



# STRIVING TO PROTECT OUR VOTE IN 2016

## [A Snapshot of Election Protection 2016](#)

Millions of Americans turned out to vote for the 45th President of the United States. This report on the 2016 Election Protection program captures the end of this long and historic electoral journey.

December 1, 2016

# ABOUT ELECTION PROTECTION

Election Protection is the nation’s largest nonpartisan voter protection coalition, led by the Lawyers’ Committee for Civil Rights Under Law. Through its suite of hotlines, including the 866-OUR-VOTE hotline (866-687-8683) administered by the Lawyers’ Committee, 888-VEY-VOTA (888-839-8682) administered by NALEO Educational Fund, 888-API-VOTE (888-273-8683) administered by APIAVote and Asian Americans Advancing Justice-AAJC, and a dedicated team of trained legal and grassroots volunteers, Election Protection helps all American voters, including traditionally disenfranchised groups, gain access to the polls and overcome obstacles to voting. The coalition has more than 100 partners—including Advancement Project, Asian American Legal Defense and Educational Fund, Brennan Center for Justice, Common Cause, League of Women Voters of the United States, NAACP, National Bar Association, National Action Network, National Coalition on Black Civic Participation, State Voices, Rock the Vote, and Verified Voting Foundation—at the national, state, and local levels and provides voter protection services nationwide. For more information about Election Protection and the 866-OUR-VOTE hotline, please visit [www.866ourvote.org](http://www.866ourvote.org).

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# ELECTION 2016 OVERVIEW

This year, the Lawyers' Committee worked with coalition partners and voting rights allies to implement a comprehensive defense of voting rights that included hotlines, litigation, field programs, voter education, and valuable tools and resources. The Election Protection Coalition mobilized under unprecedented conditions.

Voters enter each presidential cycle with a range of expectations. They expect to have a voice in our democracy, as mandated by federal law. They expect the inevitable controversies as candidates vie for the Office of President. They brace themselves for hiccups along the way. And yet, American voters have a strong resolve to make their voices heard, as shown through the hundreds of thousands of calls to [Election Protection](#) over the years. Led and organized by the [Lawyers' Committee for Civil Rights Under Law](#) (Lawyers' Committee, Election Protection is the nation's largest nonpartisan voter protection coalition. The coalition works tirelessly year-round to advance and defend the right to vote.

The 2016 election cycle marked the first presidential election year in more than 50 years without the full protections of the Voting Rights Act of 1965 (VRA). In 2013, the U.S. Supreme Court's [decision](#) in *Shelby County v. Holder* (Shelby County) rendered Section 5 of the Act inoperable. Section 5 requires certain states and political subdivisions with histories of voting discrimination to seek federal approval for any voting changes before they could be implemented. Without an enforceable Section 5, approximately 24% of the non-



white voting age population is more vulnerable to discriminatory voting practices. The Department of Justice announced that, due to the Shelby County decision, they would not continue the formal federal observer program which has been critical in safeguarding the right to vote. Instead, they could only send attorney monitors to select polling places around the country. In addition, voters were bombarded with misinformation, threats of

voter intimidation, and rhetoric about rigged elections. All of this was happening in an atmosphere of empowering activism led by inspiring social justice movements that arose from the despair caused by police brutality and killings and exacerbated racial and political polarization.

In this environment, millions of Americans turned out to vote for the 45<sup>th</sup> President of the United States. This report on the 2016 Election Protection program captures the end of this long and historic electoral journey.

## TOP BARRIERS TO VOTE IN 2016

Based on our initial analysis, below are the top barriers voters faced in 2016:

- **Voter ID confusion.** In Texas, where the court issued an interim remedy in the ongoing litigation against the state's voter ID law, which allowed voters without the required ID to sign an affidavit and vote a regular ballot, officials failed to educate voters about the remedy. In Wisconsin, voters reported attempts by poll workers to improperly enforce the law. Meanwhile, voters in states such as California and New Jersey, which do not have a voter ID law, were asked to show ID before voting.
- **Voters Improperly Turned Away.** Voters in Georgia, Michigan, and North Carolina were improperly turned away from polling places without being offered the opportunity to vote provisional ballots. For example, Poll workers at the Adamsville Recreation Center polling location in Atlanta, Georgia gave incorrect information to out of precinct voters and told voters they could not vote provisionally at this location before 5 p.m.
- **Delays in Receiving Absentee Ballots.** A combination of a delay in processing absentee ballot requests and fewer mail processing facilities resulted in a significant number of voters not getting their absentee ballots in time to vote. In Florida, some voters were forced to send their ballots by overnight mail or fly back to the state to vote in order not to miss the opportunity to cast a ballot.
- **Faulty or Insufficient Voting Equipment.** Faulty voting equipment in states such as Arizona, Georgia, New Jersey, New York, North Carolina, and Virginia resulted in voters having to wait in hours-long lines
- **Poor Poll Worker Training.** Poor poll worker training resulted in excessive use of provisional ballots in states where voters should have been allowed to vote a regular ballot. Also, voters were given the wrong information about their voting location.
- **Lack of Proper Assistance.** Voters who required language assistance or had physical disabilities were not given the translation or accessibility assistance they needed to vote.
- **Voter Intimidation and Deceptive Practices.** Concern about voter intimidation resulted in more calls than in the past to Election Protection hotlines with reports of aggressive electioneering and police presence at polling places. Voters also received deceptive information about the voting process on social media, in their mailboxes, or at polling places.

# The Election Protection Program

Election Protection launched a multi-faceted voter protection effort in 2016 to successfully meet its objectives. The program continued to offer support to voters through a suite of hotlines: 866-OUR-VOTE (led by the Lawyers’ Committee,), 888-VE-Y-VOTA (led by [NALEO Educational Fund](#)) and 888-API-VOTE (led by [APIAVote](#) and [Asian Americans Advancing Justice—AAJC](#)) as well as on the ground support on Election Day in 28 states through legal volunteers (led by the Lawyers’ Committee) and grassroots poll monitors (led by [Common Cause](#)). Additionally, the program launched new tools and partnerships to expand its capacity to educate and protect voters.

## THE GOALS

In recognition of the high-stakes and unprecedented nature of this election year, and with the belief that an informed electorate gives way to increased participation, Election Protection’s 2016 program objectives were to:

1. **Ensure** eligible voters were able to cast ballots that count;
2. **Educate** voters with relevant information;
3. **Engage** voters and advocates via new and traditionally effective outreach; and
4. **Empower** voters to help [#ProtectOurVote](#).

## INNOVATIVE VOTER EDUCATION

The 2016 election cycle presented fresh opportunities to educate and engage voters through social media. Election Protection reached voters with a combination of contemporary techniques via Facebook and

Twitter as well as traditionally effective targeted media advertisements.

### Election Protection Chatbot on Facebook

In order to help voters find general information about the voting process, Election Protection created a “Chatbot” on Facebook. Users could choose from a menu of voting-related topics or type in a question. The resources provided through Chatbot were compiled from those created by Election Protection coalition members.

### #RestoretheVRA and #ProtectOurVote Twitter Storms

The [Leadership Conference for Civil and Human Rights Education Fund](#), an Election Protection partner, continued to lead the [#RestoretheVRA](#) social media campaign with Twitter Storms every Thursday at 1 p.m. ET. The hashtag is an urgent message to Congress to take the necessary steps to prevent voting discrimination by refortifying the VRA. Congress failed to act this year,

putting the onus on voters, particularly voters of marginalized communities, and voting rights advocates to be vigilant. The voting rights community worked tirelessly to challenge discriminatory voting changes under other sections of the VRA and federal laws.

The Election Protection coalition sustained digital media conversations about voting throughout the election cycle, with #ProtectOurVote twitter storms on Tuesdays at 3:00 PM ET during the weeks before Election Day as well as a virtual Voter Protection Twitter rally on November 4, 2016 with partner [Color of Change](#), using #ProtectOurVote to share tips for getting prepared to vote and to brief voters on how to identify, handle, and report any voter suppression activities. Additionally, Election Protection coalition members participated in a “Summer of Voting” digital campaign where each week a coalition member would create a digital campaign for a week focusing on voting rights. Both #RestoretheVRA and #ProtectOurVote trended on Twitter at times during the election cycle.

### **Election Day Twitter Engagement**

On Election Day, Election Protection partners used social media to conduct proactive and reactive outreach on Facebook and Twitter. The effort was led by the Lawyers’ Committee, Common Cause, and the Leadership Conference for Civil and Human Rights. This social media team distributed infographics that relayed essential information to voters, such as what time polling places close in each state, and also responded to people who posed voting-related questions.

The team also compiled a list of relevant search terms (e.g., "voter intimidation" and

"waiting in line") and then conducted keyword searches on these terms to find social media conversations dealing with these issues. After discovering those conversations, the team replied to users with details about the hotline, encouraging them to call us at 866-OUR-VOTE to speak with one of our volunteers about the problem. At one point during the day, "866-OUR-VOTE" was trending on Twitter in Washington, D.C.

Additionally, the team documented celebrities who had tweeted about voting earlier in the morning and then responded to them with the number for the hotline. Where possible, it also incorporated hotline trends into Election Day messages. For example, when the hotline received multiple calls about voter intimidation in Philadelphia, we tweeted at members of The Roots and were subsequently retweeted by both Questlove and Black Thought.

### **Other Digital Media Campaigns**

Additionally, the Lawyers’ Committee engaged [Big Bowl of Ideas](#) to lead a multi-faceted digital shares campaign to appeal to range of demographics and be used by Election Protection partners across the country. The digital shares took four different approaches: 1) silhouettes featuring different types of voters like students and women; 2) “I Will Not Be Denied,” a series of different photos of voters who are proud to vote and will not be denied the right; 3) original works of art where visual artists incorporated 866-OUR-VOTE into their work; and 4) “Election Protection Had My Back,” a series based on real stories where Election Protection helped voters. In response to raised concerns regarding voter intimidation at the

polls, Big Bowl of Ideas created an image walking voters through steps if they felt intimidated at the poll that was shared over 8,000 times and reached more than 600,000 people on Facebook.



### Public Education Campaign in Texas

After receiving reports of confusion over the voter ID law during Texas' early voting period, the Lawyers' Committee and the Texas Civil Rights Project launched a [public education campaign](#) on November 3, 2016 to explain the interim remedy imposed by the federal court as litigation against the Texas' voter ID law continues. The media campaign ran through Election Day and utilized the Texas Association of Broadcasters' Public Education Partnership program for nonprofit and government agencies. The campaign included 30-second digital video and 30-second radio advertisements in English and Spanish explaining the requirements for photo ID and courses of action if voter cannot reasonably obtain a photo ID. It also directed voters to more information, including the 866-OUR-VOTE and 888-VE Y-VOTA hotlines.

## NEW PARTNERSHIPS

Election Protection fights to protect the right to vote of all Americans. In 2016, we broadened our reach and impact by engaging with new partners who helped to bolster our voter protection efforts.

### Univision

In early 2016, [Univision Communications Inc.](#) (UCI) launched a comprehensive non-partisan voter engagement campaign, Vote For Your America, with the aim of increasing turnout for Hispanic, multicultural, and millennial voters in the national primaries and general election. As part of that effort, UCI partnered with Election Protection to build on its voter engagement efforts. Fusion Media Group (FMG), a division of UCI, also joined the effort. UCI and FMG promoted the Election Protection hotlines across their broadcast, digital, social, radio, and community empowerment platforms including the Univision Network, Galavisión, Univision Local Media, Univision Digital, FUSION, The Root, and Onion Inc.

### Council on American-Islamic Relations (CAIR)

For the 2016 general election, the Lawyers' Committee [partnered](#) with [CAIR](#), the nation's largest Muslim civil rights and advocacy organization. The partnership was designed to protect the voting rights of American Muslims and provide resources and education to voters within the community.

### ProPublica

[ProPublica](#) partnered with Election Protection to implement [ElectionLand](#), a system designed to track the 2016 voter experience in real-time. With the collected



data, a large team of nearly 700 journalists and journalism students were able to report voting problems across the country. The ProPublica team used authenticated social media posts, Google Trends data, SMS and WhatsApp messages, and reports from Election Protection to write the stories and send them local reporters.

### Arabic/English Language Voter Protection Hotline

For the first time, Arabic-speaking voters were provided real-time assistance through a voter protection hotline. The [Arab American Institute's \(AAI\) #YallaVote](#) hotline was live on Monday, November 7 from 12 p.m. to 5 p.m. ET and Election Day from 6 a.m. to 11 p.m. ET. Before Election Day, voters were able to leave a voicemail that AAI returned within 1-2 business days.



### Celebrity Engagement

The Lawyers' Committee partnered with actor and activist Hill Harper to be its national spokesperson for the 2016 election year. Harper gave speeches, participated in press conferences, published op-eds in national outlets, and engaged followers via social media to support voter protection efforts. Musician and artist John Legend featured the 866-OUR-VOTE number in a public service announcement for his [#FreeAmerica](#) campaign, which works on criminal justice and restoring voting rights for formerly incarcerated individuals

### Partnering with the Faith Community

The faith community has played an important role in the voting rights community. This year, Election Protection took steps to deepen the engagement of the faith community in protecting voting rights. The [Religious Action Center for Reform Judaism](#) sent members to Cincinnati, Ohio, Montgomery, Alabama, and Macon, Georgia to increase the capacity of poll monitors. The RAC also encouraged its membership to engage in local Election Protection efforts. Election Protection also provided trainings for [Sojourners'](#) Mathew 23 voter monitoring project and joined monthly calls organized by the National African American Clergy Network.

# EMERGENCY LITIGATION & LEGAL ACTION

In every major election cycle, Election Protection confronts significant barriers to in its efforts to ensure eligible voters are able to participate in our democracy. Based on the emergency litigation and legal action taken in the weeks before the general election, the major concerns at the end of the election cycle were as follows: a lack of access to voter registration; improper systemic voter purges; inadequate voter education; and poorly planned election administration.

## HURRICANE MATTHEW: SWIFT LEGAL RESPONSE EXTENDS VOTER REGISTRATION

In early October 2016, officials in states along Hurricane Matthew's path issued mandatory evacuation orders to their residents. Drawing upon actions taken to protect voting rights as a result of Hurricanes Katrina and [Superstorm Sandy](#) in 2005 and 2012 respectively, the Lawyers' Committee proactively released a statement urging officials in those states to relax registration deadlines and early voting rules to ensure all voters and potential voters would have a voice in the election. At the time, voter registration deadlines were looming in Florida, Georgia, North Carolina, and South Carolina. All four states, which had been fully or partially covered by Section 5 of the Voting Rights Act due to their histories of discrimination, have significant numbers of African American, Latino, and other minority voters.

### South Carolina, Florida, North Carolina

South Carolina extended voter registration deadlines without legal action. A federal court ordered Florida to extend its voter

registration deadline after an Election Protection partner, the [Brennan Center for Justice](#) and others, argued that federal law requires that voters have enough time to register to vote. In North Carolina, the Board of Elections initially refused requests to extend voter registration deadline in counties affected by the hurricane. However, [after a lawsuit](#), the Wake County Superior Court ordered a 5-day voter registration deadline extension in 36 counties.

### Georgia

Similarly, despite requests to extend the deadline, Georgia officials, including Governor Nathan Deal and Secretary of State Brian Kemp, refused to do so. Just before midnight on October 12, the Lawyers' Committee and the law firm of [Bryan Cave LLP](#) filed suit in the U.S. District Court for the Southern District of Georgia, seeking emergency relief extending the time for voter registration in Chatham County, Georgia, where government offices had been closed for the final six days of the voter registration period. The Lawyers' Committee and co-counsel brought the suit on behalf of [voting rights advocates](#) and clients, including the [Georgia State Conference of the NAACP](#) (Georgia NAACP),

the [Georgia Coalition for the Peoples' Agenda](#) (GCPA), and the [New Georgia Project](#). Chatham County, which includes the city of Savannah, has over 200,000 citizens of voting age, and more than 40% are African American or Latino. Almost half of its residents lost power, and it was one of six Georgia counties subject to a mandatory evacuation order. The complaint alleged that Georgia's failure to extend the voting deadline was unconstitutional and violated the right to vote and sections of the National Voter Registration Act. About 24 hours after being served with the lawsuit, state officials [extended](#) the registration deadline to October 18 from the original deadline of October 11. As a result of this rapid victory for Chatham County voters, more than 1,418 residents were able to register to vote, including approximately 41% African American, 4.5% Latino, and 38.6% white residents.



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BREAKING: Voter reg deadline extended in 36 NC counties & Chatham Co. GA due 2 #HurricaneMatthew  
[ky3.com/content/news/G...](http://ky3.com/content/news/G...) #ProtectOurVote  
7:49 PM - 14 Oct 2016

73 69

## RETURNING BALLOT ACCESS TO NEW YORK CITY'S PURGED VOTERS

Election Protection's 866-OUR-VOTE received [over 900 calls](#) from New Yorkers during the state's April 19 presidential primary. Voters arrived at polling sites that failed to open on time, encountered malfunctioning equipment, and reported unclear information about eligibility to participate in their party primary. In particular, many New Yorkers reported showing up to vote at their polling places and finding out that they were not on the voter rolls. Throughout April and May, local

and national media reports exposed the New York City Board of Election's (NYCBOE) improper purge of more than 126,000 voters from the voter rolls before the presidential primary, in violation of the NVRA. Under federal law, voters who relocate within the same jurisdiction and have not returned a card sent by the registrar, may be required to provide an affirmation or confirmation before being allowed to vote. As applied to New York City voters, the NVRA mandates that voters can only be removed from the rolls only if they fail to respond to notice sent by the registrar and then fail to vote in the two subsequent federal elections. The NYCBOE expunged voters, ignoring the two election cycles requirement.

The Lawyers' Committee, [LatinoJustice PRLDEF](#), and the law firm of [Dechert LLP filed suit](#) in the U.S. District Court for the Eastern District of New York on November 3 seeking emergency relief restoring the voting rights to NYC voters improperly removed from the rolls. Plaintiffs included individual voters and Election Protection partner [Common Cause](#) New York. During the hearing on November 5, parties to the case negotiated through the evening to reach some [relief](#) for improperly purged NYC voters. According to the [handwritten order](#), any voter who believes that they are registered to vote in NYC, but does not appear on the rolls, can vote this Election Day by affidavit ballot. The NYCBOE agreed to alert voters who might have been improperly purged of this right, issue instructions to poll workers on the new requirements, notify voters about the new rules, and provide additional guidance to poll workers before Election Day. On November 15, the NYCBOE, meeting in executive session, agreed to

count the provisional ballots for any voter who falls in the same category as the individual plaintiffs in the suit for all offices cast on the ballot. The lawsuit will continue to ensure that all procedures are followed before a voter is purged from the rolls and exemplifies the Lawyers' Committee's continued commitment to fight against the practice of purging legitimately registered voters from the rolls.

## PREVENTING TECHNOLOGICAL FAILURE FROM DISENFRANCHISING VOTERS IN VIRGINIA

On the days before and on Virginia's October 17 voter registration deadline, individuals who wanted to take advantage of the state's online voter registration platform discovered that the system had crashed. On October 18, the Lawyers' Committee, the [Virginia Civic Engagement Table](#), and the [New Virginia Majority](#) issued a [letter](#) urging state officials to take immediate action by extending the voter registration deadline to accommodate voters who were unable to register to vote because of this technological failure. The groups asked the state to extend the registration deadline through October 21 and immediately publicize the extension. The Lawyers' Committee filed suit that same evening after the Virginia Department of Elections refused to agree to the extension. On Thursday, October 20, a federal district court ordered state election officials in Virginia to extend the state's voter registration deadline until midnight on October 21. Virginia residents were able to submit voter registration forms online, in-person, or by mail if postmarked no later than October 21. As a result of the extension secured by the Lawyers'

Committee, approximately 28,000 Virginians registered to vote in 36 hours.



Lawyers' Committee  
@LawyersComm

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RT @KristenClarkeJD: BREAKING: We won in Virginia! Voter registration deadline now extended thru 10/21 12AM for people across the state  
11:53 AM - 20 Oct 2016

17 20

## SECURING ELECTION ADMINISTRATION PLANS IN MARICOPA COUNTY, ARIZONA

For Arizona's March 22, 2016 presidential preference primary, Maricopa County decided to reduce the number of polling places to just 60, down from 403 in 2008 and to 211 in 2012. The county, containing more than 60% of Arizona's total population and approximately 60% of the state's minority population, operated one polling place for approximately every 21,000 eligible voters, compared to an average of one polling place for approximately every 1,500 eligible voters in the rest of the state. Voters throughout Maricopa County [reported](#) long wait times to vote, ranging from over one hour to over five hours. Voters called 866-OUR-VOTE to report long, barely moving lines in uncomfortable heat, as well as poll workers who failed to offer provisional ballots to voters.

On June 2, 2016, the Lawyers Committee, [Manatt, Phelps & Phillips, LLP](#), and [Osborn Maledon, P.A.](#) filed suit on behalf of Maricopa County voters who were either unable to vote or had to wait in line for many hours to vote in the presidential preference election. As part of the relief, the lawsuit argued that the Arizona Secretary of State and Maricopa County

officials should be required to produce court-approved election administration plans before the November 8, 2016 general election to avoid a repeat of the disastrous voter experience on March 22. In July, a Maricopa County Superior Court judge concluded that the calamitous result of the county's decision violated Arizonans' state constitutional right to free and equal elections. And on October 19, in response to the lawsuit, Maricopa County election officials [agreed](#) to develop a comprehensive wait time reduction plan for the 2016 general election and for every primary and general election through 2020.



## ENSURING THE OPPORTUNITY TO VOTE FOR REJECTED GEORGIA VOTERS

For years, the State of Georgia has maintained an [error-prone process](#) for verifying voter registration that annually disenfranchised thousands of applicants. The process requires that all letters and numbers of an applicant's name, date of birth, and driver's license number or last four digits of Social Security number exactly match the applicant's same letters and numbers in the state's Department of Drivers Service or Social Security Administration databases. If a single letter, number, hyphen, space, or apostrophe does

not exactly match the database information, and the applicant fails to correct the mismatch in 40 days, the state's system automatically rejects the application. This process gives no consideration to human error, such as a matching failure due to a clerical error at the time of data input.

On September 14, 2016, the Lawyers' Committee, [Project Vote](#), [Campaign Legal Center](#), the Georgetown University School of Law's [Voting Rights Institute](#), [Hughes Hubbard and Reed LLP-NYC](#), and [Caplan Cobb LLP](#) of Atlanta [filed suit](#) in the U.S. District Court for the Northern District of Georgia on behalf of the GA NAACP, GCPA, and AAJC-Atlanta to challenge the exact-match voter registration verification process as unconstitutional and in violation of the VRA. In addition, the erroneous process was found to cancel applications submitted by African American, Latino, and Asian American applicants at rates significantly higher than White applicants. For example, of the approximately 34,874 voter registration applicants whose applications were cancelled between July 2013 and July 15, 2016, approximately 76% identified as Black, Latino, or Asian-American.

As a result of the lawsuit, Georgia's secretary of state office filed a letter in federal court on October 5, 2016 announcing the suspension of the exact-match process and give recently-canceled registrants the opportunity to vote. Attorneys for the plaintiffs worked with the secretary of state's office through November 8 to ensure the affected applicants learned the changes catalyzed by the lawsuit and understood how to exercise their right to vote.

## Election Protection Partners and Allies Deliver Swift Justice

Election Protection partners and allies secured the following victories on behalf of voters ahead of Election Day 2016:

### Texas

On October 28, 2016, the 37<sup>th</sup> Civil District Court granted a [temporary restraining order](#) (TRO) against Bexar County, Texas’s concerning how to enforce Texas’ Photo ID Law, the enforcement of which had been modified by an interim remedial order. Bexar County, which is home to over one million registered voters, was failing to provide accurate notice regarding how voters who did not possess the Photo ID and could not reasonably obtain it in at least 25% of the county’s early voting polling places. The TRO mandated that Bexar County remove all illegal voter ID signs, and correct its website and hotline with the updated voter ID rules. On Election Day, Bexar County was ordered to ensure that all 700 of its polling places posted accurate signs about voter ID. The [Mexican American Legal Defense and Educational Fund](#) (MALDEF) brought this case on behalf of the [Southwest Voter Registration Education Project](#). MALDEF sent [letters](#) to officials in Texas’s Harris County and Dewitt County on November 3 demanding that the counties immediately stop disseminating false information about the state’s voter ID rules at polling places.

### Ohio

On October 19, a federal court ordered Ohio’s secretary of state to allow thousands of voters dropped from the state’s voter rolls over the last

several years under an illegal voter purge program to vote in the 2016 general election. In this lawsuit, Election Protection partners [Dēmos](#) and the [ACLU](#) of Ohio represented the Ohio [A. Philip Randolph Institute](#), the [Northeast Ohio Coalition for the Homeless](#), and an Ohio voter.

## OTHER LEGAL DEVELOPMENTS

The following major legal developments significantly impacted voters across the country in 2016:

### Texas Photo ID Law

On July 20, 2016, the U.S. Court of Appeals for the Fifth Circuit *en banc* ruled that the Texas photo ID law had a discriminatory effect under Section 2 of the VRA. The Fifth Circuit ordered the district court to create an interim remedy for the November election. On August 10, 2016, the district court approved a negotiated [interim remedy agreement](#) that allowed voters without one of the required photo ID and who were unable to reasonably obtain it to sign a declaration stating they have a “reasonable impediment” to getting one, show an alternative form of ID, and vote a regular ballot. Alternative forms of ID included a voter registration certificate, driver’s license or personal ID card from any state (expired no more than four years), utility bill, government check, paycheck, or any other government document displaying the voter’s name and address. Texas also agreed to spend \$2.5 million on voter education efforts to let residents know about the new changes. These new rules were in place for the November 8 election only. The district court has set a schedule to decide the remaining issue of discriminatory intent, while Texas is petitioning the Supreme Court for review of

the 5<sup>th</sup> Circuit’s finding of discriminatory effect.

### **North Carolina Monster Law**

On July 29, the 4th Circuit Court of Appeals court ruled that what is often referred to as North Carolina’s “monster law”, was enacted with “racially discriminatory intent.” The court found that omnibus legislation that included a restrictive voter ID law, reduced early voting opportunities, eliminated same day registration, eliminated out of precinct voting, eliminated pre-registration, and targeted African American voters with “surgical precision.” North Carolina then requested that the Supreme Court allow the provisions to go back into effect during the November elections. The Supreme Court denied the request.

### **Wisconsin Photo ID Law**

On July 19, a federal trial court ruled that voters without Wisconsin’s restrictive voter ID law could vote by affidavit. The 7<sup>th</sup> Circuit Court of Appeals granted a request by the state to stay the court’s ruling. The appeals court relied on the state’s assurance that “temporary credentials . . . will be available to all qualified persons who seek them.” Wisconsin stated it would make it easy for voters without the required ID to get a temporary ID from the Department of Motor Vehicles for the November elections. Election Protection

partner ACLU subsequently filed a claim arguing that the DMV’s onerous procedures make it difficult for voters to get the needed ID to vote. The Court denied the relief.

### **North Dakota Photo ID Law**

On August 1, in a case filed by the [Native American Rights Fund](#) challenging the state’s Voter ID law, the federal court granted an injunction against the use of the law in the November Election. The court took note of expert’s findings that 23.5% of eligible Native Americans do not currently possess a qualifying voter ID and determined that it is “critical that the state of North Dakota provide Native Americans an equal and meaningful opportunity to vote in the 2016 election.”

### **Kansas Documentary Proof of Citizenship**

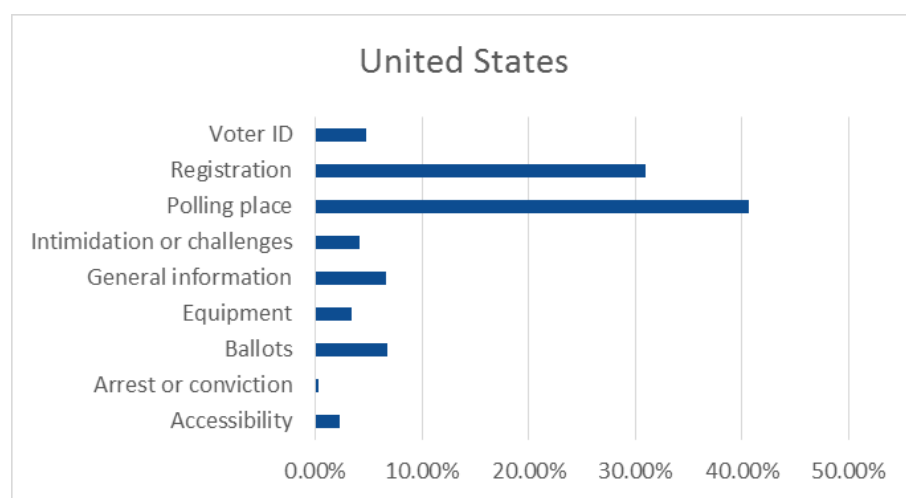
On October 9, the Tenth Circuit court of appeals affirmed a preliminary injunction in the ACLU’s case challenging Kansas’s documentary proof-of-citizenship requirement for those who sought to register to vote when obtaining or renewing their driver’s license. The requirement had blocked approximately 18,000 people from registering to vote. The Court noted that it could not ignore the irreparable harm of this denial of the right to vote on such a large scale.

# GENERAL ELECTION STATE SNAPSHOTS

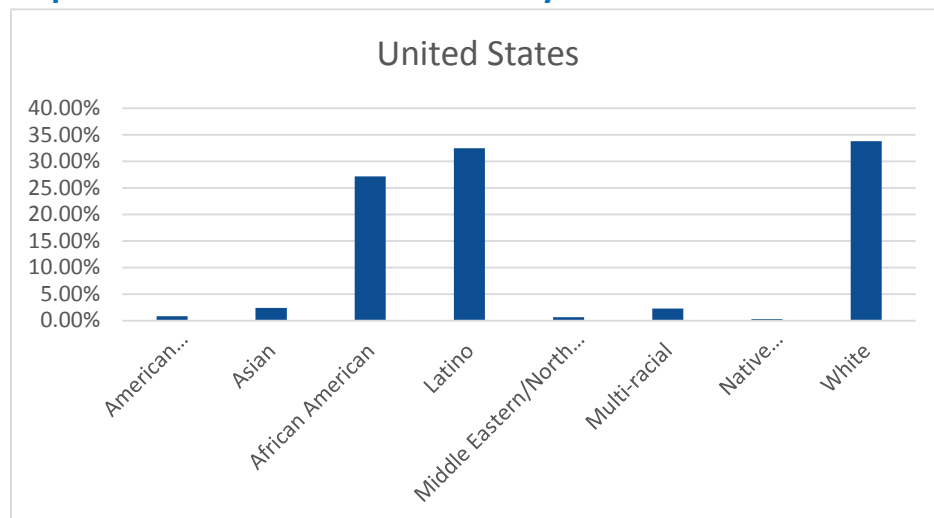
This section gives a snapshot of the problems voters encountered across the country on Election Day. The listed incidents depict some of the events that compel callers to contact Election Protection, and present the perceptions and experiences of 866-OUR-VOTE callers and reports from the Election Protection field program.<sup>1</sup>

## UNITED STATES

### Reported Problems and Questions to Election Protection



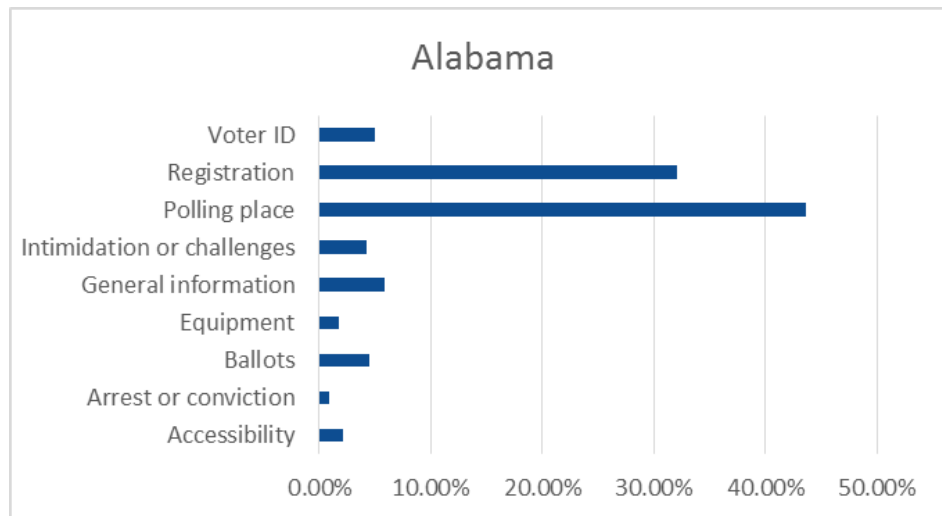
### Reported Racial and Ethnic Identity to Election Protection



<sup>1</sup> The charts in this section represent 100% of the issues and questions reported to Election Protection and recorded in Our Vote Live (reporting system) on Election Day, which is more than the number of reports logged into the system because a report may have more than one issue (i.e. polling place and registration).



## ALABAMA



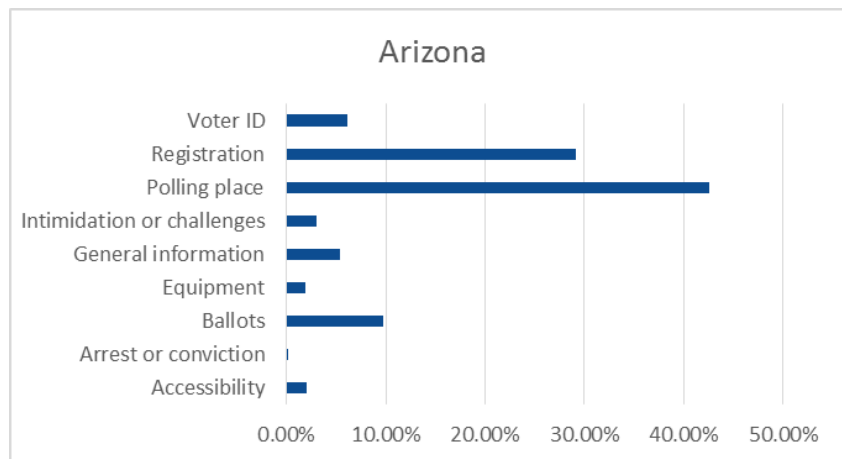
### Lee County: Poll worker misconduct

Poll workers at the Smiths Station High School polling place gave voters ballots and then sent them outside to stand in another line. Voters were called alphabetically back into the polling place to vote and only 2 voting machines were working. There was a three hour wait time to vote. Election Protection contacted the Alabama Board of Elections, who was aware of the situation, and sent someone to correct the problem.

### Tuscaloosa County: Deceptive Information

Voters received a letter in the mail stating that Tuscaloosa Republicans will vote for president on Tuesday, and Tuscaloosa Democrats will vote on Wednesday. The letter was also posted at some polling locations on Election Day.

## ARIZONA



### Maricopa and Pima Counties: Voter Intimidation and Late Openings

- Arizona is an open-carry weapon state. Voters in Maricopa and Pima Counties reported visibly armed individuals standing near the exits or entrances of polling places attempting to interact with voters either by gestures or verbally.
- Polling places throughout the two counties opened late, leading to long lines.

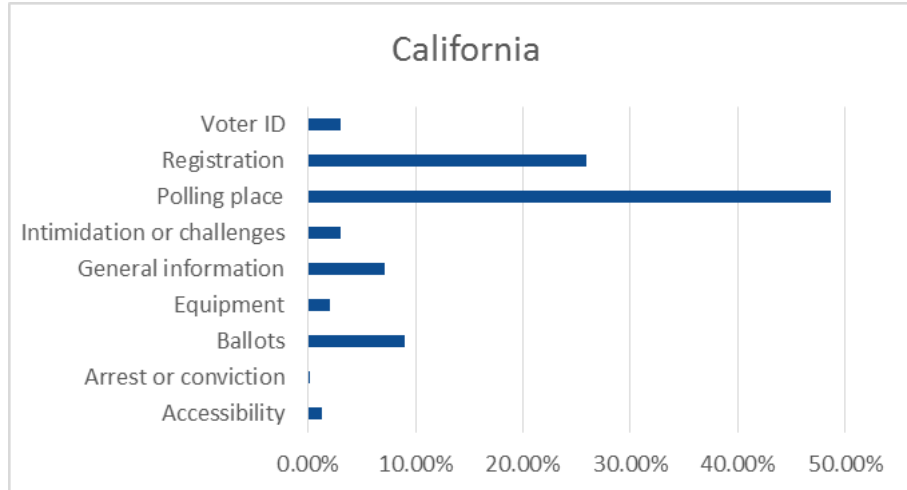
### Maricopa County: Equipment Failures

Voters had to use provisional ballots at one polling place when technology crashed and there were significant problems getting systems up and running again.

### Park County: Poll worker misinformation

Students at Arizona State University's Tempe Campus reported that poll workers told them they could vote at any polling place and did not need to vote at their assigned polling place.

## CALIFORNIA



### Multiple Counties: Voter ID Inquiries

- We received several calls throughout the state about poll workers asking for ID when the voters were not required to show it.

### Los Angeles County: Equipment Malfunction and Poll Worker Misconduct

- Voting equipment was not functioning, and people were given provisional ballots at a polling place in Van Nuys. A number of people left without voting.
- A poll worker wrongly translated voting information to a Spanish-speaking voter and gave the voter a suggestion on how to vote.

- Poll workers passed out papers to voters speaking a Chinese dialect that told them which candidate to choose.

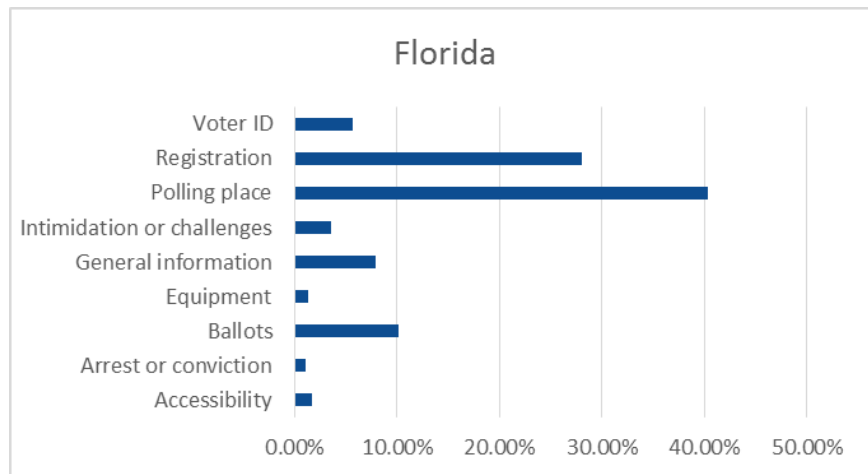
### Los Angeles County: Polling place relocation due to shooting

- Due to an unrelated shooting in Azusa, CA, a few polling locations had to be moved in the middle of the day. The County quickly offered other polling place options to voters and our volunteers helped get those to voters calling the hotline.

### Orange County: Poll Worker Misconduct

- Poll workers placed completed regular ballots in provisional ballot envelopes at a polling place in Fullerton.

## FLORIDA



### Miami-Dade County: Poll worker confusion

Poll workers in my Miami-Dade County failed to abide by the rule allowing voters to change their address on site and vote regulator ballots. Instead, voters were erroneously turned away, sent to their former precinct, or forced to vote provisional ballots.

### Miami-Dade County and Palm Beach County: Gated Communities

Miami-Dade and Palm Beach Counties inappropriately placed polling places within gated communities, which inhibited voter access to the site.

### Duval County and Orange County: Moving Polling Places

More than 4,000 voters in Duval County received incorrect information from the Supervisor of Elections Office about the location of their polling place, leading to voter confusion and lost opportunities to vote.

### Broward County: Mail-In-ballot Delay:

Voters throughout the state, and particularly in Broward County, did not receive their mail-in-ballots in time, which

### Snapshot: Absentee Ballots

Election Protection received hundreds of calls from voters who were concerned that they did not receive their absentee ballots in a timely fashion. While in some cases this occurred because elections offices did not send the ballots out right away, in many instances this occurred—or was exacerbated by—delays in postal delivery. Voting by mail, or by absentee ballot, has been negatively impacted by recent changes made by the United States Postal Service (USPS). As the Bipartisan Policy Center points out, the USPS has reduced the number of mail processing plants, which has led to slower delivery times. It appears, this caused a significant lag in the process of requesting, receiving and returning absentee ballots. This process entails: 1) the voter mailing an absentee ballot application; 2) the election official processing that request and sending the ballot to the voter; and 3) the voter sending back the completed ballot to the election official before the deadline for receipt of the ballot.

Any delay in the process can and did result in voters being unable to cast a vote. The delay in processing absentee ballot applications when combined with slow mail delivery will continue to have a negative impact on the ability of voters to cast a ballot in years to come unless something is done to address these delays.

forced out-of-town voters to “overnight” ballots, fly back to Florida, or miss the chance to vote.

**Orange County: Provisional Ballots:**

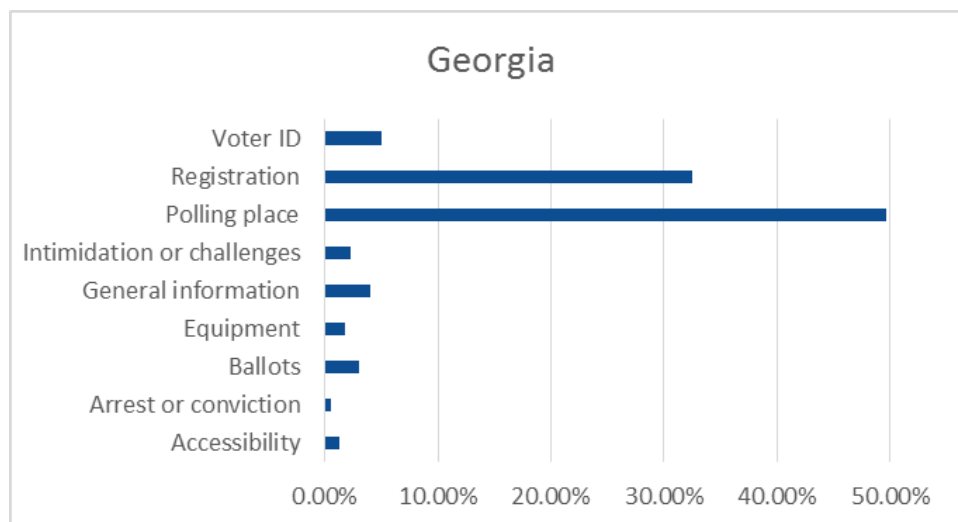
The Orange County Supervisor of Elections erroneously believed that provisional ballots should not be provided to a voter if poll workers thought they could independently verify that the voter was not

eligible. This misinformation prevented voters from casting a provisional ballot.

**Miami-Dade County and Seminole County: Inadequate Language Assistance**

Voters in both counties reported a lack of Spanish-proficient poll workers and Spanish-language materials.

**GEORGIA**



**DeKalb County: Voter ID and Long Lines**

- It was reported that poll workers turned away voters at the Rock Chapel Elementary School polling place, claiming that they lacked proper voter ID.
- Hundreds of people stood in line at a precinct with less than half of the voting booths in use. Only two poll workers were working.
- An electrical fire broke out at the All Saints Catholic Church polling site in Dunwoody, Georgia, which resulted in a

temporary evacuation and suspension of voting at this location. The DeKalb County registrar’s office subsequently agreed to extend the poll closing time by 20 minutes because of this incident.

**Gwinnett County: Equipment malfunction and Long Lines**

- Voters at a polling location in Norcross, Georgia were forced to wait in line for almost two hours because one of the two voting card machines was not working.

### **Fulton County: Long Lines; Inaccurate Provisional Ballot Information Issued by Poll Workers**

- Long lines began to develop soon after the polls opened at the Tracey Wyatt Rec Center polling location in College Park, Georgia due to an insufficient number of voting machines and express poll books at this location. Although the county registrar's office sent additional voting machines to this location about an hour and a half after the polls opened and delivered additional express poll books later in the day, long lines persisted throughout the day, resulting in wait times of up to an hour and half for many voters.
- Poll workers at the Adamsville Recreation Center polling location in Atlanta, Georgia gave incorrect information to out of precinct voters, telling them that they could not vote provisionally at this location before 5 p.m.

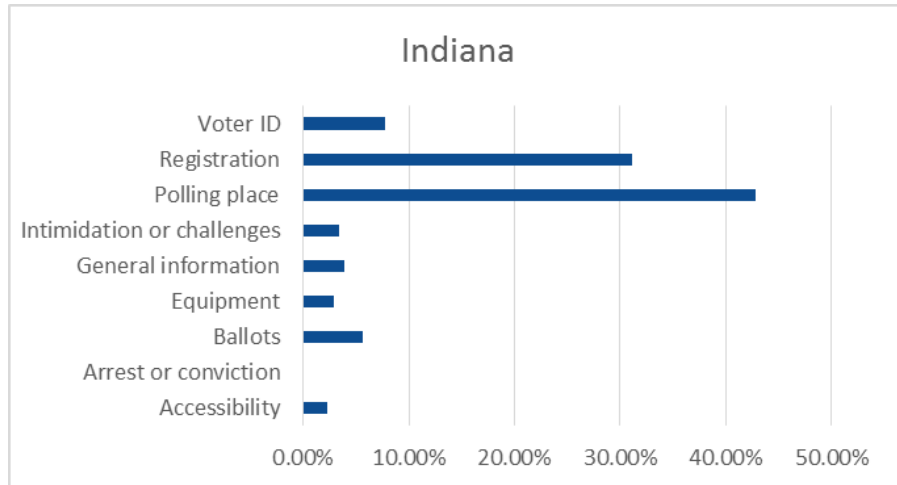
### **Chatham County: Accessibility**

- During one day in the early voting period, both elevators at the Savannah Civic Center polling location broke down, making the polling location inaccessible to voters who were disabled, elderly and or had children in strollers with them. Voters reported the absence of polling officials in the lobby to provide assistance or reasonable alternatives for voters who could not climb the stairs to the second floor polling site.

### **Macon-Bibb County: Equipment Malfunction, Polling Place Changes, and Intimidation**

- Due to a voting machine malfunction that occurred after a voter inserted his voter card into the machine, the voter was forced to wait for many hours until the county registrar's office was able to cancel the voter card so that the voter could finally cast his ballot on a properly operating machine.
- Some voters in the Godfrey 2 precinct complained that they received no notice from the County Board of Elections that their polling place had been moved for a second time this year. The Board of Elections also failed to post appropriate signage at the former polling site to direct voters to the new location until well after the polls opened. Election Protection and grassroots volunteers helped to direct voters to the correct polling location.
- Party affiliated poll watchers made false reports to law enforcement at several polling locations, complaining that Election Protection volunteers were intimidating and rendering improper assistance to voters. One partisan poll watcher referred to an African American Election Protection volunteer who was assisting an elderly voter at the polls as "Farrakhan." After sheriff's deputies arrived at several polling sites to investigate, Election Protection staff and volunteers explained the nature of their work and were permitted by the Sheriff's office to continue to render assistance to voters.

# INDIANA



## Delaware County: Voter Intimidation

A person stopped voters on their way to enter the polling place and demanded that they vote for a certain candidate.

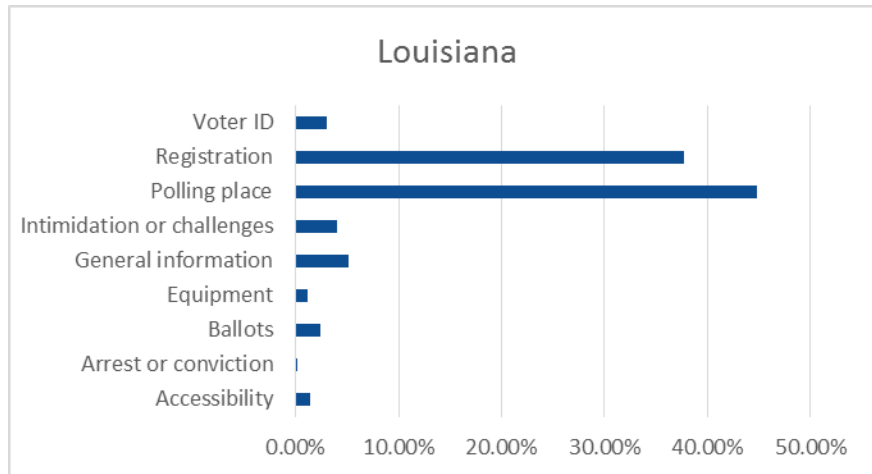
## Marion County: Poll Worker Misconduct and Long Wait Time

- Multiple polling places in Indianapolis halted the voting process to count absentee ballots. At the Spring Mill Elementary School polling place a voter reported that poll workers announced that they were going to close the doors to count absentee ballots. The voter

who called 866-OUR-VOTE reported that the announcement came 15 minutes after the voting site opened and there were about 600 people in line.

- A voter at a different polling place reported that poll workers stopped people from voting to count absentee ballots. The voter expressed that people were angry because they had been waiting in line for over an hour before this happened.
- People waited two hours to vote at precinct 35.

## LOUISIANA



### VOTER SNAPSHOTS

#### Jerlene C.'s Story

When Jerlene got to her polling place in Kenner, a poll worker told her that the poll book page with her name was missing. The poll worker gave her a paper ballot, but Jerlene noticed that the ballot included federal races but not local races. Jerlene voted but called 866-OUR-VOTE when she got home to report her experience. An Election Protection volunteer initiated a three-way call with an election official at the Jefferson Parish Clerk of Court's elections department to ask how Jerlene could vote in local races and ensure that her federal vote counted. The official told Jerlene that the poll worker should have called the registrar of voters to verify her registration and then coordinated with the precinct to allow her to vote a regular ballot. The official encouraged Jerlene to return to the polling place and call directly if the poll workers failed to follow correct procedure. While Jerlene went back to the polling place, the election official called and instructed that the polling place should do a

precinct registrar correction to address the missing page; instruct any affected voters to complete an affidavit; and provide them with a regular ballot, not a provisional ballot. The official further advised that voters like Jerlene should be given a supplemental ballot to correct any error. Election Protection caught up with Jerlene and she shared, **“When I returned to my precinct, [Election Protection] had already spoken with the Clerk of Court, and the issue was resolved. I was able to vote on the machine for all races! Thank you Election Protection for helping my vote to count!”**

#### Steve's Story

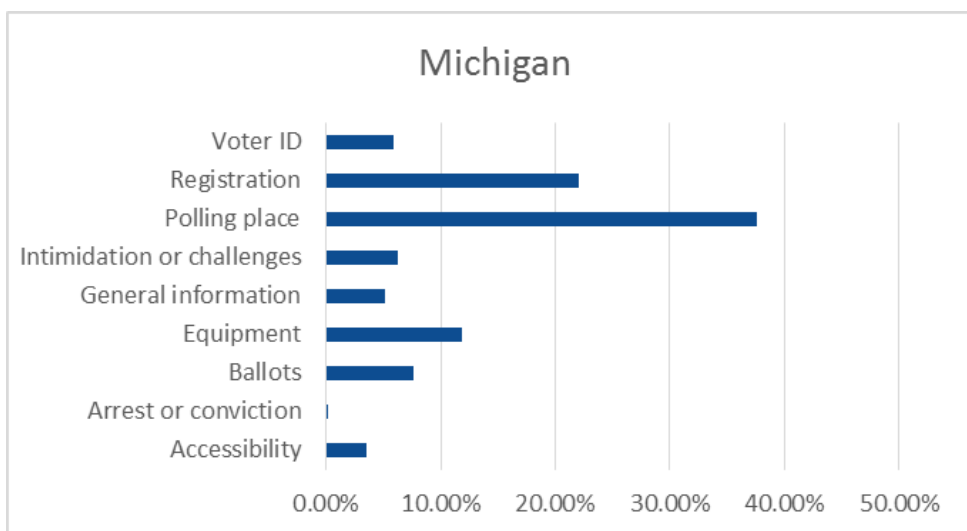
As an Election Protection volunteer, Steve was assigned to visit several polling places in the West Bank area of Jefferson Parish. His strategy was to make a quick stop at each voting site to put up Election Protection signs in the appropriate areas and assess the need for Election Protection follow-up. When he arrived at the polling place in Harvey, a voter let him know that



Jefferson Parish did a last-minute precinct consolidation that resulted in long lines for the voters from the other precinct. The voter also reported inadequate signage and confusion. Steve parked nearby to take a closer look at what was happening. Almost immediately after getting out of his car, a poll worker approached him and accused him of electioneering, and further admitted to taking down all of Steve's Election Protection 866-OUR-VOTE signs. Steve promptly and politely left the polling place and called the Election Protection field program command center in New Orleans to report the incident. Election Protection called the Jefferson Parish clerk of court's office to explain the voter protection program. The office replied that it

considered Election Protection's efforts electioneering and refused to cooperate or advise the polling place to compromise. Despite these discouraging events, Steve continued to visit other Jefferson Parish voting sites and carry out his volunteer duties. He is ready to focus on the upcoming municipal elections and do everything in his power to fight for the right to vote. **"I believe that our country at its worst is still one of the best. We're fighting over things of stupendous importance...[and] it's all about getting folks out to vote. I don't ever miss a vote, and I'll be voting in the small local elections next year where my vote matters so much."**

## MICHIGAN



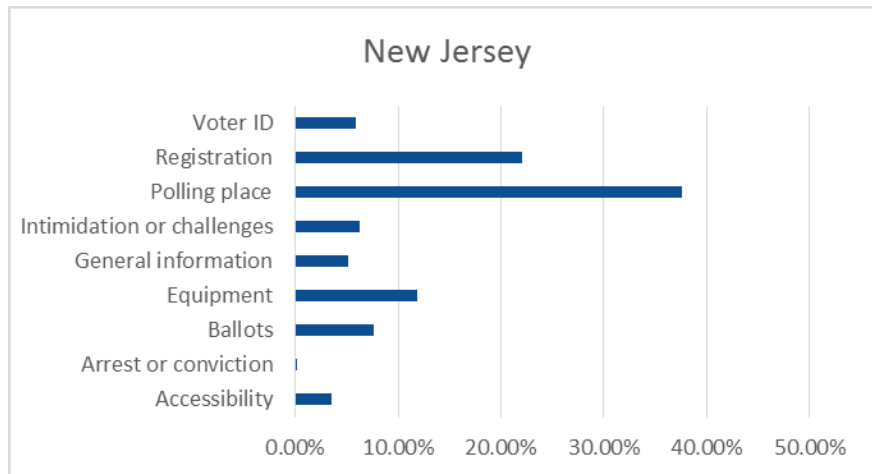
### **Oakland County: Poll Worker Misconduct**

Poll workers turned away voters at the Karl Richter High School and told them that the polls weren't open until noon.

### **Wayne County: Polling Place Problem, Equipment Malfunction, and Poll Worker Misconduct**

- There was a power outage at a consolidated precinct in Canton.
- A voting machine at a polling place in Detroit tallied 125 ballots but the total number was 297. Reportedly, the voting machine broke down and left many ballots uncounted.
- Precinct workers were caught removing ballots from a ballot box full of already cast ballots.

## NEW JERSEY



### Middlesex County: Voter ID/Poll Worker Misconduct

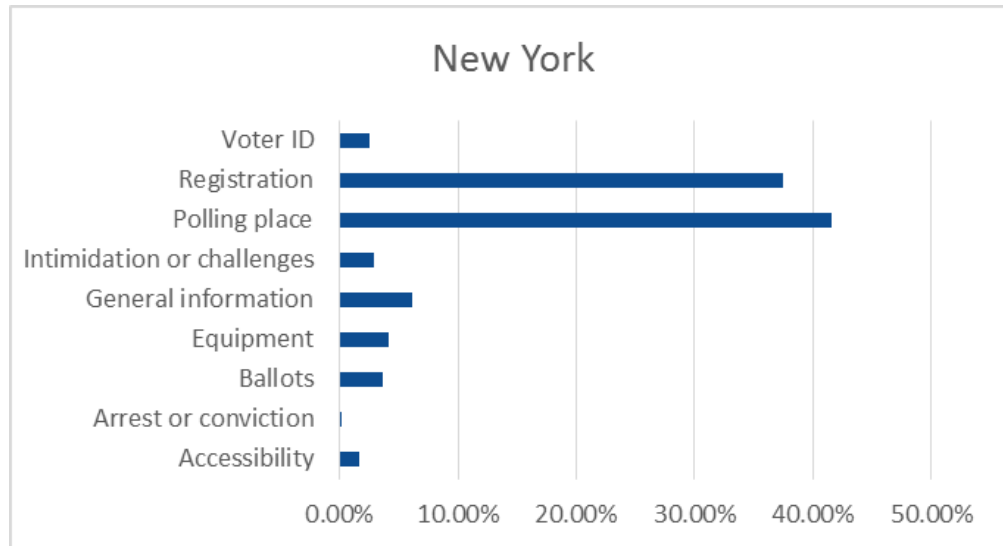
- New Jersey has no requirement to show ID to vote, yet poll workers turned away voters who did not show ID and there were signs at the polling place instructing voters to show ID.

- Poll workers requested ID to vote at the Campbell School voting site.

### Union County: Equipment Malfunction/Long Lines

There was only one working voting machine for the entire district, and voters waited in line for at least two hours.

## NEW YORK



### Multi-County: Poll Worker Misconduct

- **Bronx County:** Poll workers told people with limited English language abilities to vote for a certain candidate or just fill in the top of the ballot.
- **Kings County:** A poll worker told a voter to vote down one row on the ballot when the voter asked for help with understanding the ballot.

reported that poll workers told people to vote down one row of the ballot in order for the scanner to work.

- **Queens County:** Hundreds of people were in line to vote at one polling place with no working ballot scanners. At another polling place, no voting machines were working.
- **Suffolk County:** Hundreds of people waited at least two hours to vote. Crowds of people left without voting.

### Multi-County: Long lines/Equipment Malfunction (ballot scanners)

- **Kings County:** Ballot scanners that count completed ballots were down at a polling place for more than three hours.
- **New York County:** At one polling place there was one ballot scanner for ten districts because the other two were broken. The broken machines were not repaired in the three hours that the voter waited to vote. The PS-52 polling place had significant problems. Only one ballot scanner was working. Multiple voters reported hundreds of people in line and three hour wait times. Poll workers were overwhelmed and crowds of voters left without voting. One voter

### New York County: Poll Worker Misconduct

Poll workers told voters that the check-in books were not available and gave voters affidavit ballots with the instruction to return later to vote regular ballots.

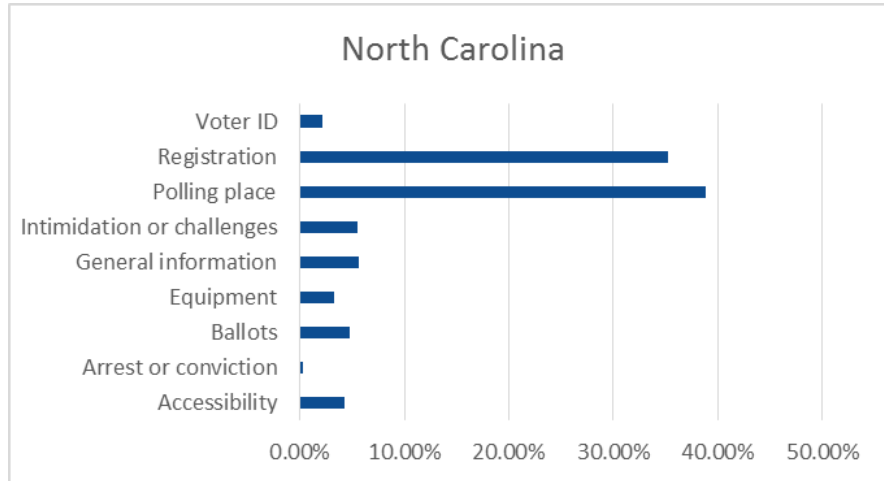
### Westchester County: Ballot Problem

A whole district was forced to vote by affidavit ballot.

### Nassau County: Inadequate Language Assistance

There were no Spanish-speaking poll workers at a polling place in Freeport with a large Spanish-speaking population.

# NORTH CAROLINA



## Forsyth County: Polling Place Change

A polling place in Winston-Salem was moved a half mile away, causing at least 20 people to go to the wrong place to vote.

## Pamlico County: Voter Intimidation

People with a Trump sign screamed, “Go home nigger. Trump will send you back to Africa,” at a polling place in New Bern.

## Durham County: Poll Worker Misconduct and Equipment Malfunction

- Poll workers turned away voters without offering them provisional ballots.
- Electronic poll books (e-poll books) were down throughout the county, and there were insufficient paper ballots. E-poll books are an electronic way to check voters into the polls
- The American Legion Post No. 7 polling location had long lines. Due to the e-poll book malfunction, the polling place was sent paper poll books that required cutting out the names from the book with scissors to put on an Authorization to Vote form. When the polling place

ran out of scissors, Election Protection volunteers offered to buy scissors nearby, but were told that poll workers had to wait for county-issued scissors. Election Protection followed up with the county, which sent scissors. A key Election Protection partner, the Southern Coalition for Social Justice, petitioned the North Carolina Board of Elections to extend polling place hours to 8:30 p.m. as a remedy to e-poll book problems. Although hours were not extended countywide, polling place hours were extended at several polling locations.

### Columbus

Bogue Precinct	30 minutes
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### Durham

Bethesda	60 minutes
Cole Mill	60 minutes
Creekside Elementary	45 minutes
Forest Hills Club House	30 minutes
Greater Emmanuel Temple	30 minutes
McMannen United Methodist Church	25 minutes
Neal Middle School	20 minutes
Glen School	45 minutes

 **Kristen Clarke**   
 @KristenClarkeJD

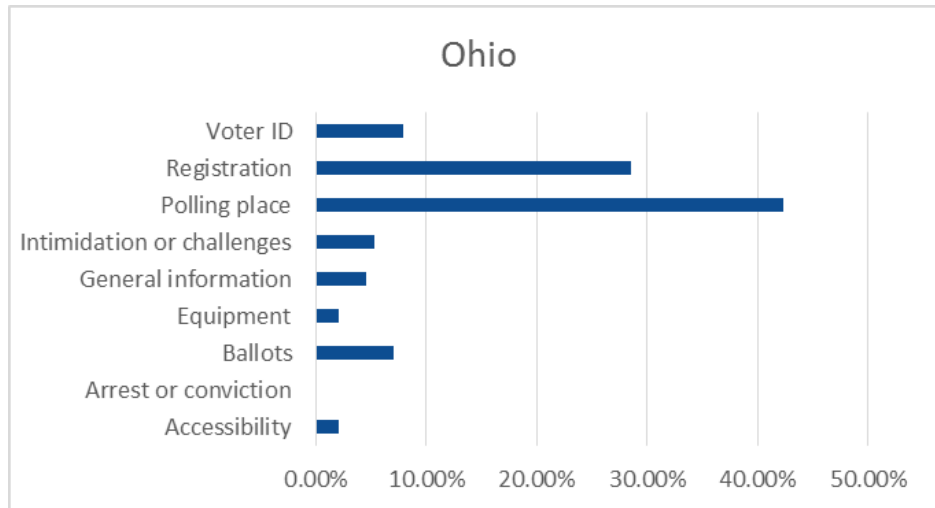
[Follow](#)

Polling hours extended at certain precincts in Durham County NC and 1 site in Columbus Cty. Call @866OURVOTE w/ questions. Thanks to @scsj!

7:25 PM - 8 Nov 2016

🔄 51 ❤️ 26

## OHIO



### Cuyahoga County: Lack of Curbside Voting

There was no curbside voting or van accessible parking area at a polling place in Lakewood. The wheelchair ramp ran directly into traffic and a voter was nearly hit by a truck.

### Greene County: Voter Intimidation

A Black voter reported being spit on, as well as people handing out partisan ballots near the polling place.

## VOTER SNAPSHOTS

### Trissa C.'s Story

As Trissa approached her polling place in a predominately Black neighborhood in East Cleveland, she saw that the road was closed in front of the polling station, and a utility truck and construction cones obstructed street parking. She ran into many voters who were confused about the obstructions and whether the site was a functioning polling place. Voters had to park on a nearby side street and walk to the polling place, presenting a major barrier to vote for

physically disabled people. Trissa called 866-OUR-VOTE to report the problem. An Election Protection volunteer escalated the problem to on-the-ground volunteers, who worked to resolve it. Trissa was able to vote, and when we spoke with her on the evening of Election Day, she said, **“It was encouraging to myself and other voters in my community to have a resource...to immediately address an issue as critical as voter obstruction.”**

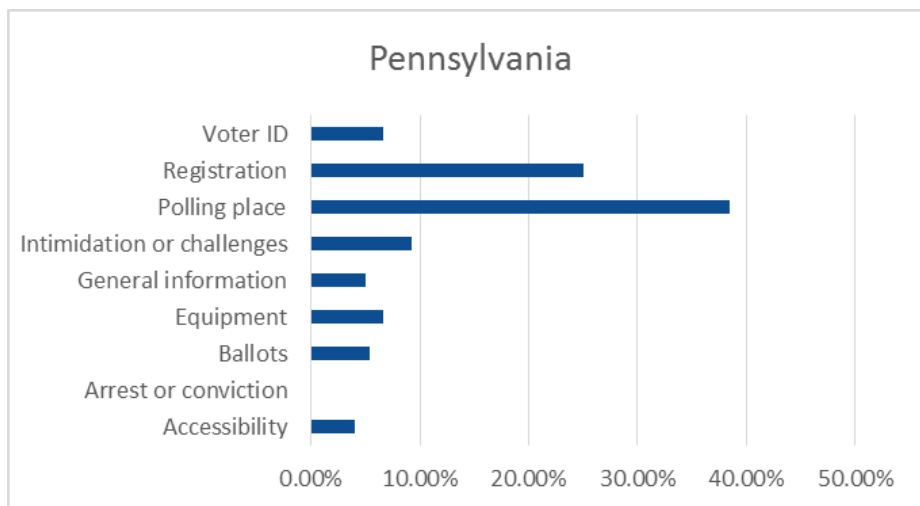
### Melanie's Story

On Election Day, Melanie organized rides to the polls. She accompanied a group of voters to a polling place in a predominately Somali-American community in Columbus. Because some of the voters' addresses did not match the information on the voter rolls, poll workers told them they had to vote with provisional ballots. But then the poll workers told the voters that they could not vote because the polling place was out of provisional ballots. Melanie called 866-OUR-VOTE. An Election Protection volunteer alerted the Franklin County field

program’s command center, which alerted the county’s Board of Election to the problem. An election official dispatched additional ballots to the polling place and instructed poll workers to collect the phone numbers of the voters so they could be alerted when the ballots arrived. We

reached out to Melanie to confirm that voters were able to return to vote. Melanie said, **“This democracy is built on the fact that everyone has a right to be heard. [T]oday we were able to ensure that...more voice[s] were added to the choir.”**

## PENNSYLVANIA



### Multiple Counties: Voter ID/Poll Worker Misconduct

The Supreme Court struck down Philadelphia’s strict voter ID law in 2014. The current law requires voters to show ID only if it’s their first time voting in an election district.

- **Bucks County:** Poll workers asked all voters to present their driver’s licenses to vote.
- **Delaware County:** Poll workers at an Upper Darby polling place asked all voters to present ID.
- **Northampton County:** Poll workers asked all voters for ID and required every voter to declare his or her party affiliation.
- **Philadelphia County:** Poll workers at the Clemente Recreation Center, Saint Maron’s Church, and Diamond Street

polling places asked voters to show ID who should not have been required to do so.

### Allegheny County: Poll Workers

- Poll workers did not show up to open the polls at a polling place in Springdale.
- In Pittsburgh, poll workers turned away multiple people with children, claiming that they are not allowed to take their children into the voting site.

### Bucks County: Poll Worker Misconduct

Poll workers told multiple voters that they were not found in the poll book and refused to give them provisional ballots.

### Chester County: Equipment Malfunction and Voter Intimidation

- All voting machines at the polling place were broken. Similar to 2008, the machines rejected and spit out ballots.
- Voters waiting in a long line in West Caln Township were subjected to electioneering and derogatory comments.

### **Delaware County: Poll Worker Misconduct**

Poll workers told voters to vote for the Republican candidates.

### **Lehigh County: Lack of Language Assistance**

Despite the large Spanish-speaking community at an Allenton polling place, there were no proficient Spanish-speaking poll workers. There was confusion among voters, particularly senior citizen voters with limited English language ability. An Election Protection partner was able to get a Spanish-speaking volunteer to the polling place to serve as an interpreter.

The election director for the county had tried to find more resources to provide this type of service previously and was appreciative for Election Protection's assistance. This event has opened discussions for ways the two can work together more proactively on this issue in the future.

### **Northampton County: Long Lines**

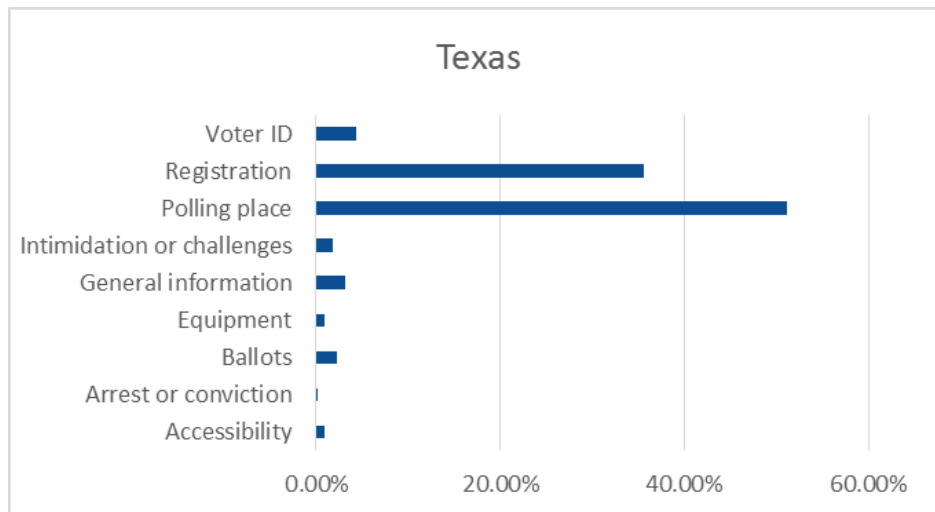
Voters reported 2.5 hour wait times to vote at a polling place where many Lehigh University students vote.

### **Philadelphia County: Lack of Equipment and Late Opening**

- A polling place in Philadelphia was open on time but had no machines.
- A polling place on North 5<sup>th</sup> Street opened late while a line formed outside.



## TEXAS



### Statewide: Voter ID

Election Protection received hundreds of calls from voters about Voter ID issues during both early voting and Election Day. Reports included: poll workers giving incorrect or incomplete information about the Texas Voter ID law and the court ordered alternatives; judges failing to provide voting options for those without photo ID; and polling locations displaying incorrect information about voter ID, or not having reasonable impediment forms for voters.

- **Bexar County:** Despite the temporary restraining order obtained by MALDEF, Bexar County poll workers continued to violate the law. One Latino voter reported that poll workers initially refused to accept an election identification certificate. Poll workers at one precinct turned away registered voters who had waited in line for three hours.
- **Harris County:** On Election Day, an election judge at Wheeler Baptist initially refused to replace outdated Voter ID posters and fliers that were being distributed to voters. During early

voting, Harris County voters also reported many instances of poll workers only telling voters they needed a photo ID to vote without providing information about alternative forms of acceptable ID and the reasonable impediment provision.

- **Williamson County:** Multiple voters calling from Williamson County reported that poll workers at different polling locations in the City of Georgetown were reluctant to tell voters about the other legally acceptable forms of ID and the reasonable impediment declaration. According to the U.S. Census Bureau, nearly 22% of Williamson County's population is Hispanic or Latino.

### Multiple Counties: Equipment malfunction

- **Dallas County:** Reports of inoperable voting machines creating long lines and voters being redirected to other polling locations at Irma Rangel School, Dallas.
- **Fort Bend County:** Election Protection also received reports that voting machines at the George Bush High

School polling place were broken, and poll workers were turning away voters. The polling place serves a community with significant numbers of African American and Latino voters.

### **Denton County: Equipment malfunction and intimidation**

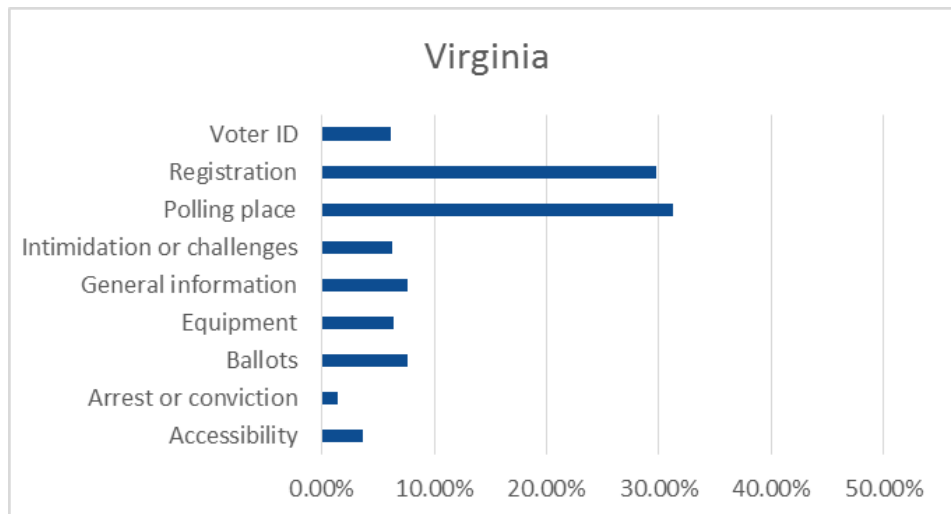
- Voters were impacted both during early voting and on Election Day by operational failures and reports of intimidation throughout the county. During early voting close to half of Denton's voting machines were inoperable because the wrong machines had been delivered to early polling locations, creating confusion and long lines.
- On Election Day, reports of widespread problems with ballot scanners, also created uncertainty and voter confusion. In addition Denton voters called the hotline to report being intimidated by wide-spread armed

police presence at polling locations across the county.

### **Harris County: Long lines, intimidation and polling place changes**

- Voter processing delays created long lines at multiple Harris County polling locations, including Fiesta Market on Kirby Drive and MacGregor Elementary School in Houston.
- Voter intimidation reports included a person was handcuffed in Spring, Texas after crossing the 100-foot “no campaigning” line. The person was armed and carried a sign that read “Faggots Vote Democrat.”
- Last minute changes to polling locations left many voters confused, including voters at the Iglesia Episcopal, Cypress Falls High School, HCC Northeast North Forest Campus, CE King Middle School, and North Belt Elementary, all of which were reportedly moved with minimal notice to voters.

# VIRGINIA



## Multiple Counties: Disenfranchisement of people with felony convictions

- Throughout the state, but particularly in Richmond (City), Henrico County, and Stafford County, we received calls from people regarding the restoration of their voting rights. Some callers had their rights restored by the governor but did not realize that they had to register in order to vote. Other callers had their rights restored by Governor McAuliffe’s executive order and registered to vote but then did not realize that their restoration of rights and registrations were invalidated by the Virginia Supreme Court’s July decision. In addition, there were calls from people who said they had their rights restored many years ago and had voted before but arrived at their polling place and

were told that their names were not on the rolls and so could not vote.

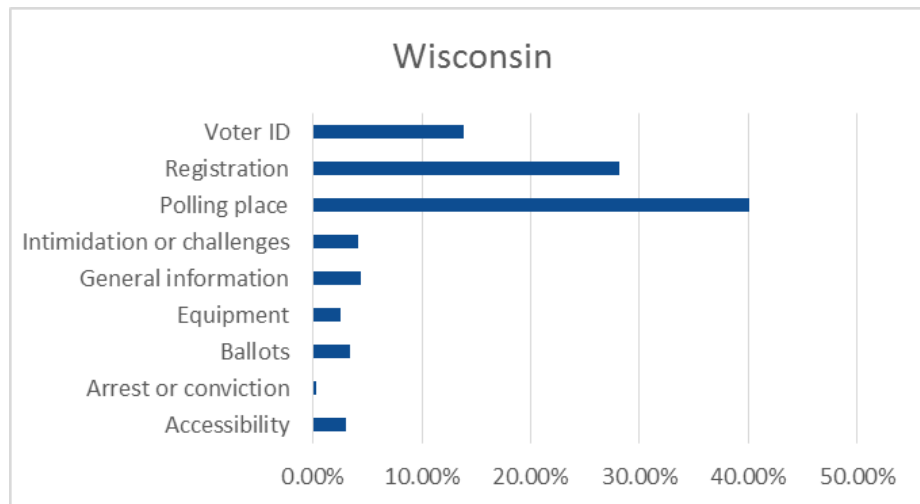
## Multiple Counties: Voter Intimidation

- Tazewell County: A poll worker told a voter at the Raven Elementary School polling place, “You need to change your vote. Come find me and tell me when you’ve changed it.”
- Richmond City: A man was filming voters at the polling place.

## Multiple Counties: Equipment malfunction and ballot shortages

- Multiple Counties: Long lines would form due to malfunctioning voting machines throughout the state.
- Richmond City: The Blackwell Community Center polling place ran out of provisional ballots.

## WISCONSIN



### Multiple Counties: Voter ID

- **Menominee County:** The county is over 80% American Indian. Multiple voters called from the City of Keshena in Menominee County to report that Native American voters were subject to long lines due to multiple ID checks. One voter reported that poll workers checked IDs three times before allowing voters to proceed with casting their ballots, and Election Protection learned that a chief elections inspector wrongly denied a regular ballot to a disabled Native American voter who was erroneously directed to the DMV to obtain the required ID.
- **Milwaukee County:** Poll workers were providing incorrect information regarding the ID requirements for voting and same day registration burdened some eligible voters attempting to cast a ballot. Some voters were told to leave the polling place and return with valid IDs or proof of residence, even though they already had acceptable identification or proof of address.

- **Other counties:** Wisconsin's voter ID law does not require the voter's current address to match the address on their ID, yet poll workers in **Dane County, Grant County, and Milwaukee County** tried to deny voters a regular ballot based on mismatched addresses. There is no way to know how often poll workers denied someone their vote based on this kind of incorrect information. In some instances, Election Protection volunteers had to direct poll workers to the relevant sections of the Election Manual before they agreed to let voters vote. One voter was able to fight back with information about the law learned from an Election Protection training in Wisconsin.

### Waukesha County: Accessibility

Security guards at the Blair Elementary School polling place were not allowing people to use the elevator to access the upstairs voting site, presenting a barrier to vote for people with physical disabilities and strollers.

# Moving Forward with Lessons Learned

Safeguarding access to our democracy is a duty that belongs to all of us. We must learn from each election and use voter experience to alleviate or eradicate voter problems.

Congress must restore the full protections of the Voting Rights Act. State legislatures must stop passing restrictive laws that keep eligible voters from the franchise. As federal courts have noted time and time again, these restrictive laws have been found to be discriminatory against minority voters, either purposefully or in effect. Rather than focusing on restricting access to the vote, state legislatures must focus on making voting more accessible.

State and county election officials must put time and effort into preparing for each election, including creating Election Administration Plans, and be held accountable to the constituents they are elected to serve. Advocates will continue outreach to state and county election officials and put pressure on them when they fail to advance voting opportunities. Voters can register throughout the year and must get out to vote in local elections with the same intensity as they do in federal elections. Advocates and voters must keep working together, as we prepare for the municipal and mid-term elections that will happen between now and 2020.

These are our marching orders and roles to play. The Lawyers' Committee and Election Protection partners are already reconvening to process this election, analyze our best practices and develop new ones, and create strategies for moving beyond 2016. We stand with the American voter and will continue to do everything in our power to #ProtectOurVote.