departments and 28 law schools participated.



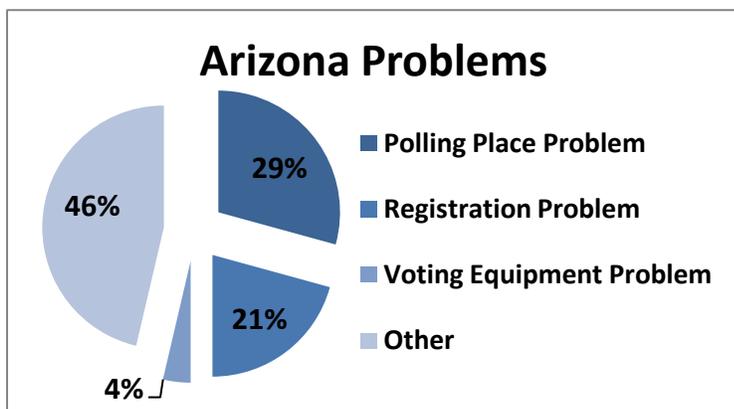
State Reports

The state reports below provide a snapshot of the problems reported to Election Protection during the 2010 election cycle. These problems point to the need modernize our election administration infrastructure and provide better training to poll workers. However, these improvements must be supplemented with information that voters can rely on in order to combat misinformation and deceptive/intimidating tactics that undermine their ability to cast a meaningful ballot.

The information in the reports below were compiled from Election Protection hotline centers and field program and entered into the Our Vote Live Database. This is not a description of all the problems reported from voters in the state but is illustrative of the varying types of problems that voters encounter when attempting to exercise their right to vote.

Arizona

During the run up to the elections, the storylines in Arizona centered on concerns that “election integrity” groups, who were sounding the alarm about illegal immigrants voting, would intimidate and



potentially disenfranchise eligible voters. A group, Ban Amnesty Now, launched a campaign to, “prevent illegals from stealing the election,” and a number of other organizations joined in the anti-immigrant rhetoric on the eve of the elections.

Prior to Election Day, Election Protection leaders contacted state and county officials to ensure that election rules

would be properly enforced and no Arizonan would feel intimidated while trying to vote. Despite such efforts, multiple reports of voter intimidation were made on Election Day. On example of such a report occurred in Pima County, where an assigned Republican poll watcher was videotaping voters inside the polling place and became confrontational with both an Election Protection volunteer and a campaign volunteer. Election Protection contacted the police and the Secretary of State’s office. The Secretary of State eventually ordered the removal of the poll watcher.

California

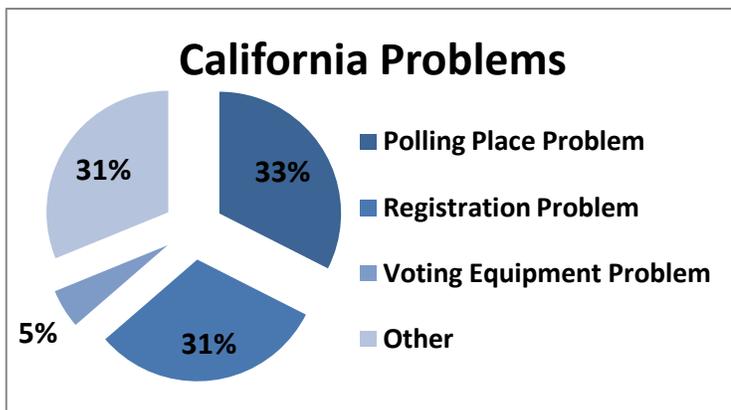
Facing tight budgets, many counties across the state of California closed polling places and converted precincts into vote by mail jurisdictions. Election Protection received calls about confusion over these changes and, in some jurisdictions, concerns over its negative impact on minority voters. In Fresno, nearly half of the county’s precincts were eliminated. Advocates in Alameda County were concerned that a polling place in a heavily Latino district was closed without proper notice in Spanish. Election

Protection leaders were in communication with county and state officials throughout the day to resolve problems caused by the closures and worked overtime to ensure that voters in effected precincts understood their options for casting a ballot.

Registration problems accounted for a third of all reports Californians made to Election Protection. Callers from across

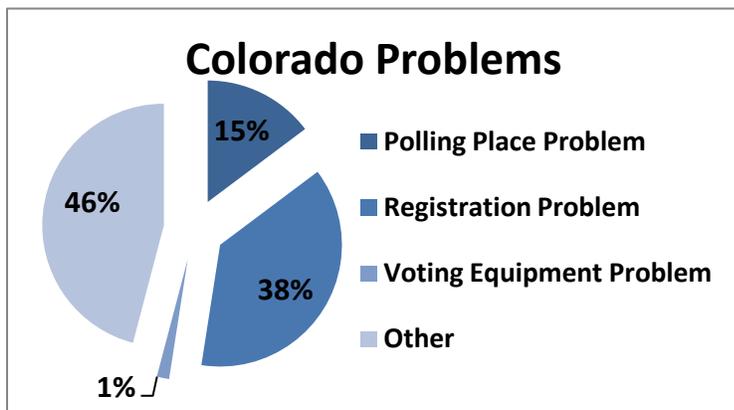
the state reported that they attempted to register through the mail, with third-party registration groups, or at the Department of Motor Vehicles, only to show up at their polling place and be turned away. In addition, several voters reported that their registrations weren't updated after they moved despite submitting updated information. There were reports that at least 30 people had been turned away for not appearing on the rolls at one Los Angeles County polling place.

Californians from across the state reported polling place problems, including late openings, polling places running out of ballots, missing registration lists, and not enough poll workers. At several polling sites, voters were forced to vote provisional ballots, increasing the resources overburdened election officials will have to expend post-election.



Colorado

In Weld County, Election Protection volunteers spotted a flyer posted in a place of business erroneously informing readers that Election Day was actually on Wednesday. Voters in Colorado Springs informed Election Protection of a candidate talking to voters about his campaign as they entered the polling place too close to the poll entrance to be lawfully campaigning. A Jefferson County voter received a



confusing text message saying she was on the mail-in ballot list when she had not submitted such a request. When she called Election Protection for help, our volunteer looked up her voter registration information online to verify that she was not on the list and gave her the location of her polling place.

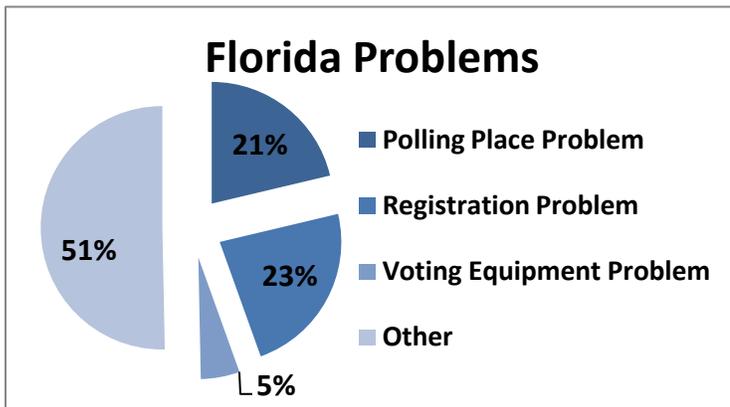
Voters also encountered real difficulty with their mail-in ballots. A voter called seeking help when she received and returned her mail-in ballot, only to have another arrive at her door later. On Election Day, there was no record of her casting a vote, so the volunteer who answered her

call instructed her to head to the proper polling place with the extra mail-in ballot and gave her information to vote provisionally in case she encountered problems voting. Another voter who registered for a permanent mail-in ballot before moving assumed that his ballot would be forwarded to his current location. When he did not receive his ballot, he called Election Protection only to learn that mail-in ballots cannot be forwarded and that his had likely been returned. Our volunteer gave him information to contact local election authorities for further instruction.

Florida

Voters across Florida experienced problems at the polls and faced difficulties due to poorly trained poll workers. Many voters encountered poll workers who were enforcing identification requirements that did not

exist. An active duty officer of the Navy in Pensacola was asked to provide more identification than her acceptable military ID and voter registration card. The officer was only permitted to vote after she retrieved a birth certificate, driver’s license, and social security card from her car. Another voter from rural Brooksville was asked to verbally state the address on his driver’s license before being allowed to vote. This extra step is neither required nor necessary and is particularly burdensome for rural voters who use P.O. boxes as mailing addresses instead of their physical addresses listed on their licenses.

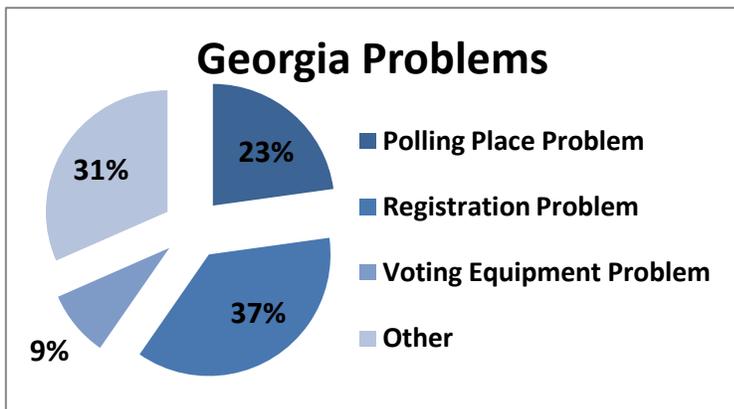


Poll workers in Jupiter, FL, had problems operating voting machines. A Pensacola poll worker incorrectly informed a voter with a disability that her mother was not allowed to assist her in casting her ballot. Ft. Lauderdale poll workers turned away voters who were in line by poll closing and should have been allowed to cast a vote. A rather rude Miami poll worker made inappropriate comments to voters standing in line, noting that they could leave if they did not like how they were being treated, and misdirected some voters to wait in the wrong lines. After being told they would have to wait in the correct line to cast a ballot, these beleaguered voters left without voting. A voter who accidentally mismarked her ballot and requested a new one was mocked by an off-duty police officer who repeatedly told her she ought to have used common sense. Another voter in Miami Beach was unable to communicate with any poll worker in her precinct as they all spoke only Spanish.

Voters also had difficulty finding their correct polling location. In Brevard County, 34 polling places were changed with little notice. Brevard voters headed to the Supervisor of Elections’ office to cast their votes but were turned away. Similarly in Jacksonville, confused voters who visited the Supervisor of Elections’ office on Election Day were given provisional ballots that would not be transported to the correct precincts to be counted, and therefore not be counted instead of being directed to the appropriate polling place.

Georgia

Prior to Election Day, Election Protection became concerned that the new data matching procedures pre-cleared for implementation by the Department of Justice would disenfranchise many eligible voters. The new procedures matched the voter rolls against the State’s Department of Driver’s Services



database to remove any non-citizens from rolls. The problem with this process is that the database is not updated to reflect subsequent naturalization and can easily lead to eligible citizens being unfairly removed from the rolls. The Election Protection Legal Committee in Georgia met with election officials to discuss the matching procedures and was told that only new registrants would be matched. Election

officials also held a press conference with the goal of educating voters about the new procedures. A Clayton County Board of Registrars representative also assured the EPLC that registrants marked as non-citizens would receive written notification and instructions on the identification necessary to establish citizenship.

On Election Day, voters encountered registration problems and voting machine problems. Polling places were poorly equipped to handle machine malfunctions and ran out of paper ballots.

Another voter in Cobb County and her husband updated their addresses before the deadline, but the voter was turned away because she was not on the rolls, even though her husband was. After calling Election Protection and an election supervisor, the poll worker located her change of address and she was able to vote. Another voter who submitted her change of address when she renewed her driver’s license from Rockdale County did not show up on the rolls for her new polling place.

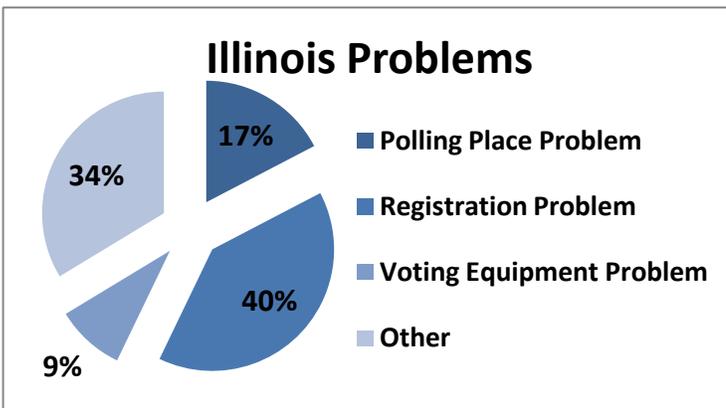
A voter in Roswell County reported difficulty getting a machine to record her vote for governor, and she could not get an answer when she contacted the registrar for assistance as the poll manager instructed. Another voter in Newton County reported being unable to vote for the next section of candidates without selecting a particular candidate’s name. A voter in Gwinnett County reported being unable to leave a race displaying only one candidate blank before casting a ballot; she had to write in a name in order to submit her vote.

Some absentee voters in Fulton County were mailed the wrong ballots—twice, while other absentee ballot requests were never fulfilled. Other voters were told that they could not vote at the polls because they had requested absentee ballots when they had not, and still others were told they had already voted early.

Illinois

Illinois voters reported myriad issues on Election Day, most notably those dealing with registrations, absentee ballots, and identification. Prior to November 2, a candidate announced plans to send “voter integrity” squads to four predominantly minority neighborhoods of Chicago to monitor the polls. While Election Protection received complaints about improper activity at the polling place, these problems were overshadowed by issues stemming from a system of elections badly in need of reform.

A variety of problems relating to registration threatened to disenfranchise countless Illinoisans on Election Day. There was confusion over the inactive list in a number of polling places across Chicago. In some precincts, callers reported that an inordinate number of



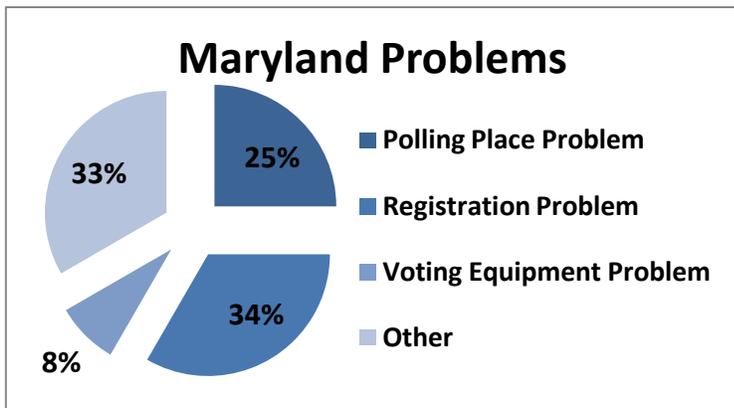
voters were appearing on the inactive list, in others, poll workers were incorrectly giving voters provisional ballots even after they produced two forms of identification. An Election Protection Mobile Legal Volunteer team observed that a large percentage of voters at a Southside polling place appeared on the inactive list. Poll workers were handing provisional ballots to all of these voters, regardless of whether or not they were producing identification. The volunteer team immediately contacted the Board of Elections and relayed clarifying information to the polling place’s Head Judge. Mobile Legal Volunteer teams remained at the location throughout the rest of the day to ensure future inactive voters were processed properly.

The inactive list wasn’t the only registration-related issue causing confusion and problems in Illinois. Election Protection received numerous reports about confusion with voters who had recently moved. Poll workers and voters at some precincts were unclear on the procedures for voters who had recently moved. Other voters reported not being on the rolls or having their registration changed. After not appearing on the rolls, a voter was told that she was registered in a neighboring town, despite having lived at her current address for 12 years. She was allowed to cast a provisional ballot for federal elections only. Another voter from Will County also was told he was not on the rolls, despite the fact he possessed a voter registration card from 2007. Unfortunately, the polling place lacked provisional ballots and he was turned away.

A pre-Election Day snafu by the Illinois Democratic Party potentially disenfranchised thousands of Illinois voters. In an attempt to better track their voter engagement, the party had absentee ballot applications they collected sent to a central location, before being distributed to the appropriate board of elections. But, the party sent many of these applications in late as well as to the wrong County Boards, providing little time for voters to return the ballots before the deadline. Despite guidance issued by Attorney

General Lisa Madigan in anticipation of voters surrendering unused absentee ballots at their polling places, the Lake County Board of Elections amongst other counties ignored the Attorney General’s guidance and required all voters who presented absentee ballots for surrendering to vote provisionally.

Maryland



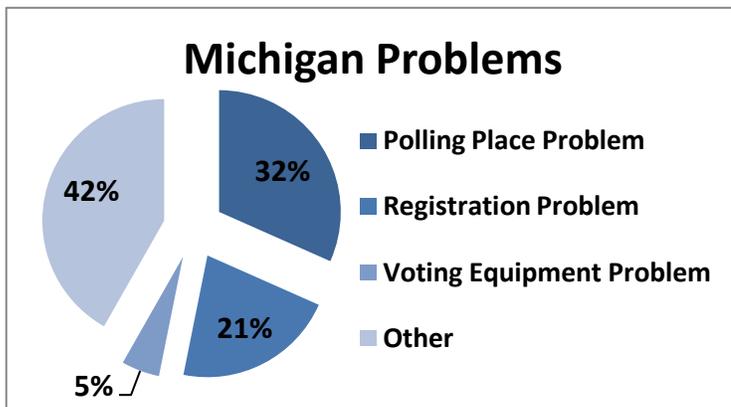
Voters across Maryland again received deceptive robocalls before and on Election Day. Voters in Prince George’s County reported receiving calls falsely notifying them that, because they were loyal Democrats, they could vote over the phone or online. On Election Night, 50,000 mostly African-American voters across the state received robocalls telling them, "I'm calling to let everyone know that Governor O'Malley and

President Obama have been successful. Our goals have been met. The polls were correct... We're okay. Relax. Everything is fine. The only thing left is to watch on TV tonight."

Michigan

Major issues that Election Protection leaders dealt with in Michigan revolved around problems with voter registration, issues at the polling place, confusion over the state’s voter ID requirements, and incidence of voter intimidation.

On Election Day, several poll workers applied Michigan’s voter identification law incorrectly. In Michigan, voters who do not have photo identification can still vote a regular ballot if they sign an affidavit affirming their identity. Election Protection received reports from voters who weren’t offered the option to sign an affidavit or turned

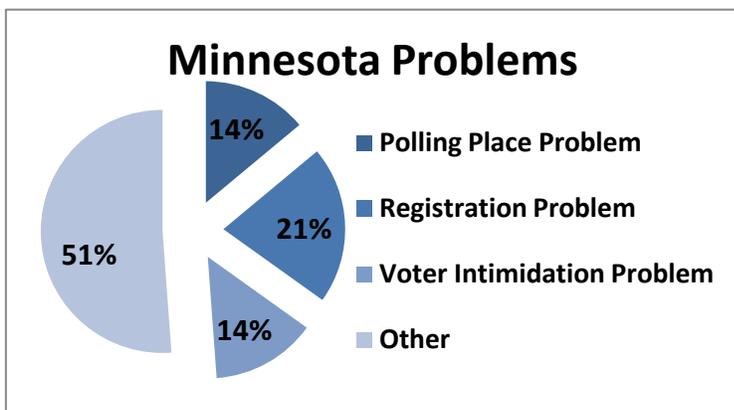


away because the address on their license did not match their registration. In Kent County, a voter was required to present two forms of identification before being allowed to vote. She was able to cast a regular ballot but observed other voters being turned away. Election Protection leaders contacted the Kent County Board of Elections who quickly contacted the poll worker to rectify the situation.

Election Protection also received reports from voters intimidated and mistreated at the polling place. In Wayne County, a 72-year-old African-American man was detained by police at his polling place after being accused by a challenger of “sneering” at him. A voter in Washtenaw County reported a poll worker said to a group of minorities in line to vote, “what did you do, go out and rally? I’ve never seen so many of you here before.”

Minnesota

As noted earlier, controversy arose during the weeks leading up to Election Day when a Tea Party group called Election Integrity Watch announced plans to launch a statewide campaign to track down cases of “in-person voter fraud.” The group encouraged their members to wear “please I.D. me” buttons into



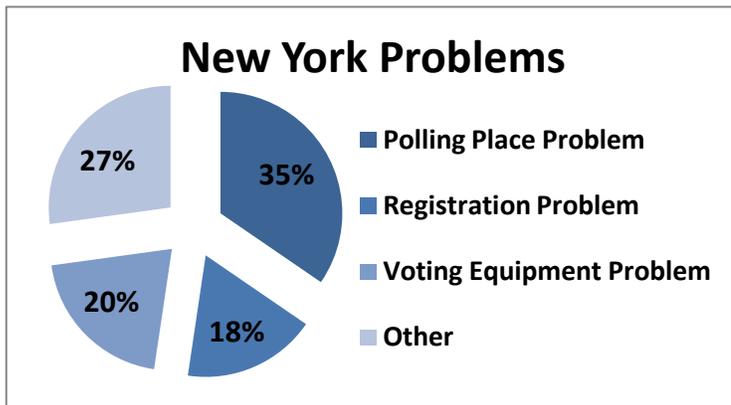
the polling place in attempt to encourage voters to voluntarily show photo identification. Election officials barred them from wearing the buttons into the polling place, an order that was upheld by the U.S. District Court. Election Protection, led by the Lawyers’ Committee filed an *amicus brief* in the case.

Despite the district court’s decision and Election Protection’s best efforts, callers reported a number of problems related to photo identification. The head judge at a polling place in St. Paul was requiring all African-American voters show photo identification and was not providing proper instructions to voters, even after being confronted by another judge. Election Protection contacted county election officials who immediately dispatched a team to the polling place to rectify the situation. A voter at another Ramsey County polling place was also asked to present ID. When she corrected the judge, explaining she knew her rights and did not need to show ID, she was told, “I think everyone should have to show an ID at the polls.” A voter in Scott County overheard an election judge state, “I’d really like to be able to request to see IDs,” to a group of people discussing “voter integrity.”

In addition to problems with photo identification, Election Protection also received reports of intimidating and misleading flyers. A voter in Maplewood reported seeing a flyer posted on the front door of the polling place stating that knowingly voting in the wrong precinct is a felony. In Duluth, a voter received a flyer with the wrong polling place information.

New York

The major story of the 2010 elections in New York centered on the state’s transition to new Help America Vote Act compliant voting machines. More than half of all the problems New Yorkers reported to Election Protection involved problems at the polling place or with voting machines. Problems were particularly acute in New York City where a lack of preparation, training,



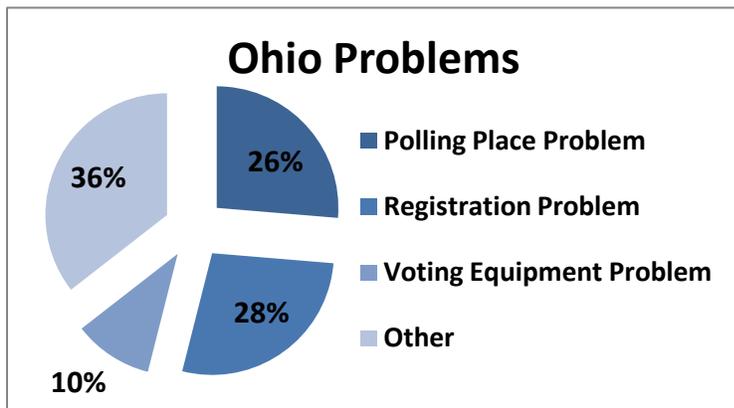
and resources led to large scale issues at the polling place during both the September 12 primary and November 2 general elections. Reports included polling places opening late, machine breakdowns, poll workers who were unable to operate machines, lack of privacy, long lines, and general confusion.

Polling places across the city opened late in September and November causing many voters to leave in frustration without casting a ballot. For instance, during the September primary a caller reported that a polling place on Norman Avenue in Brooklyn was still not open when he attempted to vote at 8:30am. Another caller arrived at the polling place 30 minutes after the polls had opened to discover that poll workers were being trained on the just arrived machines, forcing the caller and other voters to wait an additional 30 minutes while the training concluded. In Brooklyn, a caller was greeted at his polling place by locked doors and no poll workers. He was informed by campaign workers that the polling place was closed because the machines had yet to arrive.

On November 2, an Election Protection volunteer arrived at a polling place in Queens to find it in complete disarray. The poll workers did not know how to set up the machines properly, left the machine for voters with disabilities unplugged due to a lack of extension cords, had no handicap accessible signs, had yet to receive their canvassing bag, and were not able to provide translation services effectively because they lacked the proper instructions and had no signs indicating the location of the translation services table. Election Protection leadership contacted the Board of Elections and later that morning the polling place received the supplies necessary to be fully operational.

During both the primary and general elections, Election Protection deployed Mobile Legal Volunteer teams across the city to help poll workers and voters. Additionally, New York Election Protection leadership was in constant communication with representatives from the Board of Elections of the City of New York to ensure that issues were addressed quickly.

Ohio



Leading up to Election Day, confusion over the requirements of the National Voter Registration Act resulted in questions about the registration of some voters who registered through an NVRA-required agency. Election Protection partners learned that Employment and Family Services in Cuyahoga County did not transmit completed voter registration applications before the deadline. As a

result, 165 otherwise eligible voters, both new registrants and voters updating their address, were deemed ineligible to vote in this year’s election.

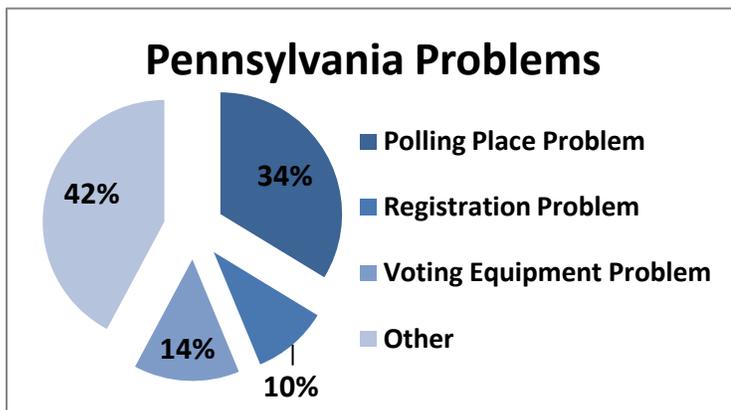
Many voters called into the hotline concerned that they were asked to cast a provisional ballot when they were certain they had registered by the deadline, or remained registered at the same address with which they had voted previously. A voter who had recently moved and updated his registration within Cuyahoga County was told his registration “had been cancelled.” Callers reported that they and many other voters were being given provisional ballots and expressed concern that their votes might not be counted. Long-time voters were also being asked to cast provisional votes, raising questions about poll worker training and preparedness.

In polling places in Dayton, Cleveland, and Toledo, volunteers reported that consolidation of polling places and precincts was causing confusion over where voters should go to cast their ballots. Polls lacked the signage needed to direct voters to the appropriate location and full parking lots discouraged voters from entering a polling location.

In Franklin County, one voter was forced to wait nearly an hour because the poll worker did not know how to handle a paper ballot request. The poll worker first gave the voter a provisional ballot before finally locating the regular ballots. Franklin County poll workers were also confused about identification requirements, leading them to tell one gentleman that he could not vote because the address on his drivers’ license was not up to date; the voter was finally allowed to vote after producing mail from the Voter Registration Bureau confirming his change of address. In Cuyahoga County, poll workers gave voters incorrect information about the materials allowed in the booth and, to handle the long lines that formed towards the end of the day, they kicked many voters out of the voting booth before they were able to complete their ballots.

Pennsylvania

Problems with absentee ballots threatened to disenfranchise Philadelphia voters on the eve of the election. A malfunctioning post office scanner mistakenly returned absentee ballots to voters instead of the Board of Elections. The Committee of Seventy, an Election Protection local partner, successfully convinced the Board of



Commissioners to issue a press release informing affected voters that they should immediately contact the Board and that their vote would be counted if they had initially followed proper procedures.

Election Protection received reports of inaccessible polling places across Philadelphia. Several polling places lacked ramps. In one location, poll workers were unable to operate the wheelchair lift. In another location, men were seen carrying a disabled voter down a flight of stairs to access a basement-level polling place.

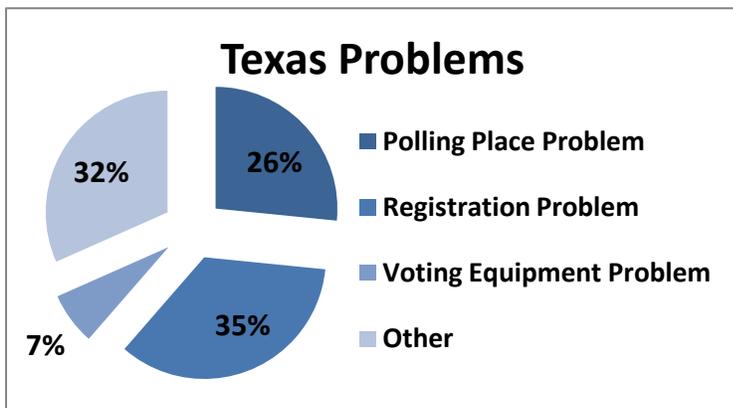
Many polling places in Philadelphia were not properly staffed or were unprepared for voters on Election Day. A poll worker at one location required that a minimum of one voter swear as to her identity while placing a hand on a Bible before she would be allowed to vote. Across the city, polling places opened late. The reasons for the late openings ranged from poll workers not being able to start machines, to locked doors, and late arriving poll workers. In one location, the judge of elections had not arrived on time and the poll workers who were present did not have the poll book required to sign in voters.

Improper electioneering was another common complaint heard from voters across the city. A child of one judge of elections passed out stickers for a Democratic candidate for Senate as voters were being checked in. In another location, campaign workers stood next to the voting booths and instructed voters to cast their ballots for Republicans. Other callers complained about partisan posters on a wall and partisan campaign literature being displayed at sign in desks.

Texas

On August 27, a three-alarm fire destroyed all 10,000 of Harris County’s “E-Slate” voting machines. The county was able to receive emergency funding to purchase 3,600 new machines and 1.4 million paper ballots, and borrowed machines from other jurisdictions. The Houston Election Protection Legal Committee worked with the County Clerk’s office in order to provide information to voters and coalition partners.

Reduced polling place resources were not the only problems that Harris County voters faced. During the final weeks of the election, a group called the King Street Patriots announced they were going to



launch an “election integrity” campaign to prevent in-person voter fraud. Election Protection’s concerns that these efforts could lead to intimidation came to fruition during early voting when the group’s poll watchers reportedly hovered over voters, confronted election workers, and blocked or disrupted lines of voters waiting to cast ballots. Election Protection deployed legal volunteers to

early voting sites in response to these reports. Ultimately, the U.S. Department of Justice opened an investigation and sent federal personnel to watch Election Day proceedings in Harris County. The Harris County Attorney’s office also opened an investigation and issued an advisory letter.

On Election Day voters across the state of Texas reported problems with their registrations, broken machines, long lines, and late opening and early closing polling places. Election Protection also received reports of deceptive flyers being distributed in African-American neighborhoods of Houston. The flyers, purported to have come from the “Black Democratic Trust of Texas,” falsely warned voters that voting straight ticket for the Democratic Party would not count and that a vote just for Bill White would count for the entire Democratic ticket.

Next Steps

Election Protection's work does not end when the polls close. In fact, the coalition's most important work often happens after Election Day. As it does after each election, the Lawyers' Committee and its Election Protection partners analyze the extensive data garnered by Election Protection to identify the deficiencies and problems that disrupted the ability of eligible voters' to cast ballots. From there, Election Protection works with Congress, the states, and county election officials to propose solutions to these problems.

Through Election Protection's existing national network, the coalition plans to meet with numerous state and local election officials in hopes of forming partnerships through which to work toward the institution of common sense solutions to common problems faced by voters in advance of the next major election. Because of the dramatic power shift that followed the 2010 general election in many states, Election Protection will also remain vigilant and guard against regressive legislation like proof of citizenship and photo ID laws.

Election Protection has unquestionably become an integral part of the election process and has continually improved and adapted to better meet the needs of an ever-changing electorate. The coalition's success carries with it the expectation of voters that the resource will be available should they need it the next time they head to the polls. For that reason, extensive planning for our Election Protection 2012 program is already under way. With the increase turnout, attention, and rancor of a presidential election, a comprehensive and fully resourced Election Protection program will be vital part of ensuring that communities of color, youth, seniors, and citizens with disabilities will be able to make their voices heard at the polling place.

For more information about Election Protection, please contact Eric Marshall, Manager of Legal Mobilization, at emarshall@lawyerscommittee.org or Marcia Johnson-Blanco, Co- Director of the Voting Rights Project, at mblanco@lawyerscommittee.org.