

THE 2014 ELECTION PROTECTION REPORT

DEMOCRACY SHOULD
NOT BE THIS HARD

EXECUTIVE SUMMARY

PRESENTED BY

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



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

THE 2014 ELECTION PROTECTION REPORT: DEMOCRACY SHOULD NOT BE THIS HARD

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ELECTION PROTECTION

Led by the Lawyers' Committee for Civil Rights Under Law

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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.

About ELECTION PROTECTION

The nonpartisan Election Protection coalition—led by the Lawyers’ Committee for Civil Rights Under Law—was formed to ensure that all voters have an equal opportunity to participate in the political process. This coalition is made up of more than 100 local, state and national partners.

Through our state of the art hotlines (1-866-OUR VOTE, administered by the Lawyers’ Committee for Civil Rights Under Law, 1-888-API-VOTE, administered by Asian Americans Advancing Justice | AAJC and Asian & Pacific Islander American Vote (APIAVote), and 1-888-Ve-Y-Vota, administered by the National Association of Latino Elected and Appointed Officials Educational Fund); interactive website (www.866ourvote.org); and voter protection field programs across the country, we provide Americans from coast to coast with comprehensive voter information and advice on how they can make sure their vote is counted.

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Election Protection hotline administrators

- Lawyers' Committee for Civil Rights Under Law / 1-866-OUR-VOTE
- National Association of Latino Elected and Appointed Officials Educational Fund (NALEO) / 1-888-VE-Y-VOTA
- Asian Americans Advancing Justice | AAJC and Asian & Pacific Islander American Vote (APIAVote) / 1-888-API-VOTE



2014 Election Protection Coalition Partners

- The A. Philip Randolph Institute (APRI)
- Advancement Project
- AFL-CIO
- Alliance for Justice
- American Association for Justice
- American Association of University Women Action Fund
- American Bar Association (ABA)
- American Civil Liberties Union (ACLU)
- American Federation of Teachers (AFT)
- Asian American Legal Defense and Education Fund (AALDEF)
- Black Entertainment Television (BET)
- Brennan Center for Justice
- Bus Federation Civic Fund
- Campaign Legal Center
- Center for Community Change
- Color of Change
- Common Cause
- Cuentame
- Demos
- Fair Elections Legal Network (FELN)
- Hip Hop Caucus
- Hispanic National Bar Association
- Human Rights Campaign
- Impact
- LatinoJustice PRLDEF
- League of United Latin American Citizens (LULAC)
- League of Young Voters Education Fund
- League of Women Voters
- Long Distance Voter
- Mexican American Legal Defense and Educational Fund (MALDEF)
- Mi Familia Vota
- MomsRising
- National Action Network (NAN)
- National Asian Pacific American Bar Association (NAPABA)
- National Association for the Advancement of Colored People (NAACP)
- NAACP Legal Defense and Educational Fund, Inc. (LDF)
- NAACP National Voter Fund
- National Bar Association (NBA)
- National Black Law Students Association (NBLSA)
- National Coalition on Black Civic Participation
- National Coalition for the Homeless
- National Council of Jewish Women
- National Council of La Raza (NCLR)
- National Disability Rights Network (NDRN)
- National Education Association (NEA)
- National Urban League
- Native Vote
- New Organizing Institute (NOI)
- New Voters Project
- Nonprofit VOTE
- Overseas Vote Foundation
- People for the American Way
- ProgressNOW
- Project Vote
- Rock the Vote
- Service Employees International Union (SEIU)
- Sierra Club
- State Voices
- Leadership Conference Education Fund
- Voter Participation Center
- TurboVote
- U.S. PIRG
- U.S. Vote Foundation
- United States Hispanic Leadership Institute (USHLI)
- United States Student Association (USSA)
- United Steelworkers (USW) International
- Verified Voting Foundation
- Video the Vote
- VoteRiders
- Voto Latino
- Women Donors Network



2014 Election Protection State and Local Organizations

- ACLU of Arkansas
- ACLU of California Voting Rights Project
- ACLU of Florida
- ACLU of Pennsylvania
- ACLU of South Carolina
- ACLU of Wisconsin
- Arizona Advocacy Network
- Bus Federation
- Council on American-Islamic Relations Chicago (CAIR)
- California Common Cause
- Central Reform Congregation
- Chicago Lawyers' Committee for Civil Rights Under Law
- Chicago Votes
- Cleveland Branch of the NAACP
- Colorado Common Cause
- Colorado Lawyers' Committee
- Common Cause Illinois
- Common Cause Michigan
- Common Cause Minnesota
- Common Cause New Mexico
- Common Cause New York
- Common Cause North Carolina
- Common Cause Ohio
- Common Cause Pennsylvania
- Democracy North Carolina
- Florida Coalition on Black Civic Participation
- Florida Institute for Reform and Empowerment
- Florida New Majority
- Florida State Voices Civic Engagement Table
- Forward Montana
- Georgia Association of Latino Elected Officials
- Georgia Coalition for the People's Agenda
- Illinois Coalition for Immigrant and Refugee Rights
- Illinois PIRG
- Inter Tribal Council of Arizona, Inc. (ITCA)
- J.L. Turner Legal Association
- Just Vote Colorado
- Lawyers' Committee for Civil Rights and Economic Justice of Greater Boston
- Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- League of Women Voters of Ohio
- League of Women Voters of Philadelphia
- League of Women Voters Minnesota
- Michigan Election Coalition
- Milwaukee Area Labor Council
- Minnesota Voice
- Montana Voices
- Nebraskans for Civic Reform
- New Virginia Majority
- Northeast Ohio Voter Advocates
- Ohio Voice
- Pennsylvania Voice
- ProGeorgia
- ProgressOhio
- Rocky Mountain PBS
- South Carolina Progressive Network
- Southern Coalition for Social Justice
- The Black Political Empowerment Project
- Urban League of Philadelphia
- Virginia Civic Engagement Table
- Virginia New Majority
- Wisconsin Voices
- Wolverine Bar Association

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Executive Summary

Going into the 2014 general election (“Election 2014”), American voters faced significant challenges and barriers to the franchise. Problems that had not been fixed from previous election cycles plagued the administration of elections. Late court decisions made it more difficult for voting rights advocates to promptly get accurate voter education materials to citizens and for election officials to update training materials for poll workers. In addition, November 4, 2014 marked the first general election since crucial protections of the Voting Rights Act of 1965 (“VRA”) were weakened by the June 2013 U.S. Supreme Court decision in *Shelby County v. Holder*. In that decision, the Court ruled that Section 4(b)—the VRA’s coverage formula, which identified states for Section 5 preclearance—was unconstitutional and could no longer be used. Without Section 4(b), states with a history of voter discrimination are no longer required to submit voting law changes for federal review to determine if those changes have a discriminatory purpose or effect.

As Barbara Arnwine, President and Executive Director of the Lawyers’ Committee, put it on Election Day, “democracy should not be this hard.” Despite initial obstacles, many voters who contacted the Election Protection Hotlines (“Hotlines”) were not prevented from exercising their right to vote. These voters were insistent on participating in the political process. And with the help of trained Election Protection volunteers, many, but not all voters were able to cast a ballot that counted. A number of citizens facing strict photo identification in states like Texas and Virginia contacted Election Protection to get information and were persistent in their attempts to get an ID if they did not already possess it, even when it required multiple trips to government offices and fees for additional documents. Voters in states like North Carolina, Arkansas and Wisconsin, where voter ID requirements either were not yet in effect for Election 2014 or were blocked before voting began, called

Election Protection to make sure they were prepared for the polls. In addition, Georgians who registered to vote through voter registration drives contacted Election Protection to verify that their registration applications had been processed because they never received confirmation

ELECTION PROTECTION 2014 BY THE NUMBERS

- Over 43,000 calls in 2014
- Over 22,000 Election Day calls from across the country
- Over 18,000 Election Day calls to 1-866-OUR-VOTE, a 45% increase from the 2010 mid-term election
- 6,800 calls taken by Election Protection’s three Hotlines on November 3, 2014
- California, Texas, Florida, Georgia and New York: top 5 states by call volume on Election Day from all three Hotlines
- 25 call centers to answer voters’ questions in multiple languages across the country on Election Day

*16 call centers answered calls to 1-866-OUR-VOTE

*8 call centers answered calls to 1-888-VE-Y-VOTA

*1 call center answered calls to 1-888-API-VOTE

*Voter assistance in 9 languages: English, Spanish, Bengali, Hindi, Korean, Mandarin, Tagalog, Urdu and Vietnamese

Over 2,000 trained legal volunteers and over 500 trained grassroots volunteers assisted voters in 22 states and in over 50 voting jurisdictions.

- 3 new Election Protection programs in Arkansas, Montana and Nebraska



of their registration status from their local Board of Elections offices.

While overall voter turnout for the 2014 general election was the lowest in a midterm election since 1942—just over 36% of the eligible population turned out to vote¹—the number of calls to 1-866-OUR-VOTE increased by 45% between the last midterm election in 2010 and Election 2014. Thousands of voters reached out to Election Protection, particularly concerning:

- polling places (e.g. last-minute location changes, lack of signage indicating the location of polling rooms, faulty voting equipment, late openings, accessibility difficulties for individuals with physical disabilities or language limitations, insufficient ballots and confusion about the status of voters who requested absentee ballots but did not vote absentee);

Inquiries and Problems of Election 2014 Collected through Our Vote Live*

In this Report:

- “inquiry” means a question or a request for information and
- “problem” means a report of an obstacle to vote.

19,351 reports entered into Election Protection’s database were inquiries, including:

- 61% concerning polling places and
- 24.5% concerning registration.

2,959 reports entered into Election Protection’s database were problems, including:

- 26% concerning polling places,
- 22.9% concerning registration and
- 10% concerning problems with poll workers.

*Note: Election Protection created Our Vote Live to capture as many inquiries and/or problems as reported by an individual caller; so a single Our Vote Live report may have multiple inquiries and/or problems logged. Consequently, when all categories of inquiries and problems are combined, they total more than 100%. Percentages reflect only reports for which inquiries and/or problems were recorded. OVL data is constantly updated, and the numbers in this Report reflect the information on the date they were pulled.

- voter registration (e.g. names mistakenly missing or removed from the rolls and confusion about change of address procedures); and
- voter ID (e.g. voter uncertainty about ID requirements, voters’ lack of requisite ID and poll workers improperly asking for ID).

Many voters who reported difficulties to Election Protection also mentioned problems with poll worker behavior or understanding of voting requirements. While Election Protection noted that some localities saw improvement to poll worker training in response to election administration problems in 2010 and 2012, insufficient poll worker training continued to be a widespread problem that negatively impacted voters’ experiences at the polls and even their ability to vote.

The 2014 Election Protection Report focuses not only on the problems that voters faced during Election 2014, but also on the sources of those problems. Based on the numerous reports collected through field programs, call centers, coalition meetings and the national Election Protection website and social media pages, this Report concludes that the major sources of difficulty faced by voters in Election 2014 stemmed from:

- voting laws that had the effect of restricting access to the ballot box;
- recurrent election cycle problems that had not been resolved;
- uncertainty about newly implemented voting requirements or voting requirements that changed just before polls opened; and
- poll worker training problems and the limited capacity of state and county election officials to address certain election administration problems.

Restrictive state laws, as in past election years, also had an impact on



1. McDonald, Michael P. 2014. “2014 Preliminary United States Voter Turnout Rates” *United States Elections Project*. January 12, 2015. For more information, see: <http://www.electproject.org/2014g>.

opportunities to vote. Those laws include but are not limited to:

- restrictive photo ID laws in Alabama, Mississippi, Texas and Virginia;
- cutbacks in early voting days and hours in Nebraska, North Carolina, Ohio and Wisconsin; and
- a requirement that individuals provide proof of citizenship when registering to vote in Kansas.

Several federal and state courts found that these laws violated the U.S. Constitution, the VRA and/or state constitutions and therefore blocked them; yet stays issued by the U.S. Supreme Court allowed the laws to take effect for Election 2014. Significantly, states implemented restrictive laws despite evidence introduced in litigation illustrating that those laws, such as the ones establishing strict voter ID requirements and reductions to early voting periods, would disproportionately disenfranchise African Americans, Latinos, the elderly, youth, people with disabilities and lower-income citizens. In addition, Supreme Court opinions that decided whether or not restrictive laws in North Carolina, Ohio, Texas and Wisconsin would be in effect were issued just days before voting began in those states. As a result, voters who participated in Election 2014 faced a shifting landscape of voting requirements.



This Report also highlights the work of the 2014 national Election Protection program and the accomplishments of its coalition members on the state level. In addition, it attempts to give voice to both voters and volunteers by conveying their personal stories. At the heart of this Report are the data collected through the Our Vote Live database used by Election Protection to log calls received by the coalition's three National Hotlines, submissions to the free Election Protection app, emails to info@866ourvote.org, and the incidents observed and addressed by on-the-ground field volunteers in over 20 states.

The Report begins with a description of the nonpartisan national Election Protection program, including stories that illustrate how the program helped individual voters and a snapshot of the coalition's pre- and post-Election Day success stories. Next, the Report provides an overview of the landscape of election law changes and litigation that shaped the electoral system facing citizens in Election 2014. Finally, the Report details the problems that marred Election 2014, using specific examples from before and on Election Day. This Report's appendix includes summaries on many of the states where Election Protection held field programs. These state pages provide a more in-depth picture of some of the events, trends and data in those states. Finally, the appendix also includes maps that illustrate Election 2014 statistics drawn from Election Protection's field programs and database.

This Report covers Election 2014 and the programmatic work done to protect the right to vote. It also serves as a road map for advocates and others who, in the interest of strengthening and protecting American democracy, work to remove the barriers that often make democracy too hard for the American voter.



Election Protection Snapshot 2014

Election Protection's national hotlines are: 1-866-OUR-VOTE administered by the Lawyers' Committee for Civil Rights Under Law (English only); the bilingual 1-888-VE-Y-VOTA administered by the National Association of Latino Election and Appointed Officials Educational Fund (NALEO); and the multilingual 1-888-API-VOTE administered by the Asian Americans Advancing Justice | AAJC and Asian & Pacific Islander American Vote (APIAVote) (collectively, the "Hotlines"). Voicemail to 1-866-OUR-VOTE (the "Hotline") was monitored and returned throughout the year, and the Hotline began answering calls live from September 23 on National Voter Registration Day. The Hotline expanded its live call center operations to evening and weekend hours as the November 4 election approached. 1-888-VE-Y-VOTA answered calls live during business hours year-round; its data from calls on November 3 and 4 were captured in Election Protection's database and incorporated into this Report. 1-888-API-VOTE responded to voters' voicemails until November 3 and answered calls live on November 4 and its data from calls on November 4 were entered in Election Protection's database and incorporated in this Report. Election Protection coordinated field programs in 22 states: Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Virginia and Wisconsin. Although volunteers from the Hotlines were able to promptly address many inquiries over the phone, some issues were escalated rather than resolved. In many of those cases, field volunteers deployed to the problematic polling location and/or alerted local and state election officials to problems at particular voting sites.

Read the full Report at: <http://bit.ly/EP2014Report>

