

# THE 2014 ELECTION PROTECTION REPORT

## DEMOCRACY SHOULD NOT BE THIS HARD

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**

Published February 2015

### **ELECTION PROTECTION**

Led by the Lawyers' Committee for Civil Rights Under Law

1401 New York Avenue, NW, Suite 400

Washington, DC 20005


Phone: (202) 662-8600

Toll Free: (888) 299-5227

Fax: (202) 783-0857

[www.866OurVote.org](http://www.866OurVote.org)

 /866OurVote

 @866OurVote

[www.lawyerscommittee.org](http://www.lawyerscommittee.org)

 /lawyerscommittee

 @lawyerscomm

©2015. This publication is covered by the Creative Commons “Attribution” license (see <http://creativecommons.org>). It may be reproduced in its entirety or modified as long as the Lawyers' Committee for Civil Rights Under Law is credited, a link to the license is included, and if changes were made to the original document, notification that changes were made.

**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](http://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.

# ACKNOWLEDGEMENTS



**Author:** Jennifer L. Patin

**Special thanks to members of the Lawyers' Committee staff who contributed to the Report and Election Protection**

**Program:**

Rahwa Andemichael, Nancy Anderson, Barbara Arnwine, Genevieve Bonadies, Rose Clouston, Brendan Downes, Brian Duggan, Chris Melody Fields, Maddy Finucane, Dr. Megan Gall, Arusha Gordon, Jon Greenbaum, Julie Houk, Marcia Johnson-Blanco, Bob Kengle, David Kuennen, Alan Martinson, Eileen O'Connor, Trevor Ostbye, Maria Peralta, Mark Posner, Dorian Spence, Nora Stephens, Alejandro Reyes, Ezra Rosenberg, Stacie Royster and Miriam Vishniac.

**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

## **A tremendous thank you to the following law firms, corporate legal departments and law schools for their support of Election Protection 2014:**

- Arent Fox LLP
- Arnold & Porter LLP
- Ballard Spahr LLP
- Bingham McCutchen LLP
- Blank Rome LLP
- BNY Mellon
- Buchalter Nemer
- Butt Thornton & Baehr PC
- Butzel Long
- Carlton Fields Jorden Burt
- Citigroup Inc.
- Cleary Gottlieb Steen & Hamilton LLP
- Cooley LLP
- Crowell & Moring LLP
- Davis Polk & Wardwell LLP
- Davis Wright Tremaine LLP
- Dechert LLP
- DLA Piper
- Dorsey & Whitney LLP
- Emory University School of Law
- Fenwick & West LLP
- Florida A&M University College of Law
- Fried, Frank, Harris, Shriver & Jacobson LLP
- Gibney, Anthony & Flaherty LLP
- Gibson, Dunn & Crutcher
- Hogan Lovells
- Hughes Hubbard & Reed LLP
- Indian Legal Clinic, Sandra Day O'Connor College of Law, Arizona State University
- Jacobs Injury Law S.C.
- Jaffe Raitt Heuer & Weiss P.C.
- K&L Gates LLP
- Kilpatrick Townsend & Stockton LLP
- King & Spalding LLP
- Kirkland & Ellis LLP
- Latham & Watkins LLP
- Manatt, Phelps & Phillips LLP
- Mayer Brown LLP
- Michigan Election Law Project, University of Michigan Law School
- Miner, Barnhill & Galland, P.C.
- Morgan, Lewis & Bockius LLP
- Morrison & Foerster LLP
- Munger, Tolles & Olson LLP
- Nixon Peabody LLP
- O'Melveny & Myers LLP
- Orrick, Herrington & Sutcliffe LLP
- Osborn Maledon, P. A.
- Paul Hastings LLP
- Paul, Weiss, Rifkind, Wharton & Garrison LLP
- Pepper Hamilton LLP
- Proskauer Rose LLP
- Qualcomm Inc.
- Reed Smith LLC
- Sedgwick LLP
- Seyfarth Shaw LLP
- Shearman & Sterling LLP
- Sidley Austin LLP
- Simpson Thacher & Bartlett LLP
- Skadden, Arps, Slate, Meagher & Flom LLP
- Squire Patton Boggs (US) LLC
- Sullivan & Cromwell LLP
- Sutherland Asbill & Brennan LLP
- The Law Office of Roger L. Weeden
- The Sweetser Law Firm
- Troutman Sanders LLP
- University of Missouri-Kansas City
- University of North Carolina Center for Civil Rights
- University of North Carolina School of Law
- Washington University in St. Louis
- Wayne State University Law School
- Weil, Gotshal & Manges LLP
- White Coleman & Associates LLC
- William & Mary Law School
- Winston & Strawn LLP



# CONTENTS

---

<b>Executive Summary</b>	2
<b>Election Protection Snapshot 2014</b>	6
<b>Chapter 1: The 2014 Election Protection Program</b>	7
<i>Section 1: Voter Protection</i>	
Resources for Election 2014	9
<i>Section 2: State-level Work and Achievements</i>	11
<i>Section 3: Work to Improve Election Administration in the States</i>	14
<b>Chapter 2: Pre-Election Day Litigation</b>	17
<i>Section 1: Voting Without the Full Protections of the Voting Rights Act of 1965 (VRA)</i>	18
<i>Section 2: Pre-Election Day Litigation</i>	19
<b>Chapter 3: Problems and Inquiries in Election 2014</b>	26
<i>Section 1: Polling Place Problems Result in Long Lines and Frustrated Voters</i>	27
<i>Section 2: Voter and Poll Worker Confusion Around Voter ID Requirements</i>	33
<i>Section 3: Voter Registration</i>	39
<i>Section 4: Disability and Language Access Problems</i>	41
<b>Chapter 4: Conclusion</b>	46
<b>State Pages</b>	47
<b>Appendices</b>	70
<b>Endnotes</b>	74

# 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 vote<sup>1</sup>—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

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](mailto: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.

## Chapter 1

# THE 2014 ELECTION PROTECTION PROGRAM

**Election Protection has evolved** into the largest nonpartisan voter protection coalition and program in the country. Its core goal remains ensuring that all eligible voters have equal opportunity to participate in the democratic process. Over the last ten years, Election Protection's programmatic work has adapted to the dynamic United States voting rights landscape, including the country's changing demographics, new state laws and legislation and innovative techniques used to engage and inform voters in the digital age. The relationships within the national Election Protection coalition and similar state coalitions have progressed over time with the realization that like-minded organizations must continually work together to make protecting the right to vote a year-round commitment. Today, the Election Protection coalition organizes annual voter protection programs, and the 1-866-OUR-VOTE and 1-888-VE-Y-VOTA hotlines continue to be available to voters 365 days a year.

### Election Protection: Past and Present

- 2001: Election Protection is created
- 2004: Recruits and organizes over 25,000 legal and grassroots volunteers for its first major involvement in a presidential election cycle
- 2006: Year-round voter protection program is established
- 2008: 1-888-VE-Y-VOTA joins 1-866-OUR-VOTE to offer voter assistance in Spanish & English; [www.866ourvote.org](http://www.866ourvote.org) is launched
- 2012: 1-888-API-VOTE joins the other hotlines to offer voter assistance in multiple Asian and Pacific Islander languages
- 2014: Election Protection is the country's largest nonpartisan voter protection program, creating new relationships and strengthening existing ones

At the center of the Election Protection program are the Hotlines. During election cycles, the Hotlines allow voters to reach volunteers who are trained to provide voting information, answer questions and address voting problems in real time<sup>2</sup>. During major elections, thousands of attorneys around the country volunteer to answer calls to the Hotlines, monitor polling locations, meet with election officials, develop legal materials and litigate when necessary. Additionally, grassroots volunteers and leaders expand the reach of Election Protection's programs through voter education outreach, allowing those programs to cover more jurisdictions and serve more communities experiencing administrative hurdles or affected by recent changes to election laws.

The calls and reports made to Election Protection are collected in a database that has been called Our Vote Live (OVL) since 2010. Using the information in OVL, Election Protection is able

to tell the stories of voters who contact the program and highlight the problems these citizens encounter when registering to vote and at the ballot box. Election Protection has analyzed the data from OVL to support election reform policy proposals that address the problems voters face in local, state and federal elections. The OVL data have also supported impact litigation to ensure that American elections are free, fair and accessible to all eligible voters.

In 2014, the Hotlines answered voicemails from voters throughout the election cycle and were live on select primary dates. 1-866-OUR-VOTE went live again on September 23, kicking off the 2014 general election cycle (“Election 2014”) on National Voter Registration Day, when eligible citizens were encouraged to verify their registration and get information about how to register. As in past years, the Hotlines received the vast majority of calls on Election Day, November 4.

To prepare for each election cycle, Election Protection volunteers are required to participate in trainings to learn how to use the resources developed to answer voters’ questions. The Hotlines that voters rely on for electoral information would not be operable without these volunteers. For Election 2014, as in past elections, volunteers dedicated evenings and weekends and gave up work and leisure time to protect the right to vote. Law firm allies donated thousands of hours to coordinate the call centers and field programs, as well as provide live support through the Hotlines and field programs. The grassroots volunteers and leaders engaged in pre-Election Day voter education by doing voting rights presentations, publicizing the Hotlines, conducting volunteer trainings and identifying problems specific to their communities. They also served as poll monitors.

### Our Vote Live Data:

Descriptions of voter experiences in this Report rely mainly on the data collected from September 23, 2014 to November 4, 2014 from calls and voicemails to the Hotlines, emails to [info@866ourvote.org](mailto:info@866ourvote.org) and reports from Election Protection field programs (collectively, “OVL reports”). The OVL reports reflect the types of inquiries and problems conveyed to Election Protection but do not represent the totality of questions and problems that voters had during Election 2014. OVL captures as many inquiries and/or problems as reported by an individual caller; so a single OVL report may have multiple inquiries and problems logged. Consequently, when all categories of inquiries or all categories of problems are combined, they total more than 100%. Percentages reflect only reports for which inquiries and/or problems were recorded. OVL data are constantly updated, and the numbers in this Report reflect the information on the date they were pulled.

Election Protection’s coalition partners once again provided invaluable staff and volunteer support for early voting and Election Day field programs. The legal field program, spearheaded nationally by the Lawyers’ Committee, trained and deployed local attorneys and other legal professionals to polling places to give on-site help to voters in 22 targeted states. The 2014 grassroots program was led by Common Cause, the National Coalition on Black Civic Participation, Democracy North Carolina, Florida New Majority and some chapters of the National Association for the Advancement of Colored People. Election Protection’s nonpartisan legal and grassroots volunteers worked together to answer questions and aid voters at the polls for Election 2014.

## Section 1

# Voter Protection Resources for Election 2014

The **www.866ourvote.org** website remained a key tool for voters, including links to coalition member organizations' voter education websites and materials and providing a comprehensive collection of resources for voters. Some examples of the linked resources found on **www.866ourvote.org** include: Rock the Vote's voter registration tool; a polling place look-up tool sponsored by the League of Women Voters' **www.vote411.org**; the U.S. Vote Foundation's absentee ballot request service; and multiple voter education materials from organizations such as the Lawyers' Committee, the Brennan Center for Justice, the American Civil Liberties Union (ACLU), the Advancement Project and the Fair Elections Legal Network. In a new partnership with an existing coalition member, the Lawyers' Committee worked closely with the New Organizing Institute (NOI) to provide supplementary content for the Electionary, a free online voter information guide, created and run by NOI<sup>3</sup>. Election Protection volunteers accessed information in NOI's Electionary to help answer the questions of voters who called the Hotline. The national coalition also re-launched the bilingual (English/Spanish) Election Protection Smartphone Application on September 23, 2014. Among other features, the application provides a digital space for voters to confirm their voter registration status, access voter registration forms, find their polling place, read about state-specific voter rules and regulations and view the Hotline numbers. Additional strategies to push the Hotlines and disseminate voter education materials included:

- toolkits that offered templates for creating community action plans and conducting voting rights meetings;
- social media campaigns that used platforms like Twitter, Facebook and Instagram to share new information with voters and encourage voters to share that information via their social media accounts;



**Election Protection** @866OURVOTE · Oct 28

A1: Check your state [#voterid](#) law here: [tinyurl.com/9fe5pw5](http://tinyurl.com/9fe5pw5) @barbs73 [#twittertownhall](#) [#votingrights](#) @RevYearwood

👤 2 ★ 1 ...



**Election Protection** @866OURVOTE · Oct 18

[#SCOTUS](#) denies request to block discriminatory [#TX](#) [#voterID](#) law. Call 1-866-OUR-VOTE, vols are ready now to help! [#electprotect](#)

👤 9 ★ 4 ...

- bilingual radio ads in Texas that aired in targeted areas of the state to inform voters about the voter ID requirements after a late court decision allowed the voter ID law to go into effect, as well as updated voter information provided to syndicated talk shows, like The Tom Joyner Morning Show, to share daily with a national audience; and
- public service announcements that featured retired National Basketball Association players emphasizing the importance of voting, telling voters what they needed to vote and giving them the Hotline numbers as a primary resource.



In 2014, Election Protection initiated the I Pledge campaign with the goal of encouraging social media users to pose with or make a short video holding the sign pictured above. They could then share their personal pledge of how they would protect the right to vote, to reach a wider audience about Election Protection and its resources for voters in need of assistance.

## *Election Protection Hotlines as Resources for Coalition Members and Their Partners*

Election Protection is nonpartisan and does not engage in any partisan activity; however, the program's tools and resources are freely available to the public. In some instances, like the ones described below, organizations included the Hotlines on mailers that contained unhelpful information. Election Protection's volunteers were able to use calls about the mailers as opportunities for voter education, and they succeeded in helping many voters.



Dear [REDACTED]

Our records indicate that you are registered to vote in Queens County.

Who you vote for is your secret. But whether or not you vote is public record. Many organizations monitor turnout in your neighborhood and are disappointed by the inconsistent voting of many of your neighbors.

Here is some information you may need to vote:

- The polls are open from 6:00 a.m. to 9:00 p.m.
- You can confirm your voter registration status by visiting <https://voterlookup.elections.state.ny.us/votersearch.aspx>.
- If you have any questions about voting, please call 1-866-OUR-VOTE (1-866-687-8683).

We will be reviewing the Queens County official voting records after the upcoming election to determine whether you joined your neighbors who voted in 2014. If you do not vote this year, we will be interested to hear why not.

Paid for by the New York State Democratic Committee and not authorized by any candidate or candidate's committee. [www.nydemocrats.org](http://www.nydemocrats.org)

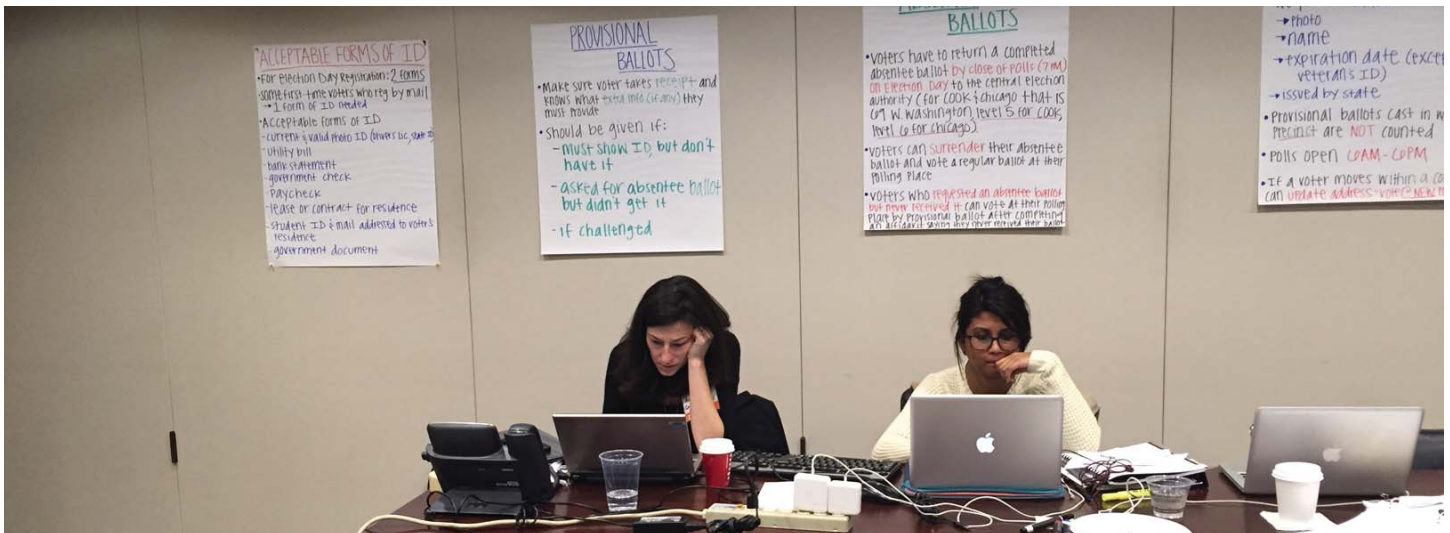


10

1-866-OUR-VOTE received calls from voters in Philadelphia who received a mailer with incorrect polling place information and the Hotline number. Election Protection immediately contacted its Pennsylvania partners and found out that an error in the sender organization's data had matched voters to the wrong polling locations. Election Protection alerted the sender, which worked to contact the affected voters and correct their polling place information. On Election Day, Election Protection worked with Philadelphia County election officials to make sure voters were at their correct polling location. In another instance, the week before Election Day, voters, primarily from New York, began receiving a mailer that included 1-866-OUR-VOTE, causing call volume from New York to increase, especially on Election Day. Volunteers again turned the calls into opportunities to share voting information and to emphasize Election Protection's nonpartisan nature.

## Section 2

# State-level Work and Achievements



**Voters and partner organizations** use Election Protection’s nonpartisan information to educate the communities they seek to mobilize to vote. In 2014, Election Protection produced palm cards for Florida, Michigan and Ohio listing the three Hotline numbers, the states’ official polling place days and hours and other key state-specific information. Coalition members in those states disseminated the palm cards to make sure that voters knew their rights, were comfortable with the voting process and knew how to get additional help from Election Protection. In other places, groups used their own voter outreach literature but supplemented it with information created by Election Protection partners. For instance, in Pennsylvania, the Lawyers’ Committee worked with the Advancement Project and Pennsylvania Voice to inform voters that litigation successfully stopped the use of a stringent voter ID requirement for Election 2014. Pennsylvania Voice shared the information with local voter engagement groups, who included it on the mailers they sent to voters.

The following stories provide additional examples of the successful voter education and voter protection work in the states.

## *Pilot Program for Election Day Registration Leads to Expanded Access to Voting in Illinois*



Illinois voting rights advocates came together to form Just Vote, which included Election Protection members: Chicago Lawyers' Committee, Common Cause Illinois, CHANGE Illinois, AAJC-Chicago, Illinois Coalition for Immigrant and Refugee Rights, Chicago Votes and Illinois Public Interest Research Group. Just Vote advocated for Election Day Registration (EDR), and the State Legislature passed a bill that introduced an EDR pilot program on November 4, 2014. Nearly 9,000 voters used the program throughout the state on Election Day, overwhelming some elections officials who were unprepared for the high turnout for the EDR trial run.<sup>4</sup> Election Protection volunteers remained on-site at polling locations on Election Day to help voters and were in communication with the Chicago Board of Elections (BOE) to report low supplies of registration forms. This pilot program was supported by local advocates as a means to expand access to voting in Illinois. Despite hiccups during its initial implementation, the program allowed thousands of Illinois voters to successfully register and vote on Election Day who otherwise may not have been able to vote. Election 2014 demonstrated the need for EDR and other election improvements in Illinois, and Just Vote came

together to support SB 172, a comprehensive voting rights reform bill. Major components of SB 172 proposed improvements to voting in Illinois by implementing state-wide EDR, and taking steps to expand early voting, including placing early voting sites on college campuses. On December 3, 2014, the hard work of Illinois coalition members paid off when SB 172 passed in both chambers of the State Legislature. Just Vote continued its campaign into 2015, and the Governor of Illinois signed SB 172 into law on January 12, 2015.

## *New Poll Monitoring Program Trains Grassroots Volunteers in Florida*

Florida New Majority, the Florida Coalition on Black Civic Participation, Florida Institute for Reform and Empowerment, Mi Familia Vota and the Florida State Voices Civic Engagement Table formed a coalition and coordinated grassroots poll monitoring programs in Jacksonville, Orlando and Miami-Dade County. Election Protection provided support to those groups as they devised plans and infrastructure for their program. The Lawyers' Committee and Advancement Project trained volunteers to be poll monitors and provided materials on voting rights for both monitors and voters. In Miami-Dade County, legal and grassroots efforts by Florida New Majority and the Lawyers' Committee were particularly well-synchronized. By coordinating their selection of polling places that volunteers would visit and their communication with election officials on Election Day, the groups expanded the program's reach and prevented duplicated voter protection efforts.



## Section 3

# Work to Improve Election Administration in the States

**Every election cycle voters** face recurrent problems, but each cycle also has unique and unpredictable problems that are specific to voters' individual experiences. To build long-lasting and productive relationships with states and counties, Election Protection often works with local election officials and poll workers to facilitate their communication with voters. This section of the Report provides example stories illustrating ways in which Election Protection's legal and grassroots volunteers provided problem-solving assistance to election administration officials that impacted the experiences of voters for Election 2014.



## *Cooperation with Election Officials Helped to Protect a Voter's Privacy*



One Florida voter called 1-866-OUR-VOTE because she was concerned about her privacy in relation to the way her local County Supervisor of Election's office processes absentee ballot requests. The voter was a domestic violence survivor and is enrolled in Florida's Address Confidentiality Program that omits her address and other personal information from many public records to protect her safety. In the past, the state Attorney General Office's Address Confidentiality Program has automatically sent her an absentee ballot. However, she recently moved within her county and as of Monday, November 3 had not received an absentee ballot for Election 2014. When she contacted the county office to get her ballot, an official insisted she provide them with her new address before they would send it to her. The voter was not confident that county officials would record this information in a way that would protect her privacy and safety, so she contacted Election Protection. An Election Protection volunteer from NALEO spoke with the voter for additional information and then contacted officials at the County Supervisor's, the Secretary of State's and Attorney General's offices on November 3 and 4 to clarify the process for Address Confidentiality Program participants to update their addresses. The volunteer also called those offices to confirm that the voter would be allowed to participate in the election if she updated her address and that when she did so, her personal information would be securely processed and stored. With the help of Election Protection, the voter decided to provide her new address and was able to vote in-person at the County Supervisor's office on Election Day.

## *Coordination with the Board of Elections Resolved Voting Equipment Problems*

A North Carolina voter called Election Protection to express concern about a voting machine malfunction at her polling location. The caller was unsure about how poll workers were handling the ballots that may or may not have been counted due to the malfunction. A volunteer from Election Protection coalition member University of North Carolina Center for Civil Rights called the Chowan County Board Of Elections (BOE) and left a message with the Elections Director informing her that a machine was malfunctioning and to call Election Protection back with an update. Fewer than 30 minutes after leaving the message, the Election Protection volunteer was able to speak directly with the Chowan County BOE Director. The Director received the complaint and personally went to the polling location and reset the machine so that the ballots in question were fed in and counted. Election Protection's cooperation with the County BOE ensured that ballots were counted at the Chowan County polling place despite malfunctioning voting equipment.



## Chapter 2

# Pre-Election Day Litigation

---

**Preliminary analysis by the United States Elections Project** found that only 36.4% of the voting-eligible population cast a ballot in Election 2014.<sup>5</sup> The last time voter turnout for an American election was this low was 72 years ago. While various factors account for this decrease, restrictive voting changes and court decisions made soon before Election Day added to voter anxiety and confusion. Pre-Election Day uncertainty about state-specific rules and procedures characterized Election 2014 because several legal appeals were pending until the last minute.



## Section 1

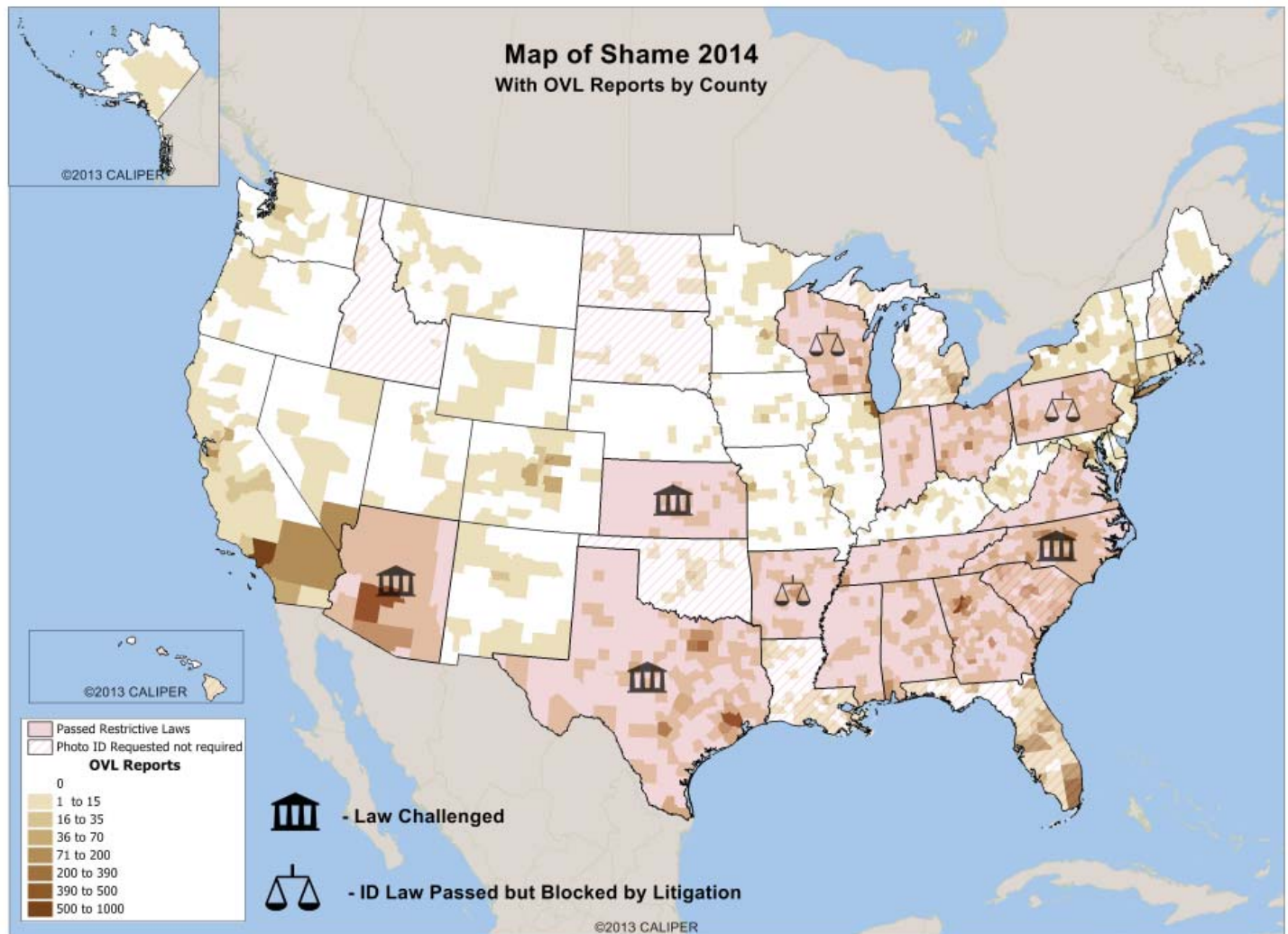
# Voting Without the Full Protections of the Voting Rights Act of 1965 (VRA)

On June 25, 2013, the U.S. Supreme Court ruled in *Shelby County v. Holder* that Section 4(b) of the VRA, the coverage formula, was unconstitutional and could no longer be used.<sup>6</sup> This key provision identified which states would be subject to Section 5 preclearance, or approval, of voting changes. Without Section 4(b), Section 5 is inoperable, so states with a history of voter discrimination—the nine states that were entirely covered and six states that were partially covered as of June 2013—are now no longer required to submit voting changes for federal review of their discriminatory purpose or effect. This decision was issued at a time when states continued to pass restrictive laws with the potential to disenfranchise thousands of citizens. Notably, North Carolina passed a comprehensive voting bill that limits various aspects of the franchise. Also since the *Shelby County* decision, formerly covered states that had passed laws that had either been blocked or not yet reviewed under Section 5 were able to put those laws into effect for the first time for Election 2014. Mississippi and Texas implemented restrictive voter ID laws that had not been granted preclearance.<sup>7</sup> In Virginia, where the U.S. Department of Justice (DOJ) had approved a non-restrictive voter ID law in 2012, the State Legislature passed and put into effect a stricter photo ID law for Election 2014. These laws made it difficult for many voters to cast a ballot, particularly for minority and low-income voters, who are less likely to have the requisite form of photo ID.



## Section 2

# Pre-Election Day Litigation



The Lawyers' Committee created and started updating the Map of Shame in 2011 to give a state-by-state portrait of restrictive voting laws introduced, passed or overturned. The Map has been updated to show the total volume of 2014 reports to Our Vote Live with voting law changes that were in effect for Election 2014.



**Months before Election 2014**, voting rights organizations, including Election Protection coalition members and private law firms, fought to prevent restrictive laws from going into effect and disenfranchising voters during the general election. However, just weeks before November 4, several court decisions altered the rules by which Election 2014 was implemented in states that had passed restrictive laws, sometimes even after voters had begun to cast early and absentee ballots.

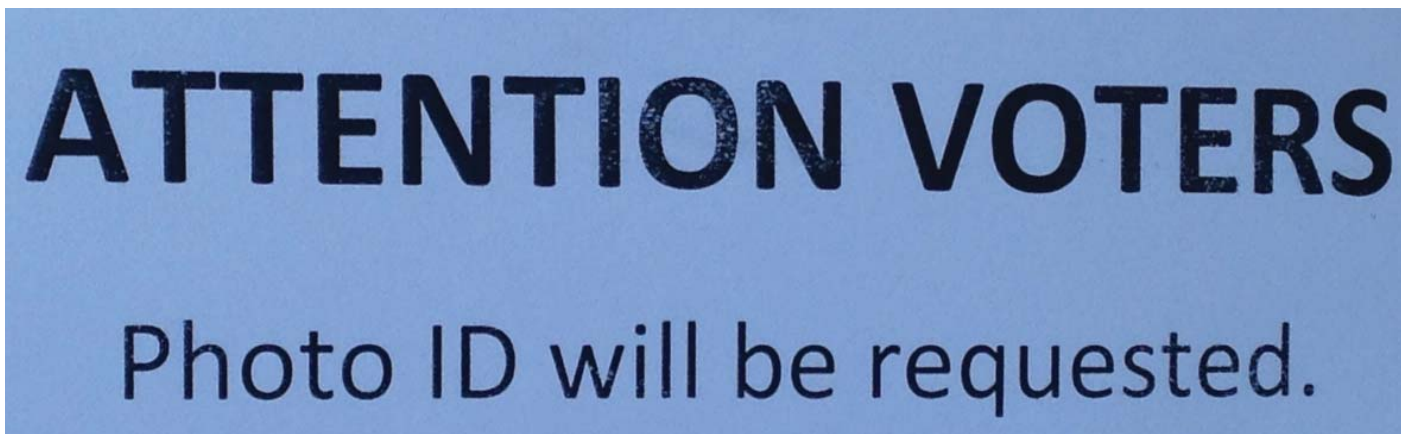
The pace of litigation made it difficult for county election officials to update the resources used to educate voters about voting procedures, such as webpages and poll worker training materials; for voter mobilization groups and voting rights advocates to disseminate accurate information to voters, as previously discussed; and for voters to understand their state's voting rules and procedures.

Voting restrictions pertaining to voter ID requirements, early voting and same-day registration particularly posed problems for voters because, as illustrated by reports to Election Protection's OVL, a number of voters faced unnecessary obstacles to casting a ballot. OVL reports document the stories of eligible voters in Texas who spent money on documents and made multiple trips to state and county offices while attempting to obtain a photo ID to vote; some were not able to get the requisite ID in time to cast a ballot that counted. OVL data show that in Ohio, where the early voting days and hours were reduced, nearly 15% of reported problems to Election Protection concerned in-person early/absentee voting. Additionally, multiple OVL reports illustrate how voters were affected by North Carolina's elimination of same-day voter registration during the early voting period. Those voters include an African-American woman who had voted for over three decades but was unable to vote in Election 2014 due to a complication with her change of address and the state's lack of same-day registration.

Summaries of litigation challenging laws in Texas, Wisconsin, Ohio and North Carolina follow here and provide examples of voting changes that were either allowed or blocked very soon before voting started in those states.

## *Texas Senate Bill 14*

In 2011, Texas enacted a photo ID requirement for in-person voting. Because Section 5 preclearance was then in place, the State submitted the change to the DOJ for preclearance. While the request for preclearance was pending, the State filed a complaint with the U.S. District Court for the District of Columbia seeking a declaratory judgment that SB 14 did not have a discriminatory purpose and would not have a discriminatory effect on the right to vote.<sup>8</sup> The DOJ denied preclearance in early 2012, and a three-judge panel of the federal district court ruled later that year that Texas had failed to prove that the law would not have a discriminatory effect. The three-judge panel further ruled that the voter ID law “is the most stringent in the country” and “imposes strict, unforgiving burdens on the poor”, who are disproportionately racial minorities in Texas.<sup>9</sup> However, the Supreme Court’s decision in *Shelby County v. Holder* invalidated Section 5, and the Court vacated the federal district court’s ruling. On the day of the Court’s decision in *Shelby County*, the Texas Attorney General announced that the restrictive voter ID law would be put into effect. In 2013, several lawsuits were filed under the Constitution and Section 2 of the VRA challenging the voter ID law. These lawsuits were consolidated, and a trial was held in September 2014. The timeline below discusses the trial court’s decision and the fate of the law after the close of the trial in late September 2014:



- October 9, 2014: a federal district court blocks the implementation of the photo ID requirement for Election 2014, finding that it was enacted with a discriminatory purpose, has a discriminatory effect in violation of the VRA’s Section 2, is an unconstitutional burden on the right to vote and functions as an unconstitutional poll tax.<sup>10</sup>
- October 14, 2014: the U.S. Court of Appeals for the Fifth Circuit, with whom Texas filed an appeal, grants a stay of the district court’s order, allowing the photo ID requirement to be implemented for Election 2014.<sup>11</sup>
- October 18, 2014: the U.S. Supreme Court upholds the Fifth Circuit’s decision and allows the voter ID law to be implemented for Election 2014. The Supreme Court did not rule on the merits of the case.
- October 20, 2014: the photo ID requirement is in effect starting on the first day of early voting in Texas, despite the trial court’s finding that more than 600,000 registered Texas voters do not have a valid form of the ID required to vote.<sup>12</sup>

## *Wisconsin Act 23*

In 2011, Wisconsin, a state that had not been subject to the Section 5 preclearance requirement, also enacted a restrictive voter ID law. That same year, the law was challenged by four lawsuits, but the State was able to enforce the photo ID requirement for its primary election in February 2012 while the lawsuits were pending.<sup>13</sup> Since then, it has been blocked by court rulings for every subsequent election in Wisconsin, including Election 2014. In early March 2012, two lower courts ruled against the State's implementation of the requirement. A County Circuit Court judge issued a temporary injunction to block enforcement of the requirement, which prevented it from taking effect in the State's April 3, 2012 presidential primary.<sup>14</sup> In a separate lawsuit, a different County Circuit Court judge ruled that the law violates the Wisconsin Constitution and permanently enjoined the State from implementing or enforcing it.<sup>15</sup> According to a news report, poll workers mistakenly asked voters to show photo ID in the State's 2012 presidential primary election.<sup>16</sup> Similarly, OVL reports show that poll workers mistakenly asked voters to present photo ID to vote in 2014. The list below shows the court decisions related to the law in the months leading up to Election 2014:

- April 29, 2014: a federal district court blocks implementation of the photo ID requirement for Election 2014, ruling that “300,000 plus voters” lack the requisite ID and would be “deterred” from voting.<sup>17</sup> The court also found that the law violates the U.S. Constitution and the VRA.
- July 31, 2014: the Wisconsin Supreme Court upholds the law, but the photo ID requirement is still not in effect for Election 2014 because of the federal district court order on April 29.<sup>18</sup>
- September 12, 2014: the U.S. Court of Appeals for the Seventh Circuit three-judge panel rules that the requirement can be immediately implemented.
- October 9, 2014: the U.S. Supreme Court blocks the implementation of the photo ID requirement for Election 2014, pointing out that absentee ballots were sent out before the Seventh Circuit's ruling. Those ballots were sent without any notification to voters that photo ID must be submitted for their vote to count.<sup>19</sup>

In a separate piece of legislation, Wisconsin enacted a new law in 2014 requiring every voter, except for military and permanent overseas voters, to show a proof-of-residence (POR) document to register to vote. OVL data show that acquiring an acceptable POR document was burdensome for some voters and that poll workers were unsure of what type and how many POR documents were required for Election Day registration. One voter in Kenosha County, Wisconsin had a state ID which included her photo and current address, but she was turned away from the polls and not allowed to vote. The voter's mother informed Election Protection that the voter had no other POR document. An Election Protection volunteer confirmed that the voter's state ID should be an acceptable form of POR. An attorney poll monitor at the polling location reported that poll workers had asked other voters for two forms of POR, when only one is required by Wisconsin law.

## Ohio Senate Bill 238

In early 2014, Ohio's Governor signed a law that reduced the length of early voting from 35 to 28 days. In cutting back early voting, Ohio also eliminated a week-long window of time when voter registration and early voting were both open. That overlapping week, known as "Golden Week", essentially constituted same-day registration in Ohio, providing voters with the convenience of registering and voting in just one trip



### Election Protection

Posted by [redacted] [?] · September 29, 2014 ·

Breaking: Supreme Court blocks early voting in Ohio! Read more here: <http://bit.ly/1pmAorn>

If you have questions about the new early voting period, give us a call at 866-OUR-VOTE!



### Supreme Court blocks early voting in Ohio

The last-minute decision means early voting will not start Tuesday, but instead will be delayed one week.

CLEVELAND.COM

to the polls. The law also cut Sundays from the in-person early voting period and eliminated weekday evening voting. Evidence presented in court illustrated that the elimination of same-day registration would impact thousands of voters, especially lower income voters, homeless voters, African Americans, first-time voters, formerly incarcerated persons, women and the elderly.<sup>20</sup> The changes also had an impact on voters who participate in "Souls to the Polls", an effort made by African-American churches to organize trips to the polls after church service during early in-person voting. Voters who rely on this tradition and church-sponsored transportation had to find other means of transport. The timeline below outlines the court decisions related to the law in the months leading up to Election 2014:

- September 4, 2014: a federal district court blocks the law's implementation for Election 2014.<sup>21</sup>
- September 24, 2014: the U.S. Court of Appeals for the Sixth Circuit also blocks the law's implementation.<sup>22</sup>
- September 29, 2014: the U.S. Supreme Court allows the law to be implemented for Election 2014, fewer than 24 hours before the first day of the State's previously scheduled early voting period.<sup>23</sup>

## *North Carolina House Bill 589*

North Carolina passed a sweeping election bill in 2013, and many of its provisions went into effect in 2014. The law included so many restrictive voting changes that some voting rights advocates refer to it as North Carolina's "monster voter suppression bill." The law also includes a photo ID requirement which is scheduled to go into effect for the 2016 elections. OVL reports show that poll workers incorrectly asked voters to present photo ID for Election 2014; the law requires that voters only be asked if they possessed a photo ID and be informed of the 2016 requirement.

### Highlights from North Carolina's HB 589:

- Eliminated same-day voter registration during the early voting period;
- Required the signatures of two witnesses on a voter's mail-in absentee ballot;
- Cut the early voting period by one week;
- Stopped pre-registration for 16- and 17-year-olds;
- Eliminated annual voter registration drives sponsored by the State;
- Prohibited election officials from counting ballots cast in the wrong precinct;
- Prohibited county election officials from extending polling hours; and
- Allowed a voter to challenge another voter's registration, even when the challenger did not vote in the same precinct or county as the challenged voter.

Below is a timeline of court rulings pertaining to the law in the months before Election 2014:

- August 8, 2014: a federal district court allows the law's implementation for Election 2014.<sup>24</sup>
- October 1, 2014: the U.S. Court of Appeals for the Fourth Circuit blocks the parts of the law that eliminate same-day registration and prohibit election officials from counting provisional ballots cast outside of a voter's precinct.<sup>25</sup>
- October 8, 2014: the U.S. Supreme Court reverses the Fourth Circuit's ruling, allowing the full implementation of the law in 2014.<sup>26</sup>

These last-minute shifts in the legal context of Election 2014 led to various problems that Election Protection sought to address. Those problems will be further elucidated in Chapter 3.

Many Election Protection coalition member organizations began doing voter education and outreach in the summer of 2014. In some states, those efforts began in the midst of litigation, which meant that, depending on court rulings, the information in those materials was at risk of becoming obsolete before voting began. In response to the dynamic pre-election legal environment, coalition members regularly updated printed and online materials. For example, Election Protection coalition member Wisconsin Voices created voter education fliers after the Seventh Circuit Court of Appeals ruling restored Wisconsin's photo ID requirement. However, the group was aware that the ruling was being appealed and the law might not be enforced for Election 2014. To prepare for this possibility, the group created stickers with information that would be accurate if the appeal were successful. After the U.S. Supreme Court ruling on October 9 blocked Wisconsin from requiring photo ID in Election 2014, Wisconsin Voices staff and volunteers covered obsolete information with stickers containing updated information on their 10,000 fliers.

## Chapter 3

# Problems and Inquiries in Election 2014

**Voters contacted Election Protection** with a diversity of inquiries and problems. The high percentage of requests for information in Election 2014 shows that making voter education materials accessible should remain a top priority for voting rights advocates and county election officials. More specifically, the nature of those inquiries also demonstrates the

### Inquiries and Problems of Election 2014

83.24% of all OVL reports included an inquiry

12.73% of all OVL reports included a problem

importance of providing voting information in a variety of ways in order to reach all voters, particularly those who do not have Internet access or who are uncomfortable using the Internet.

#### Email excerpt from Election Protection volunteer:

Volunteering... on the South Side of Chicago was a rewarding experience for me. There were hundreds of voters who came for same-day registration, name changes, change of address issues and others who were simply misdirected. These people wanted to vote! Parents brought children, some folks were disabled but they all wanted to vote. Nothing could swell my optimism for the future more.

There were glitches, however. The lines were long, equipment broke down [and] we were out of forms completely for 2.5 hours. This had a deleterious [e]ffect on those who were seeking to vote while working or who simply could not stay. The polls stayed open late with hundreds still waiting to vote.

While the number of reported problems was small in comparison to the reported inquiries, the problems reported to Election Protection reveal that several aspects of America's electoral system prevent voters from casting ballots that count. The following pages discuss the main categories of the inquiries and problems captured in OVL and addressed by Election Protection in Election 2014.

## Section 1

# Polling Place Problems Result in Long Lines and Frustrated Voters

**Sixty-one percent of inquiries** and 26% of problems reported to Election Protection Hotlines concerned polling places. For the most part, these voters were seeking information on where they needed to go to vote. In addition, voters had both inquiries and problems related to:

- Changes to polling place locations and voters not receiving notification from election officials about these changes;
- Lack of signage announcing polling place entrances or polling place changes (for voters who showed up at their previous location);
- Voting equipment malfunctions or breakdowns; and
- Late openings.

These issues created long lines and voter frustration, and in some cases voters left polling places without casting a ballot.



## *Polling Place Changes and Inadequate Signage*

Many of the voters who contacted Election Protection complained that their polling places had been changed and they had not been notified. OVL reports also show that some voters went to their usual polling place only to find out that it was no longer a voting site, while others reported that the signs informing them of their new polling place were confusing, obscured or absent. In California, North Carolina and Ohio, voters and Election Protection field volunteers reported polling place changes in multiple counties.

Voters from the counties of Los Angeles, Orange and Riverside in California reported having trouble finding the entrance to their polling locations because of inadequate signage. In these cases, Election Protection volunteers alerted the County Boards of Elections to the need for proper signage. Election Protection's data show that nearly 69% of reported inquiries and over 45% of reported problems from California concerned

### Wrong Information on Websites

Reports from the following places reported that the polling place location given on their Secretary of State website, county clerk website or other website was incorrect:

- Harris County, Texas
- Greenville County, South Carolina
- Reno County, Kansas
- Philadelphia, Pennsylvania

polling places. Voters from the counties of Hamilton and Montgomery in Ohio reported both inadequate signage and lack of parking at polling places. For example, an Election Protection volunteer<sup>27</sup>, reported from a school in Montgomery County that there was no signage indicating that a school was a polling place. In addition, no sign directed voters to the actual polling location inside the school or indicated where voters should park. In this case, the Montgomery County Director of Elections was notified. Of Election Protection's data from Ohio, 66% of reported inquiries

and nearly 30% of reported problems concerned polling places. Similarly, callers voting in the counties of Forsyth and Durham in North Carolina reported that entrance to this polling site had changed for the 2014 general election but observed no adequate signage. In Forsyth County, a caller reported<sup>28</sup> that no one was on-site to direct people to the correct entrance. An Election Protection volunteer contacted the County Board of Elections, which indicated that they would follow up with the precinct's chief judge. And in Durham County, a caller reported<sup>29</sup> that voters seemed confused and were leaving the polling place without voting, so an Election Protection volunteer called the Director of the County Board of Elections, who said that he would dispatch someone to the site. Election Protection's data show that of North Carolina OVL reports, 59% of inquiries and over 34% of problems concerned polling places.

Some state or county websites either crashed or malfunctioned before or on Election Day, making it more difficult for voters to access necessary information and for Election Protection volunteers to assist voters with confirming their registration status and looking up their polling place. Voters were affected in:

- Maricopa County, Arizona
- Contra Costa, Alameda & Ventura Counties, California
- Hillsborough County, Florida
- Davidson County, Tennessee
- Texas
- Pennsylvania
- New York
- Georgia
- New Jersey

Polling place changes made it particularly difficult for elderly and/or disabled voters to access new polling sites. The new locations of some polling places were not within walking distance of these voters' residences or significantly lengthened their travel time. A Hamilton County, Ohio voter<sup>30</sup> told an Election Protection volunteer that she has been voting at the same polling place for 60 years, which was located on her block. She called 1-866-OUR-VOTE to find out about her new polling place and was concerned that it was two miles away from her home. In Dallas County, Texas, a change to a polling place reportedly<sup>31</sup> required voters to walk up a flight of stairs to reach the room where they could vote. The Dallas County caller reported not seeing any entrance that could be accessed by voters with disabilities. When she asked a poll worker about this, he said voters could use another building entrance and reach the polling room, though this was not clear from the signs directing voters.

## Harris County, Texas

In Harris County, where the voting age population (VAP) is nearly 20% African American and over 36% Latino<sup>32</sup>, on-the-ground Election Protection legal volunteers reported that hundreds of voters left polling places out of frustration, casting neither regular ballots nor provisional ballots at multiple precincts. Major polling place problems in Harris County that are described in OVL reports include:

- long lines caused by late openings;
- broken voting machines or electrical problems; and
- voter confusion about reassigned polling places due to recently split precincts.

A caller reported that about 20 voters were in line waiting to vote at one polling location that did not open on time because of apparent electrical issues.<sup>33</sup> At a polling location in a different precinct, a caller reported that the site opened late on Election Day. In addition, only two machines were working, and a legal field volunteer reported that while hundreds of voters were waiting in line, many others were leaving without voting.<sup>34</sup> At another polling location in Harris County, an Election Protection field volunteer estimated<sup>35</sup> that poll workers were turning away 50 to 60% of the voters for being in the wrong precinct. The volunteer was scrambling to help direct voters to their correct precinct. When the volunteer called the Hotline about 90 minutes later, she estimated that close to 90% of voters were being turned away. The Texas Election Protection Program dispatched additional Common Cause volunteers to the site to help voters. Common Cause volunteers and legal volunteers from law firm allies contacted officials at the Harris County Clerk's Office Elections Division to request that they address the reported problems. Of the Texas reports to Election Protection that specify a county, over 32% came from Harris County. Nearly 69% of inquiries and nearly 20% of problems reported to Election Protection from Texas concerned polling places.

Polling place changes impacted voters differently, from workers with inflexible schedules, to elderly voters who found it burdensome to travel to a new location. In some cases, county election officials told Election Protection volunteers that the change had been announced on an official website; however, online announcements do not help voters that do not have regular access to a computer or the Internet, or those who do not expect their polling places to change. In addition, OVL reports show that some elderly voters called the Hotlines and complained of not receiving notification of their polling place change by mail.

## *Voting Equipment Malfunctions and Breakdowns*

The 2012 election marked 10 years since the Help America Vote Act put in place voting equipment standards and provided funding for new machines. More than one decade later, aging voting equipment is failing, as evidenced in recurrent reports from Elections 2012 and 2014 of electronic ballots switching voters' preferences from one candidate to another and broken down machines forcing voters to wait in line. Election Protection received reports from across the country about voting equipment failures, including from voters in states that did not have a high volume of reported problems in the 2010 midterm election or 2012 presidential election. For example, a caller in Connecticut alerted Election Protection that multiple precincts in Hartford County were having problems with their electronic poll books and were turning voters away. The volunteer who took the call noted that there were no backup paper copies of the electronic poll books on hand. Ultimately, the Governor of Connecticut filed a court order on Election Day, and polling place hours were extended for two of the affected precincts. National and local news outlets covered the story.<sup>36</sup>



Polling places across South Carolina experienced problems with their touch-screen machines. At one polling place in Spartanburg County only one of the location's four voting machines was reported to be working around 7:30 a.m., 30 minutes after polls had opened.<sup>37</sup> After an Election Protection volunteer called the County Board of Elections, a technician was dispatched to work on the broken machines. A Richland County, South Carolina polling place experienced a similar problem.<sup>38</sup> As of 7:45 a.m. on Election Day, only one of its four voting machines was operational, and voters had to vote one at a time. Again, after Election Protection

reached out to the county official, a technician was sent to work on the machines. One voter arrived at her polling place in Newberry County at 7 a.m.<sup>39</sup> when polls were supposed to be open. She was unable to vote because none of the voting machines were working. The poll workers told her that they were waiting on a technician and new machines, but she left before any arrived and did not cast a ballot. When Election Protection called county officials, they confirmed that the machines were not working when the polling place first opened but had been fixed later that morning.

At an early voting site in Guilford County, North Carolina, a voter<sup>40</sup> estimated that hundreds of people were in line to vote and received word that the long wait was because only one of about 15 voting machines was working. An Election Protection coalition partner contacted the County Board of Elections Director who was aware of the problem and confirmed that technicians and additional poll workers had been deployed to the site. Guilford County has a voting age population (VAP) that is over 30% African American.<sup>41</sup>

### *Late Openings*

In addition to faulty voting equipment, poll workers who did not arrive on time also caused polling places to open late. Multiple reports from Philadelphia County, Pennsylvania, which has a VAP that is over 40% African American,<sup>42</sup> described polling places that opened 20-30 minutes late. A voter who was waiting for 20 minutes at a polling place in Philadelphia<sup>43</sup> reported that some voters left. A voter at a different polling place in Philadelphia<sup>44</sup> reported that when the polling place finally opened, the poll workers had trouble operating the voting machines. Of the reports to Election Protection that specify a Pennsylvania county, over 70% came from Philadelphia County. Statewide, over 72% of reported inquiries and nearly 38% reported problems to Election Protection concerned polling places, while nearly 16% of reported problems concerned poll workers.

#### Working Together, Voters and Volunteers Overcome Polling Place Problems

On November 4, no poll workers showed up to work at a precinct in Delaware County, Pennsylvania, leaving Chester County voters unable to cast ballots throughout much of the morning. Election Protection volunteers alerted the county election authorities to the situation. There was another staffed precinct at the same site, so the election authorities decided to move the precinct's polling site 10 blocks away, out of walking distance for some voters. An Election Protection volunteer remained on site while leadership from the national call center got in touch with county and state elections officials to advocate for poll workers to deploy to the correct polling site. When the county sent a truck to pick up the voting machines and equipment to bring them to the new site, voters prevented the truck from leaving with the machines. They insisted on voting at their assigned location since it would be difficult for some to get to the new site. More than four hours after polls were scheduled to open, poll workers arrived to staff the precinct and voters were able to vote.

A caller in Erie County, New York<sup>45</sup> reported that his polling place did not look open when he drove by it in the morning. A news report confirmed that only one out of four poll workers arrived at that polling place on time. The worker decided not to open the polling place without the other poll workers and did not alert the county elections official of their absences. Voters were unable to vote for at least an hour, and some voters left without voting, prompting county election commissioners to urge voters to return to the polling place to cast their ballot.<sup>46</sup>

### Caddo Parish, Louisiana

In Caddo Parish, where nearly 45% of VAP is African American,<sup>47</sup> one voter<sup>48</sup> reported that voting machines were not working for at least 30 minutes after the polling place opened on November 4. The voter went on to report that people had left the polling place. Louisiana law allows voters in the correct parish but wrong precinct to vote provisionally for federal offices, but this was not an option because according to the caller, the machines at the nearby precinct were also turned on late. A different Caddo Parish caller<sup>49</sup> reported that around 30 people were waiting at another polling place that opened late. In response to that call, an Election Protection volunteer called both State and local Boards of Elections, and 45 minutes after the polling place was supposed to be operational, poll workers were still setting it up. At another location in Caddo Parish, a caller<sup>50</sup> said that there were two long lines. Apparently, poll workers were telling voters to figure out which district they belonged to and then get in the corresponding line. The caller observed that after some voters got in one of the long lines, they were then told they were in the wrong line when their time came to finally cast a ballot. The caller was ultimately able to vote but noted that voters were confused and some became frustrated and left without casting a ballot. Of the OVL reports from Louisiana, nearly 72% of the inquiries and nearly 41% of the problems concerned polling places; nearly 30% of the problems concerned voting equipment/ballots; and over 11% of the problems concerned poll workers.

## Section 2

# Voter and Poll Worker Confusion Around Voter ID Requirements

**For Election 2014,** 31 states required

some form of voter ID for in-person voting.<sup>52</sup> Alabama, Georgia, Indiana, Kansas, Mississippi, Tennessee, Texas and Virginia had some of the most restrictive photo ID laws in place. For example, the voting laws of Tennessee and Texas did not allow voters to show student IDs,

presenting challenges for students whose state IDs or driver's licenses might not match their voter registration information. Tennessee and Texas were also among the four lowest voter turnout states of Election 2014.

### Voter Turnout for Election 2014<sup>51</sup>

#### Lowest Turnout States

1. Indiana – 27.8%
2. New York – 28.2%
3. Texas – 28.3%
4. Tennessee – 28.6%

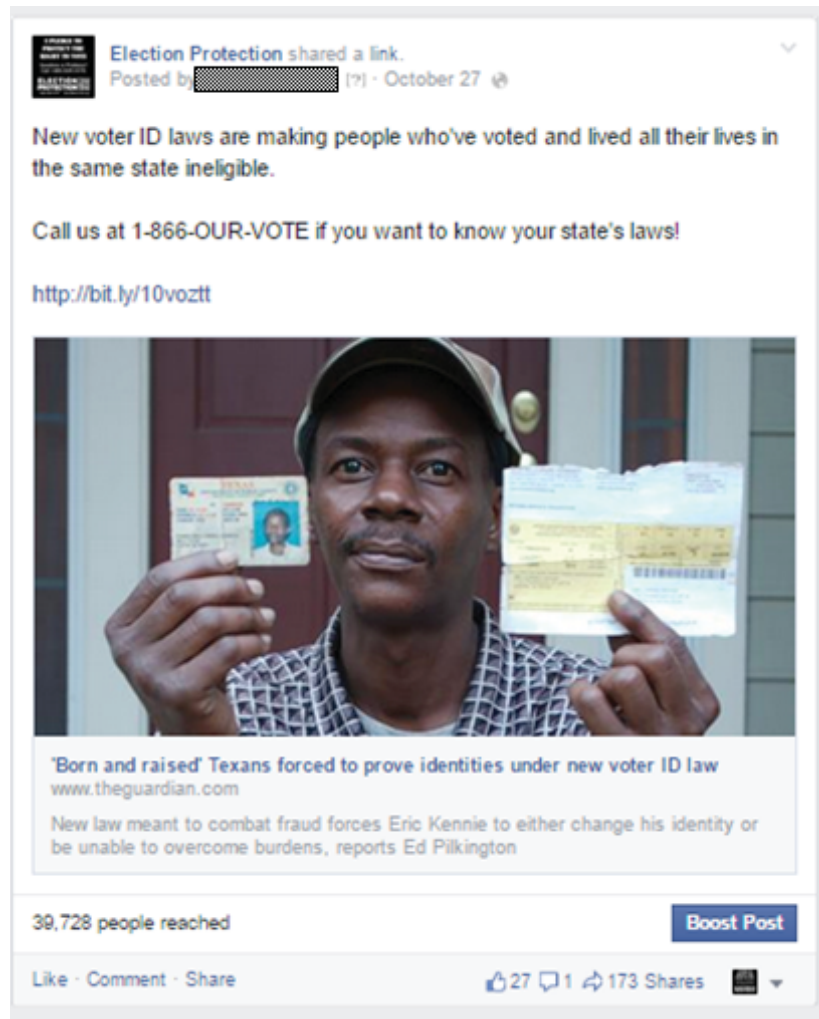
#### Highest Turnout States

1. Maine – 58.0%
2. Wisconsin – 56.5%
3. Alaska – 53.8%
4. Colorado – 53.4%

For Election 2014, calls and field reports that mentioned voter ID were related to:

- Voters who were unsure if they needed to show ID;
- Voters who wanted the list of acceptable IDs for voting;
- Poll workers who incorrectly asked voters for ID or did not accept approved IDs;
- Voters who expressed concern about the burdens associated with getting an acceptable form of ID to vote; and
- Voters who were unable to cast a ballot that counted because of those burdens.

## *Voter Confusion Over Voter ID*



Hundreds of voters called the Hotlines to ask voter ID-related questions. A visually impaired voter from Bexar County, Texas heard about the photo ID requirement and called to ask about getting a photo ID on the very day that the Supreme Court ruling allowed the requirement to take effect for Election 2014. A caller from Harris County, Texas wanted to vote early but was unsure if the photo ID requirement was in effect for early in-person voting. A Florida voter called because she lacked a photo ID with her married name and wanted to know if she could still cast a regular ballot. And callers from North Carolina, where a voter ID law is scheduled to take effect in 2016, were unsure if they needed a photo ID to vote in 2014. In most cases, Election Protection volunteers were able to help voters by providing information about acceptable forms of voter ID in their state.

## *Poll Worker Confusion*

Uncertainty about voter ID requirements was exacerbated by poll workers who incorrectly asked voters for ID or who asked voters for a form of ID that was not required in their state. Callers from Arkansas and North Carolina complained of feeling “pressured” or “intimidated” by poll workers who asked for ID. In Arkansas, Election Protection coalition partner the American Civil Liberties Union of Arkansas, among others, represented plaintiffs in a challenge to the State’s strict photo ID law. On October 15, 2014, the State Supreme Court struck down the law. Still, an existing law requires poll workers to request that voters show a current photo ID even though a voter can cast a regular ballot without showing one.<sup>53</sup> In this case, it was not wrong of Arkansas poll workers to ask for photo ID, but reports show that some voters felt threatened as the result of poll worker actions. For example, in one report from Hot Springs County, Arkansas, a voter<sup>54</sup> described being shouted at by a poll worker when she refused to show ID to vote. The caller eventually voted but was upset by the poll worker.

The topic of voter ID was heavily covered by media outlets and mentioned countless times in news stories and through social media. While the spotlight on voter ID likely influenced more voters to check the requirements, it may have also had the unintended consequence of influencing poll workers to ask for or insist that voters show ID, even in states without such existing requirements. For example, a voter from Hudson County, New Jersey,<sup>55</sup> who is also an Election Protection volunteer with coalition partner the Brennan Center, reported having to educate a poll worker about ID requirements. The poll worker inappropriately asked for her ID when she went to cast an in-person absentee ballot. In addition, at an early voting site in Randolph County, North Carolina, a voter<sup>56</sup> observed a poll worker asking another voter to show ID to verify his new registration. When the voter showed his student ID, the poll worker said it was not a valid form of identification. The poll worker apparently did not know that a student ID was an acceptable form of ID for the 2014 election. The caller who reported the issue left before it was resolved, but Election Protection called and spoke to an official at the County Board of Elections, who confirmed that the poll worker was informed that student ID is acceptable. The voter in question was eventually able to vote.



Also, in San Mateo County, California, where over one quarter of the VAP is Asian,<sup>57</sup> an Election Protection volunteer reported<sup>58</sup> that she voted at a precinct with a sign at the registration desk instructing voters to “Show ID.” She asked the poll workers if they had been instructed to post the sign and was told that the precinct supervisor had directed them to do so. She then advised them of the limited cases in which a California voter actually needs to show ID and reported that the poll workers immediately removed the sign.

## *Texas Spotlight: Highlights of the Struggle to Get Voter ID*

In states with strict voter ID requirements, some voters are saddled with an undue burden when trying to get an acceptable form of voter ID. Even though these states may offer free voter identification, a voter will most likely spend time and money traveling to the designated location or acquiring the documents needed to apply for the “free” ID. Below are stories of Texas voters who hurdled these obstacles in order to get an ID to vote in Election 2014.

### **Latasha Carnegie**

Latasha Carnegie is an African-American single mother and college student born in Texas. She discovered that none of her identification documents met the voter ID requirement when she tried to vote during the early voting period. She called 1-866-OUR-VOTE, and an Election Protection volunteer discussed with her the requirements to obtain an Election Identification Card (“EIC”), but Ms. Carnegie did not have a copy of her birth certificate.

She went to the Denton County elections office to try to get her birth certificate. An official inaccurately told her that the elections office did not issue them, even though the state website stated otherwise. Ms. Carnegie showed the official a printout of an email from the Election Protection volunteer with information about how to get her birth certificate and EIC. She ultimately obtained her birth certificate but had to pay \$3 for it, despite the fee waiver that Texas claims to grant to voters who obtain a birth certificate to apply for an EIC. Ms. Carnegie next had to go to a Department of Public Safety (DPS) office for the election ID, which is not issued at the elections office. The first office she tried refused her an ID. After going home to gather additional documents, she went to another DPS office with her voter registration card, birth certificate, student ID, divorce decree and lease in hand. After two hours at the second DPS office, she was permitted to buy a state ID card for \$16. She was then finally able to vote around 6 p.m., after spending all day—and money—getting the documents she needed.

### **Texas Voter X<sup>59</sup>**

Texas Voter X called 1-866-OUR-VOTE on Friday, October 31 to ask if he could use a Florida driver’s license to vote in Texas. The Election Protection volunteer informed Voter X that under Texas law, only IDs issued by the federal government and the State of Texas are accepted. The volunteer reported spending almost two hours on the phone that day trying to find out what options existed for Voter X to get an acceptable ID in time for Election Day. Voter X could not afford to get a Texas driver’s license, so the volunteer called the state office of the DPS and found out that a birth certificate and voter registration card would be enough to obtain a free EIC. Before talking to the official at the state DPS office, the volunteer had been directed from the

county elections department to the Secretary of State office to a local DPS office and lastly to the state DPS. The volunteer informed Voter X how to obtain an EIC. Voter X reported back to Election Protection that he went to a local DPS and was told that he was the first person to ask for an EIC. He recalled that at first an employee at the DPS office tried pressuring him to get a Texas driver's license but then a manager took Voter X into his office and started making calls to find out what documents were needed to issue an EIC. Voter X had his birth certificate, Florida driver's license, Texas voter registration card and further proof of residence. The manager said he did not have the proper documentation. Voter X had to pull up information online and show the manager that he had the required documentation to get an EIC, and was only then able to start the application. Voter X was finally issued an EIC.

### **Patrick Steadman**

Patrick Steadman called 1-866-OUR-VOTE from Collin County, Texas to get information about getting an EIC. He wanted to know the required documents, where to go, the card's price and whether he would be able to get one and vote on the same day. An Election Protection volunteer found this information, called him back and left a message explaining how the EIC application works. Mr. Steadman called back and said that when he went to the DPS office, officials erroneously tried to charge him \$16 for the card. The volunteer advised him that the EIC is free. In trying to further help him, the volunteer understood that he could not get an EIC at that time because Mr. Steadman, who was born in Louisiana but now lives in Texas, had lost his birth certificate when his car was stolen. He would have to get a certified copy from his state of birth. Mr. Steadman told the volunteer that he would vote a provisional ballot and then try to get the EIC after Election Day. He called the Hotline back on November 5 and shared that he was going to try to get a copy of his Louisiana birth certificate and then obtain an EIC, in order to ensure that his provisional ballot counted. In January 2015, a staff member at the Lawyers' Committee followed up with Mr. Steadman and found out that he was able to secure his EIC and present it to the county voter registrar in time for his provisional ballot to count.

### **Trish Ann Benson**

Trish Ann Benson is a voter that identified herself to Election Protection as American Indian and Black. She contacted the Hotline because she was refused an EIC. A DPS employee told Ms. Benson that she needed ID, a birth certificate and a marriage license to receive a "free" Texas EIC. She had all of those items but was told that the birth certificate was unacceptable because it was not a sealed or a recent copy. She then returned with her Social Security card and her voter registration card, and was again refused an EIC.

Ms. Benson voted in 2012 and has voted in all elections since she was 18. She was born and raised in Texas. The Election Protection volunteer called and spoke to the DPS employee who told her that her birth certificate was unacceptable. The DPS

employee told the volunteer that Ms. Benson needed a certified copy of her birth certificate but admitted that she had everything else necessary to get the EIC. The DPS employee referred Ms. Benson first to the Department of Vital Records in Del Rio, Texas and then to an official at the Texas Secretary of State office. An official at the Texas Secretary of State office instructed Ms. Benson to travel 70 miles away to Uvalde to try to obtain a certified copy of her birth certificate.

When an Election Protection staff member followed up with Ms. Benson on Monday, November 3, she was on her way to travel the 70 miles to get a certified copy of her birth certificate. Ms. Benson was not able to cast a regular ballot in Election 2014.

Election Protection followed up with Ms. Benson again on November 21. She reported that she had sent an application to get a birth certificate to the Austin Department of Vital Records and had received notice that her provisional ballot was not counted due to proper ID not being provided. When Election Protection checked back with Ms. Benson to ensure she was able to obtain her birth certificate, she reported that she has received a request from the Austin Department of Vital Records to send additional information in order to get her birth certificate. Despite Ms. Benson's nearly two-month struggle to get a "free" EIC to vote in Texas and despite being disenfranchised for Election 2014, she told the Election Protection volunteer that she is "determined" to do what it takes to vote in the next election.

## Section 3

# Voter Registration

---

**Nearly 25% of all inquiries** and nearly 23% of all problems reported to Election Protection concerned voter registration. The inquiries were mostly from voters who wanted to confirm that they were in the system as registered to vote, find out their state's voter registration deadline, confirm the documents needed to register or ask about the process for updating one's address after moving. The most commonly reported registration problems included:

- Names missing from voter rolls despite the voter participating in past elections or believing that they had properly registered, and
- Poll workers challenging people's right to vote after a voter's name or address change.

After more than 40,000 names of Georgians who had registered to vote through voter registration drives did not appear on the state voter rolls, a lawsuit was filed in Georgia in mid-October 2014. More than two weeks into Georgia's early voting period and one week before Election Day, the Fulton County Superior Court ruled that the Georgia Secretary of State did not have to enroll those eligible voters from three counties in time for those individuals to cast a regular ballot in Election 2014. The OVL data for Georgia shows that nearly 45% of all reported inquiries and nearly 57% of all reported problems were related to voter registration. The aforementioned lawsuit and efforts to reach those who had attempted to register were predominant factors leading to this high call volume. Also, in Georgia, many voters who were successfully registered did not receive voting information, like their assigned polling place, before Election Day.

Other states had similar problems on a smaller scale. A voter in Buncombe County, North Carolina<sup>60</sup> reported that she had registered to vote at the Department of Motor Vehicles but when she went to vote, poll workers could not find her registration. The voter cast a provisional ballot during the early voting period. In addition, OVL reports show that the Buncombe County Board of Elections acknowledged that many voters had called them with the same problem. In Lake County, Illinois, a man<sup>61</sup> brought his voter registration card to his polling place. His name was not found on the voter rolls, but when an election judge called the county clerk's office, the man was indeed registered and the judge was told to let him vote a regular ballot. A woman in Oakland County, Michigan<sup>62</sup> called the Hotline after she left the polls without voting—even though she had registered in June 2014 and had not moved. She left the polls because her name was not found on the registration list. However, when an Election Protection volunteer looked her up on the Michigan voter registration site, she was registered and had been at the correct polling place. The woman went back to vote. In Los Angeles County, California, a voter<sup>63</sup> reported that she did not receive any election materials in the mail even though she is registered to vote and has voted for the past seven years with her same address.



### *Voting after Changing Address*

The Hotlines received a number of calls indicating that, as in past years, address changes presented problems in Election 2014. For example, while Florida law permits a voter who has moved within the state to update their address at a polling place on Election Day, a number of voters who tried to do this were given incorrect information by poll workers or denied the opportunity to vote. One woman in Broward County, Florida<sup>64</sup> went to her polling place in the morning before her work shift. She had moved from another residence in Broward County, but the poll worker incorrectly told her to go back to her old polling place rather than allowing her to change her address and vote. The voter called Election Protection for help but had already left the polling place and was unable to return to and vote. Another voter<sup>65</sup> had moved from Broward County to Miami-Dade County, Florida. The voter had not updated his voter registration in advance but had his current address on the ID that he presented to vote. He was turned away from the polls. An Election Protection volunteer contacted the Supervisor of Elections' office, and the voter's information was finally updated after 4.5 hours. He then returned and was allowed to cast a regular ballot. Over 19% of reported problems to Election Protection from Florida concerned voter registration.

## Section 4

# Disability and Language Access Problems

### *Disability Assistance*



**Many of the Election** 2014 problems related to physical disabilities also overlap with the polling place problems discussed earlier in this Report (e.g. polling places that were moved to locations that were difficult for disabled individuals to access). The Hotlines also received calls from voters who were frustrated by the lack of or problems with curbside voting services that allow voters with mobility issues to vote from their vehicles. The Americans with Disabilities Act of 1990 and the Help America Vote Act of 2002 both set out requirements for polling places that address the needs of disabled voters. Even with these two laws in place, resources for disabled voters still fall short at polling places, and poll workers continue to give disabled voters inadequate assistance. In California, over 20% of OVL reports of problems concerned accessibility.

At a number of polling places, poll workers refused to help with curbside voting. A voter in Harris County, Texas<sup>66</sup> called the Hotline to report that she drove her visually impaired friend to the polls. The voter reported that poll workers refused to offer curbside voting for her friend, who has used this service in the past. The poll workers told her to bring her friend into the polling place, but when they entered, there was no voting machine that would have allowed her friend to vote independently. In Guilford County, North Carolina, a voter<sup>67</sup> reported that poll workers refused to provide curbside voting and made disabled voters park and come into the polling place to vote. An Election Protection volunteer called the County Board of Elections and was later told that a county official had contacted the polling place and instructed poll workers to perform their duties. In Durham<sup>68</sup> and Forsyth Counties, North Carolina, voters complained of no or inadequate curbside voting assistance. In both cases, lines were forming and disabled voters were made to wait up to one and a half hours to get help.

Election Protection was also alerted to incidents where poll workers did not know how to operate the voting machines for people with audio or visual disabilities. For example, reports from Chicago, Illinois<sup>69</sup> and Delaware County, Pennsylvania<sup>71</sup> described that no poll workers present in the polling place knew how to operate machines for the visually impaired. In Chicago, the voter became uncomfortable because she had to ask someone else to read her ballot and assist her in voting. In Delaware County, a visually impaired voter was turned away from the polls and told to come back so that poll workers could have time to learn how to operate the accessible machine. When the voter returned a couple of hours later, poll workers attempted to turn him away again because he had previously left without voting, but he fought to cast a provisional ballot. However, because the provisional ballot was a paper ballot, he was not able to vote independently and had to enlist the help of his wife.<sup>71</sup>

## *Lack of Language Assistance*

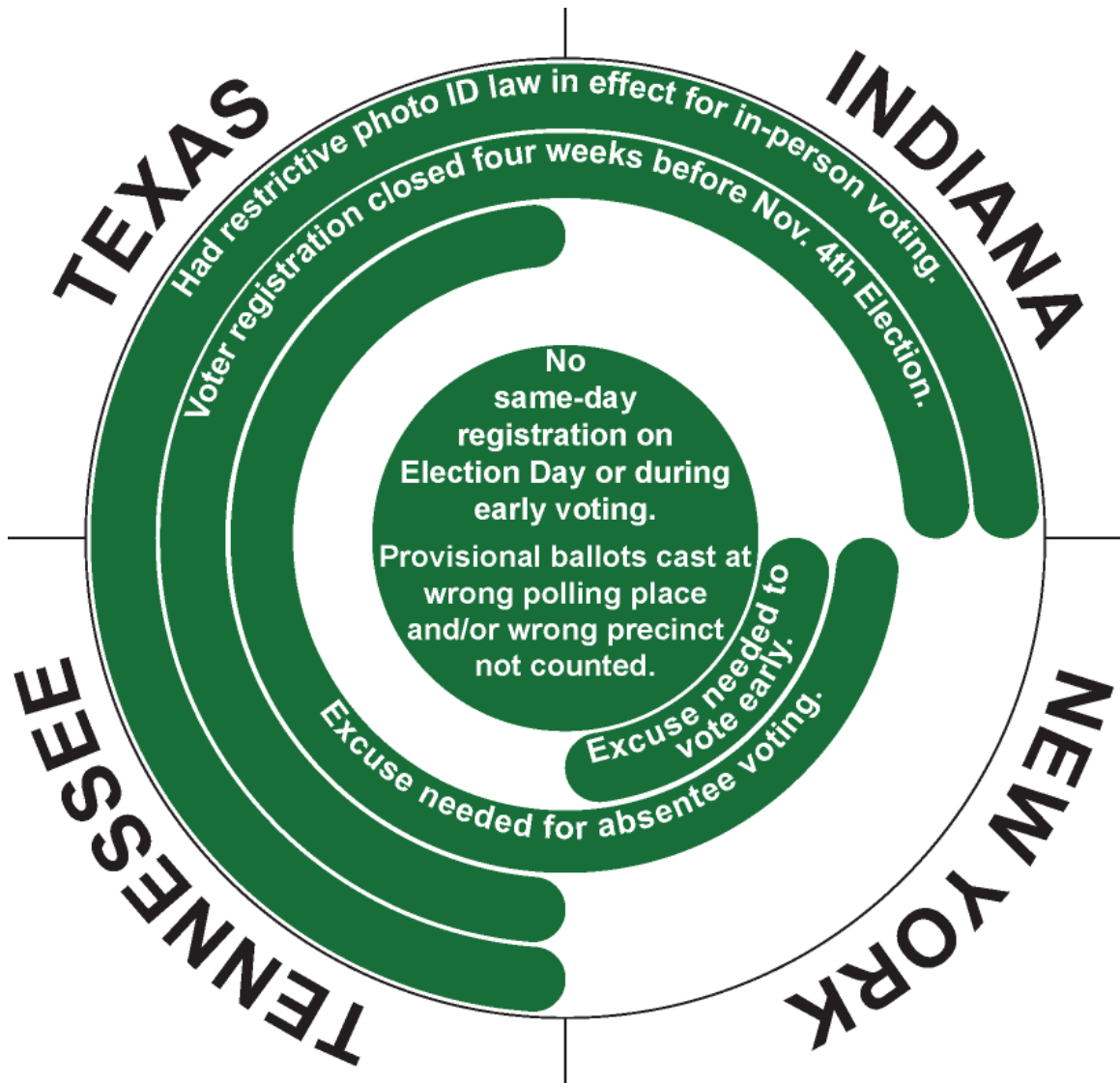
The language assistance problems voters experienced in Election 2014 included a lack of:

- Interpreters;
- Poll workers adept at helping non-native English speakers vote; and
- Bilingual voting materials.

Election Protection received a number of reports from counties throughout California and some from counties in Florida and New York describing the experiences of voters who were frustrated by the lack of Spanish or Asian language interpreters, poll workers and voting materials. An Election Protection coalition member reported that 30 South Asian voters in Wayne County, Michigan<sup>72</sup> did not have access to interpreters at their polling site. It was also reported that some voters left without casting ballots when they could not get proper assistance, and other voters did not understand the questions on the English ballot and may have cast their votes in ways they did not intend. Additionally, in San Diego County, California, a voter<sup>73</sup> was turned away from the polls without casting a ballot because the poll worker did not know that a ballot translated from English to a Chinese dialect was an option for the voter. In Pickens County, Georgia<sup>74</sup> an Election Protection volunteer reported that a poll worker threatened to call the police on a woman who was helping her husband with limited English proficiency cast a ballot, even though Section 208 of the VRA allows voters to have assistance of their choice, with some limitations.

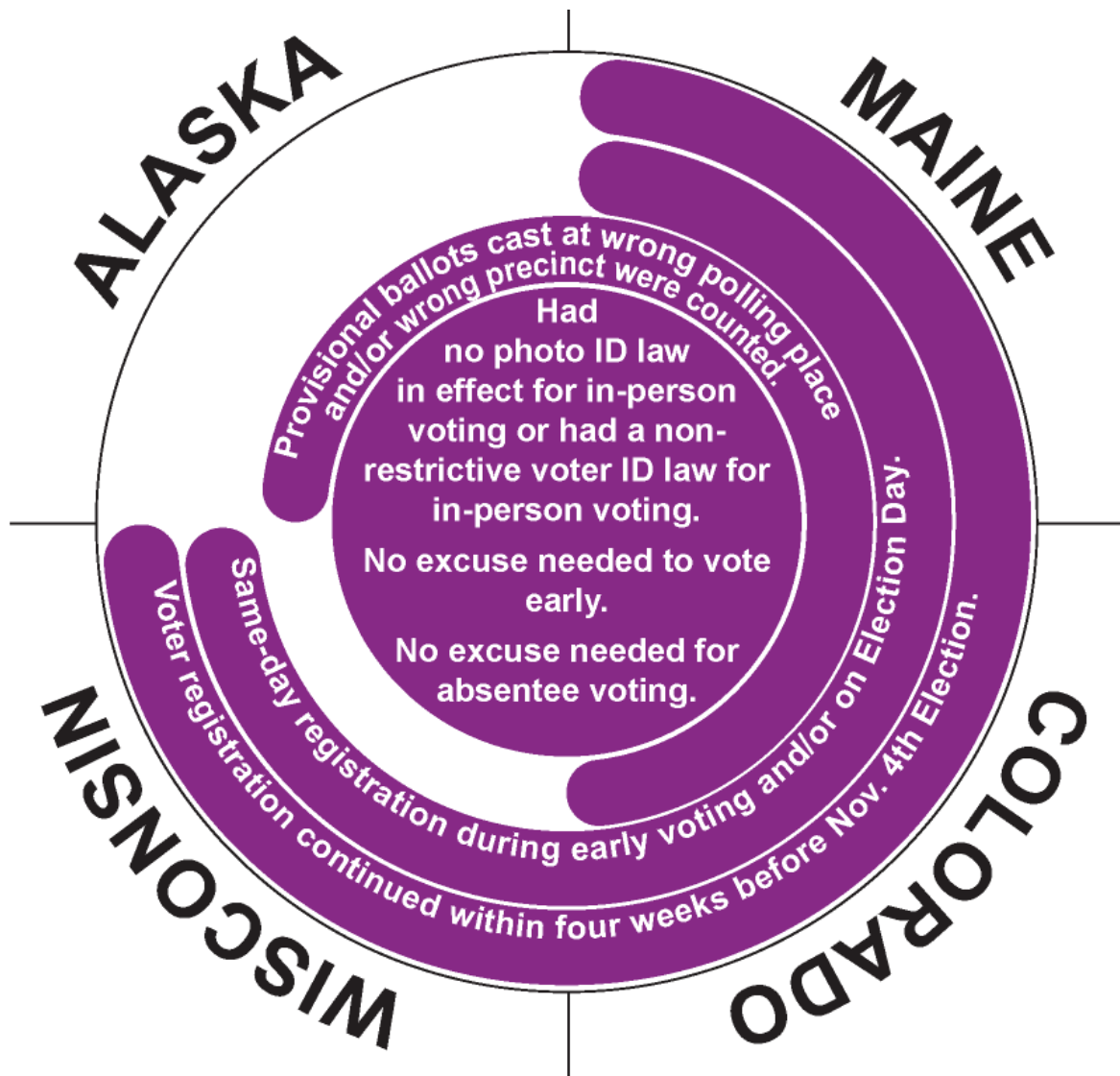


## Lowest Turnout States in 2014



This graphic depicts the four states that had the lowest voter turnout in Election 2014<sup>75</sup> along with select aspects of election administration. Texas exemplified the deterrent effect of photo ID requirements, which three of these four states impose. Nearly 13% of Texas voters who contacted Election Protection reported having problems concerning voter ID, while over 10% had questions. Moreover, the preliminary analysis of Election 2014 turnout rates by state show that at least 250,000 fewer Texas voters cast ballots in 2014 than in 2010, despite the State's growing population and an increase in registered voters from 2010.<sup>76</sup> This change may be explained at least in part by Texas' photo ID requirement, which is discussed more fully in Chapter 2.

## Highest Turnout States in 2014



Restrictive laws contribute to making participation in our democracy difficult. Represented here are the four states with the highest voter turnout in Election 2014;<sup>77</sup> all but Alaska allow for same-day registration, and none of these states had a restrictive photo ID requirement in effect for 2014. In contrast, none of the four states with lowest turnout (represented in green on the opposite page)<sup>78</sup> allow for same-day registration, and all impose a photo ID requirement for voters.

# Chapter 4

# Conclusion

---

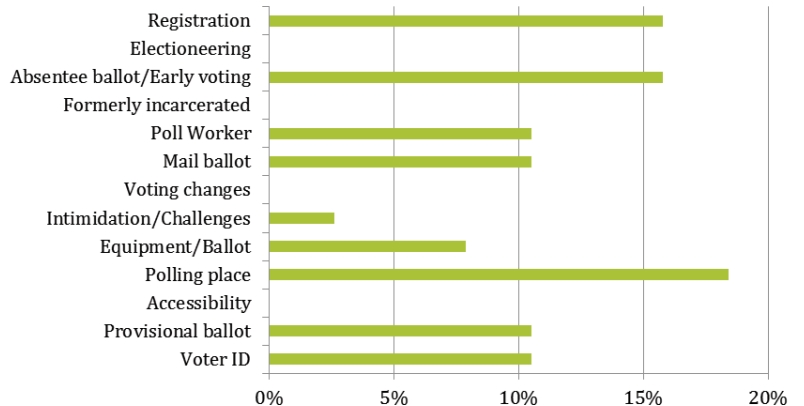
**In his State of the Union** address on January 20, 2015, President Barack Obama called on Congress “to make voting easier for every single American.”<sup>79</sup> As this Report shows, participation in the electoral process is indeed very hard for many eligible voters. However, the end of each election cycle provides lawmakers, state executives and election officials the opportunity to reflect upon and address the problems revealed on Election Day and those that recur during every election cycle. The months immediately following an election give voting rights advocates the chance to contemplate their efforts, reassess strategies and build upon their successes. And voters have a window of time before the next election to reach out to organizations like Election Protection to get help preparing for their return to the polls or for their first experience at the ballot box. Each election provides a roadmap to improve and prepare for the next. At the heart of voting and elections work, there must be willingness to collaborate to unburden the franchise -- to go beyond traditional partnerships and create new alliances in the constant battle to protect the right to vote. Some of the most successful voting rights campaigns of Election 2014 were those in which Election Protection worked in tandem with state and county officials to effect change and implement best practices to help voters. More of this cooperation is needed as the country moves toward the 2016 elections. This is the path forward to improve our elections and strengthen our democracy.



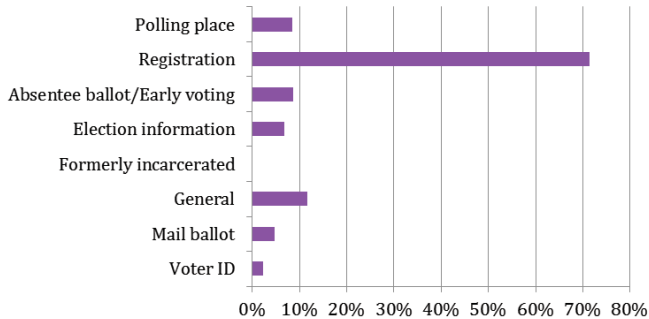
# STATE PAGES

# ARIZONA

OVL Problems - Arizona



OVL Inquiries - Arizona



## Election Protection 2014 Program in Arizona

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

## Snapshot of Arizona Before and on Election Day

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

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

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

## *Questions about Where to Submit Early Ballots*

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

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

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

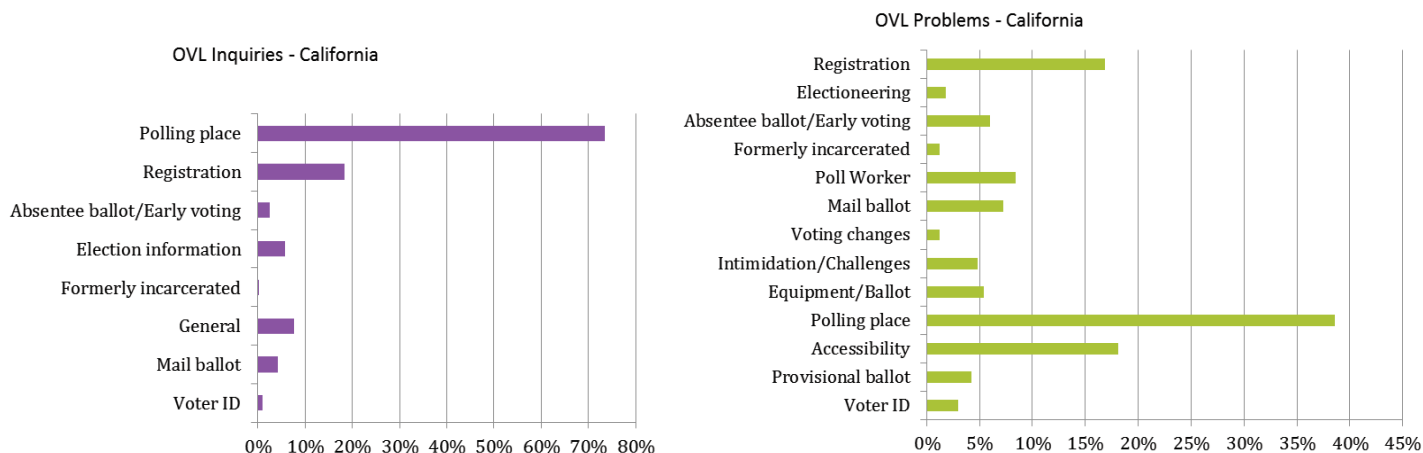
## *Citizenship Questions Prevent Eligible Voters from Voting for State Officials*

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

## *Data Errors Purge Voter from Rolls*

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

# CALIFORNIA



## Election Protection 2014 Program in California

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

## Snapshot of California Before and on Election Day

### *Addressing Polling Place Problems*

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

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

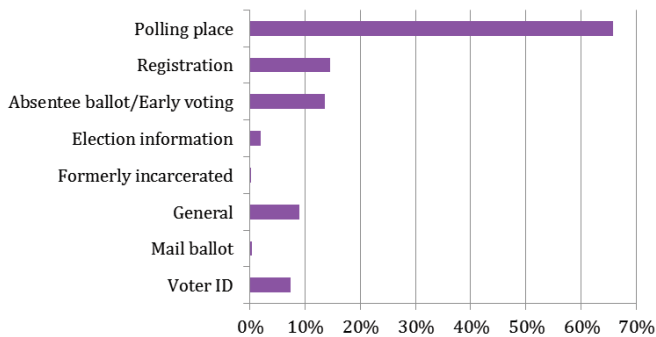
A few county websites – including Contra Costa, Alameda and Ventura<sup>88</sup> – failed on Election Day, making it difficult for voters to confirm their polling places and registration status. Through phone calls, emails and several conversations with election officials, Election Protection leaders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

### *Preventing Problems that Occurred in 2012*

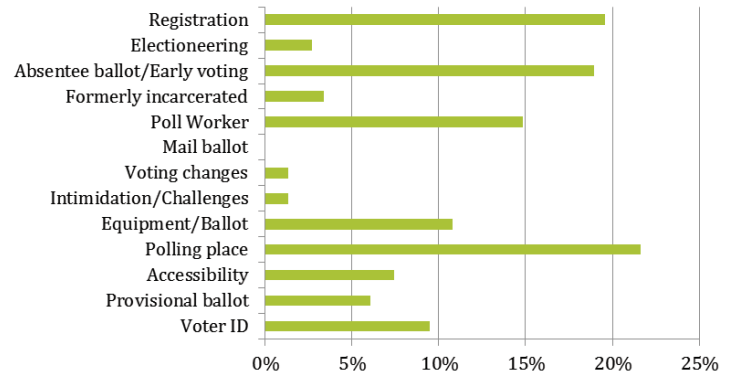
Election Protection formed a solid relationship with local election officials that helped prevent the voting-related problems that occurred in Fresno in 2012 from reoccurring there in 2014. In 2012, the Election Protection Hotlines received reports from Fresno about voter intimidation, the overuse of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

# FLORIDA

OVL Inquiries - Florida



OVL Problems - Florida



## Election Protection 2014 Program in Florida

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

## Snapshot of Florida Before and on Election Day

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

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

## *Improper Application of Change of Address Rules*

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

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

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

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

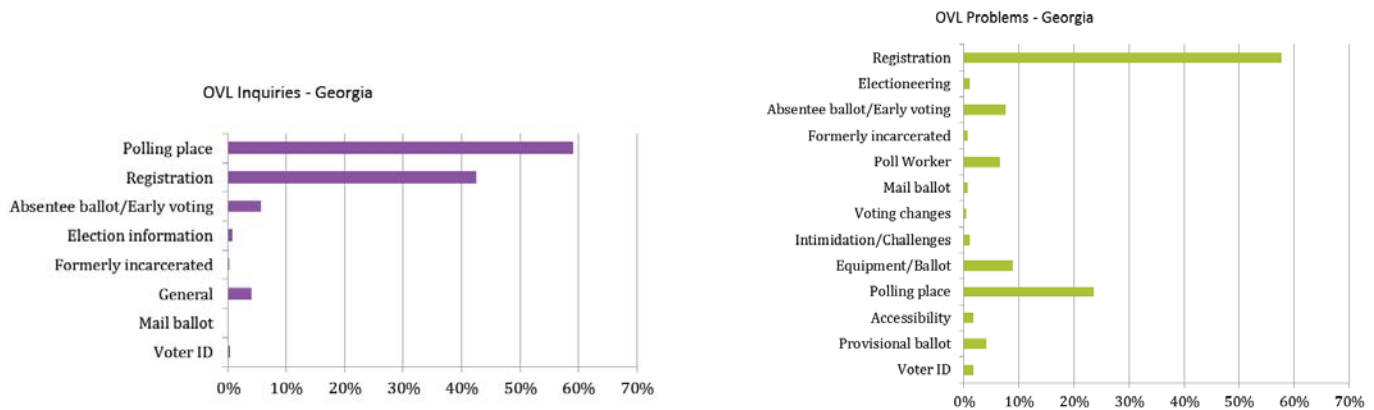
## *Photo ID Requirements Improperly Applied*

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

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

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

# GEORGIA



## Election Protection 2014 Program in Georgia

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

## Snapshot of Georgia Before and on Election Day

### *Problems with Registration Drives*

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

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

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

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

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

### *Changes to Polling Locations*

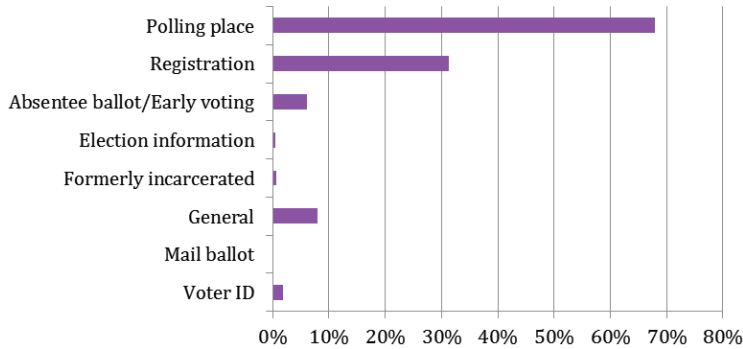
There were also reports of confusion when voters arrived at their early voting locations in their neighborhoods, only to find out that they had to vote at a different location on Election Day. There was also confusion due to the lack of proper signage at certain polling locations.<sup>99</sup> For example,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

### *Confusion over Proof of Citizenship*

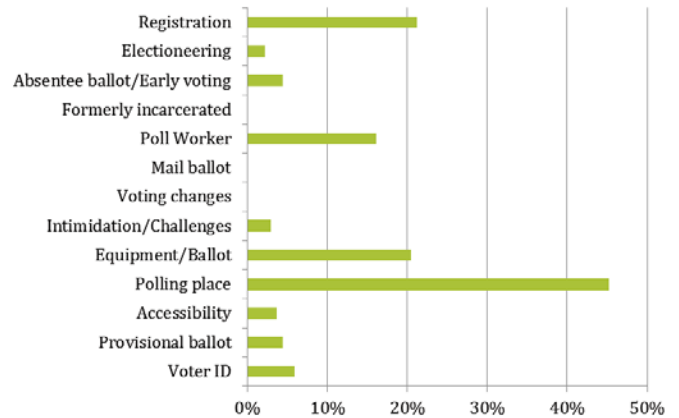
Naturalized citizens reported problems at the polls, including being told that they had to produce proof of citizenship, even though they had previously voted without being asked to prove citizenship or had produced proof of citizenship when they registered to vote in person at the county elections office.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

# ILLINOIS

OVL Inquiries - Illinois



OVL Problems - Illinois



## Election Protection 2014 Program in Illinois

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

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

## Snapshot of Illinois Before and on Election Day

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

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

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

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

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

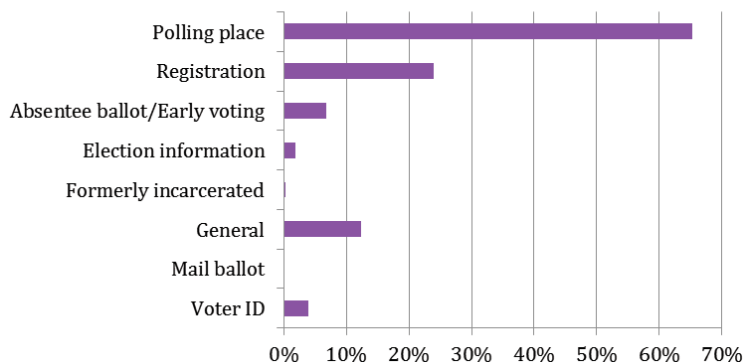
Poll workers across Chicago received a misleading automated phone call, or robocall, the weekend before the election, which caused many of them not to report to their polling places for work on Election Day. The robocall, allegedly sent by a political operative, told the poll workers that they were required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

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

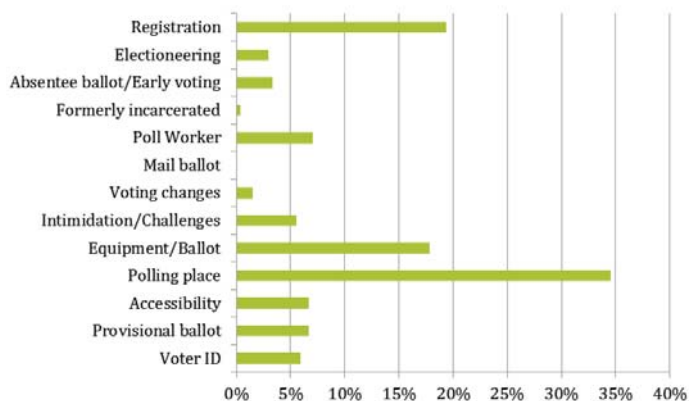
The calls are being investigated by the Cook County State’s Attorney.<sup>106</sup>

# NORTH CAROLINA

OVL Inquiries - North Carolina



OVL Problems - North Carolina



## Election Protection 2014 Program in North Carolina

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

## Snapshot of North Carolina Before and on Election Day

### *Confusion about New Voting Laws*

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

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

## *Long Lines at Polling Locations*

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

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

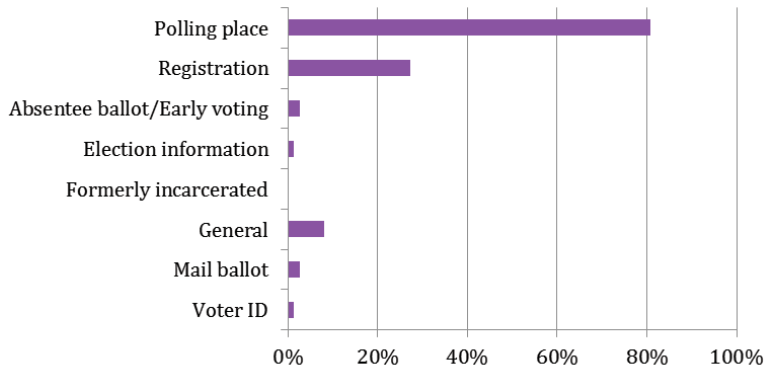
## *Voters with Disabilities*

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

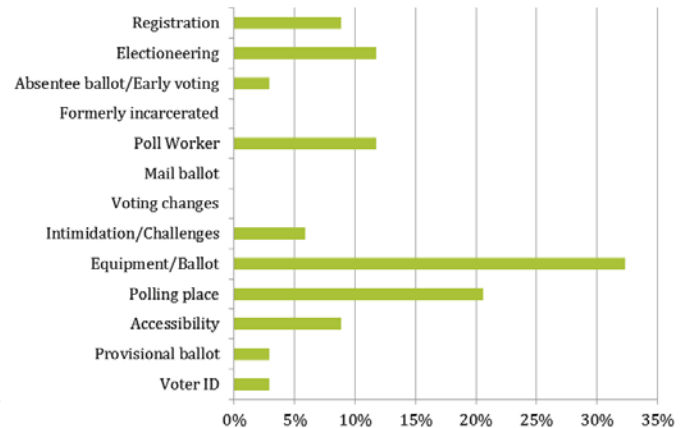
One caller, who described himself as 100% disabled,<sup>116</sup> contacted the Hotline to express his disappointment in the discontinuation of same-day registration due to House Bill 589. He went on to explain the difficulty he faces when travelling to the polling location.

# NEW MEXICO

OVL Inquiries - New Mexico



OVL Problems - New Mexico



## Election Protection 2014 Program in New Mexico

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

## Snapshot of New Mexico Before and on Election Day

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

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

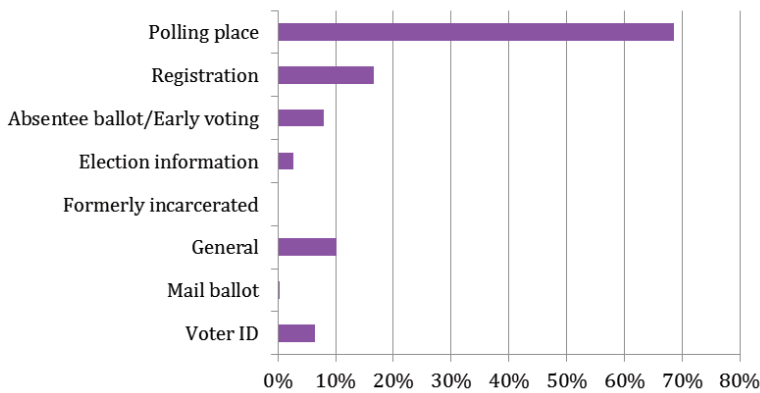
But in January 2014, the MVD began a pilot project to change how it offers the opportunity to register to vote. Customers who wished to register were directed to a kiosk where they could apply using the State's new electronic registration system. This new process violated Section 5 of the NVRA. The MVD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

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

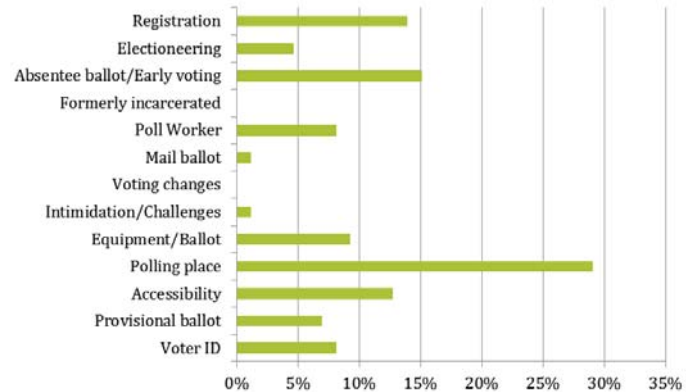
Over 27% of reported inquiries to Election Protection from New Mexico concerned voter registration. For instance, one voter<sup>19</sup> called because she had registered at an MVD office in Sierra County on October 1. Even though she registered before the voter registration deadline and did not receive any notice of problems with her registration, she was informed that she was not registered when she went to vote. The voter spoke to a poll worker, the county clerk's office and the MVD where she registered. In the end, the voter was not able to vote and was not even given the option of casting a provisional ballot.

# OHIO

OVL Inquiries - Ohio



OVL Problems - Ohio



## Election Protection 2014 Program in Ohio

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

## Snapshot of Ohio Before and on Election Day

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

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

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

## *Problems at Polling Places with Poll Workers*

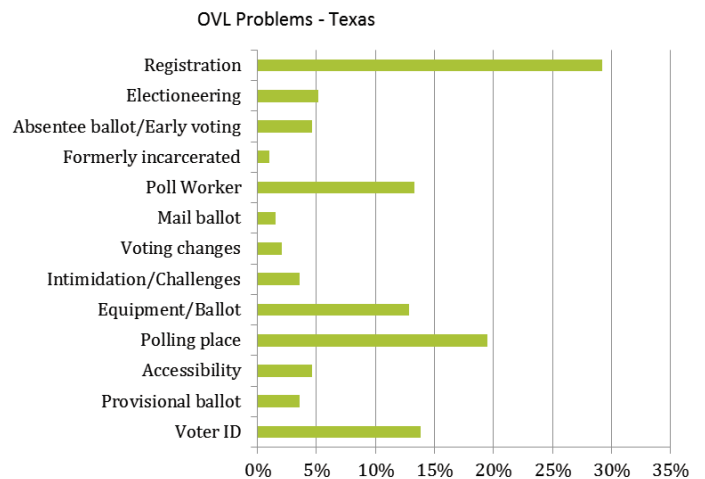
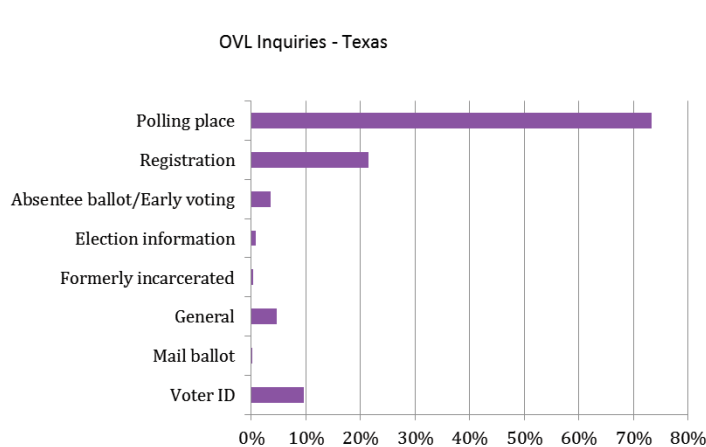
Of the problems reported to Election Protection from Ohio, nearly 38% concerned poll workers or polling places. One voter at the Board of Developmental Disabilities East Wing Community Center in Delaware County<sup>122</sup> reported that his family member was forced to vote a provisional ballot because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

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

## *Accessibility Problems for Disabled Voters*

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

# TEXAS



## Election Protection 2014 Program in Texas

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

## Snapshot of Texas Before and on Election Day

### *Confusion Surrounding Voter ID Requirement*

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

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

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

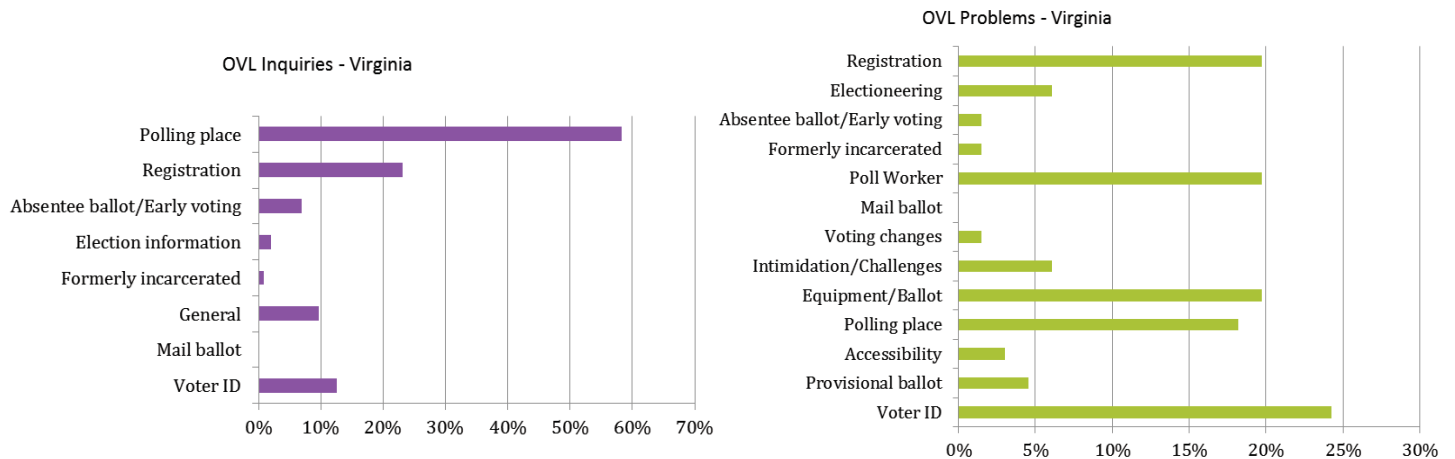
The radio ads were a necessary response to voter confusion about the status of the Texas voter ID law. On October 9, 2014, U.S. District Judge Nelva Gonzales Ramos issued an opinion in which she held that the Texas photo ID requirement violates both the U.S. Constitution and Section 2 of the Voting Rights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

### *Long Lines and Late Openings*

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

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

# VIRGINIA



## Election Protection 2014 Program in Virginia

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

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

## Snapshot of Virginia Before and on Election Day

### *Problems Implementing New Photo ID Standard*

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

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

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

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

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

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

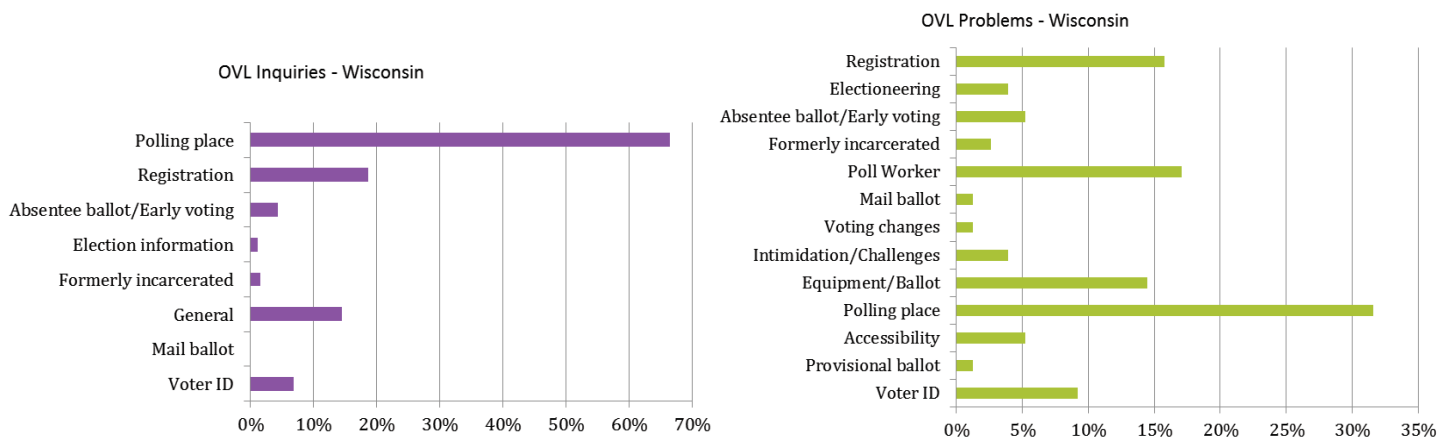
### *Voters Who Did Not Update their Registration Were Unable to Vote*

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

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

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

# WISCONSIN



## Election Protection 2014 Program in Wisconsin

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

## Snapshot of Wisconsin Before and on Election Day

### *Voter ID and Proof of Residence*

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

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

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

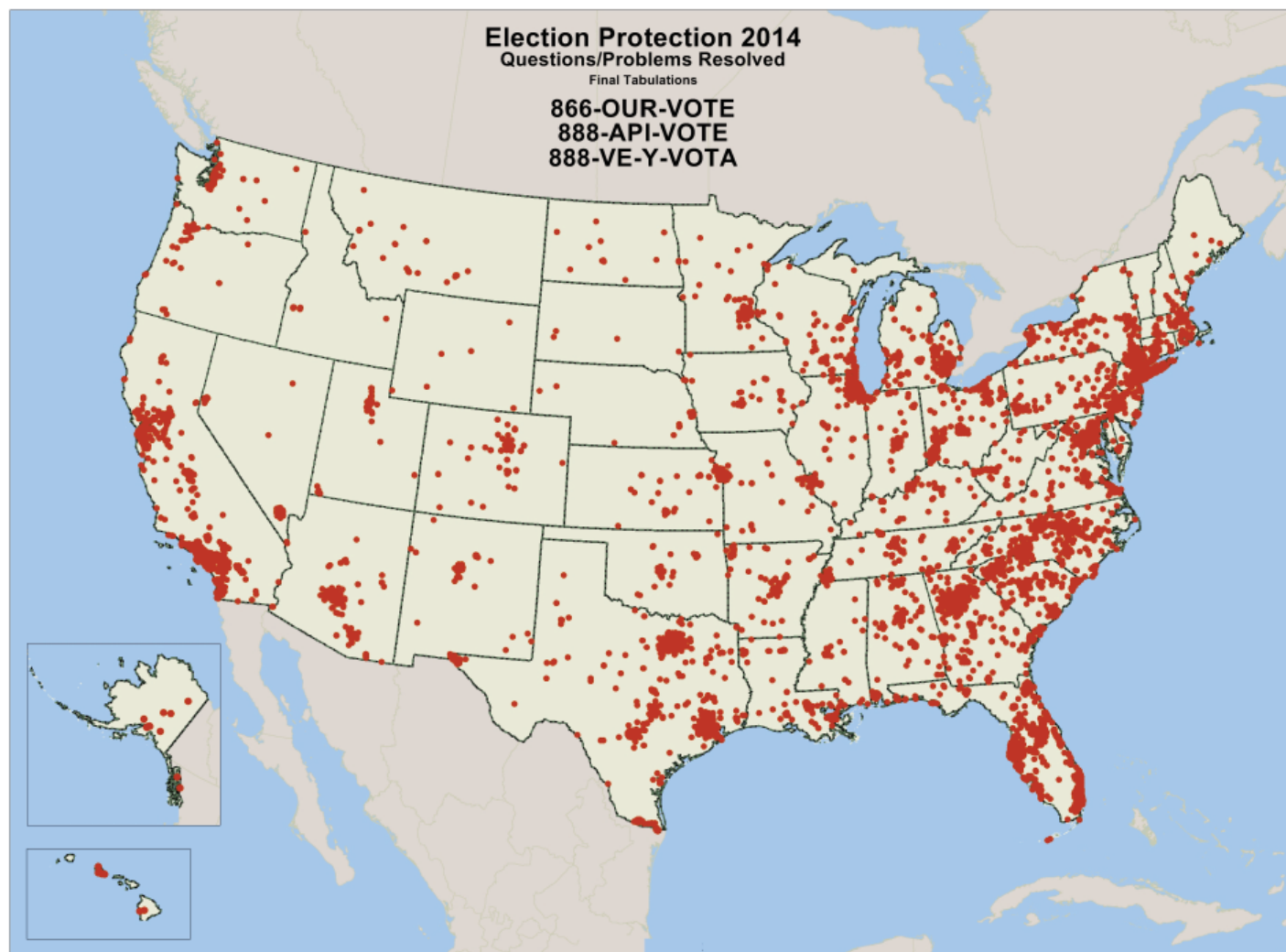
### *Voting Machine and Ballot Problems*

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

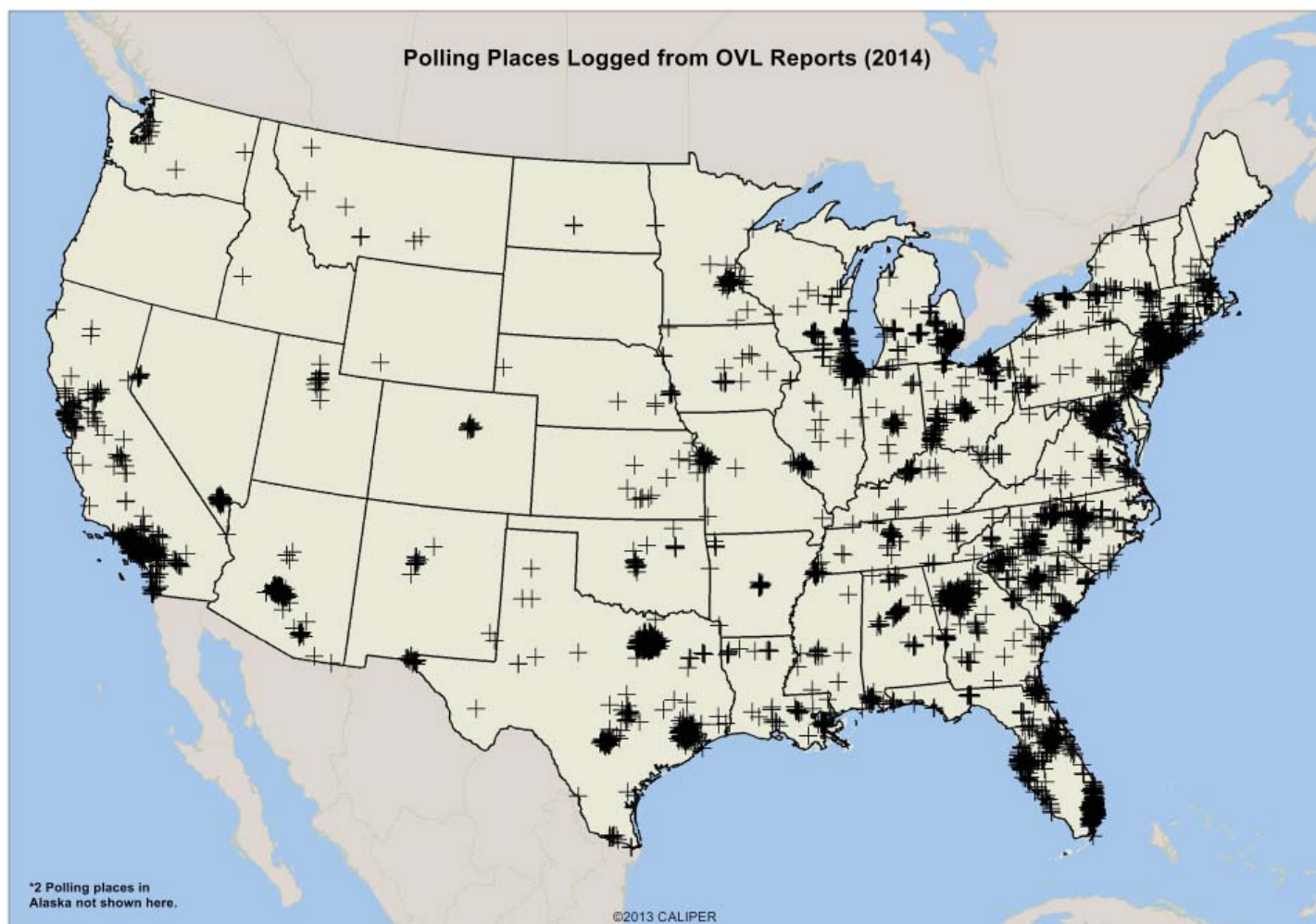
# APPENDICES

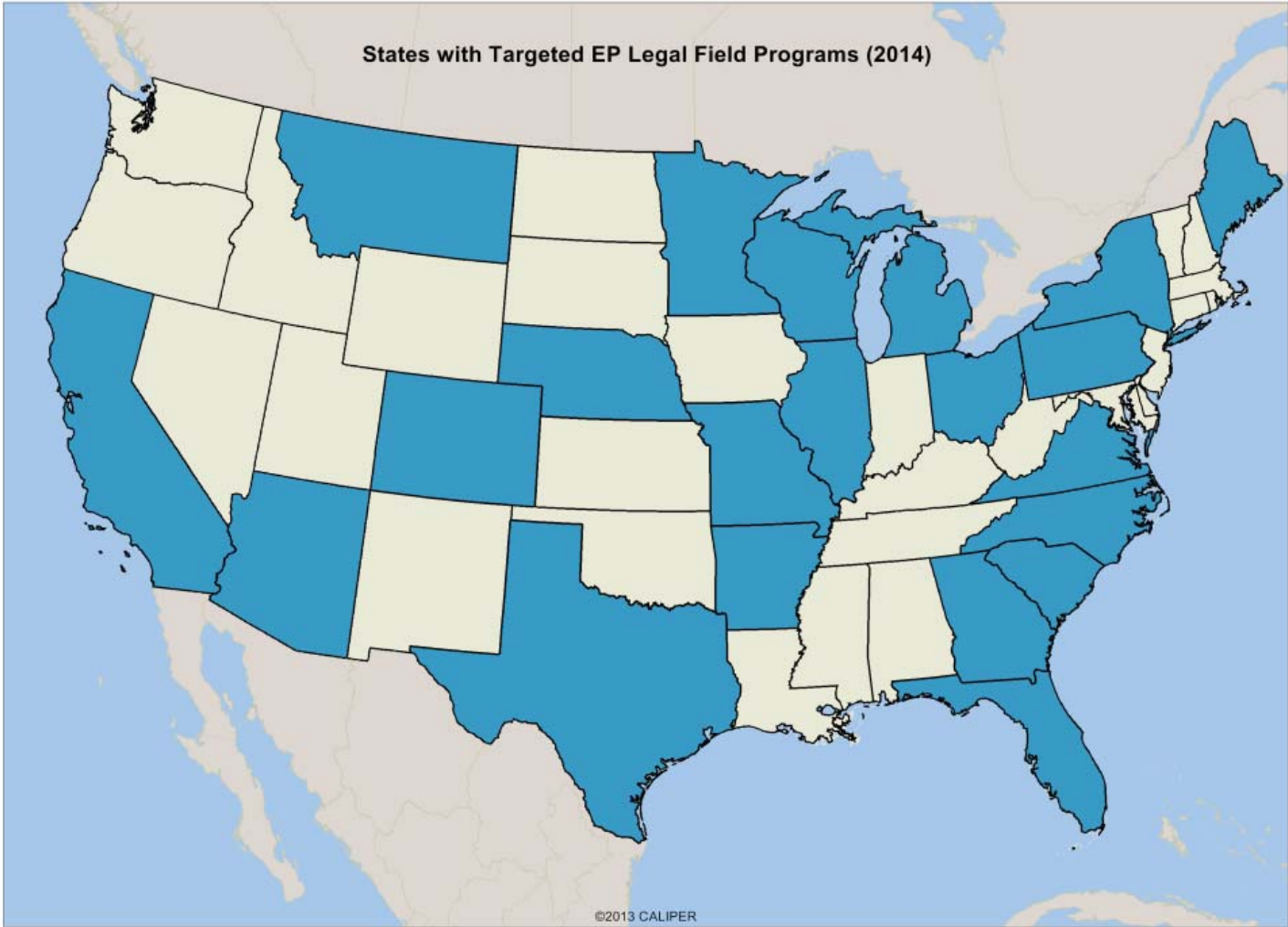
# Location of questions/problems resolved

---



# Location of polling places from reports





# Endnotes

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>.
2. Voters can leave messages when the Hotlines are not live. 1-888-VE-Y-VOTA is live year-round during West Coast business hours.
3. The Electionary is available at <http://electionary.neworganizing.com/en-us/guide/>.
4. Chicago Sun-Times Editorial Board. “Keep Same Day Voter Registration,” Chicago Sun-Times. 9 Nov 2014. <http://www.suntimes.com/opinions/30940630-474/keep-same-day-voter-registration.html#.VHNInlelQW8> (12 Dec 2014).
5. 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>.
6. *Shelby Cnty., Ala. v. Holder*, 133 S. Ct. 2612 (2013).
7. In this Report, states’ voter ID laws are considered restrictive or strict if the requirements set out by those laws allow a voter who is unable to present a qualifying photo ID for in-person voting to vote by provisional ballot, but also require the voter to show the required ID at an election office within a limited timeframe for the ballot to be counted.
8. *Texas v. Holder*, No.1:12-cv-00128 (D.D.C. Jan. 24, 2012).
9. *Texas v. Holder*, 888 F. Supp. 2d 113 (D.D.C. 2012).
10. *Veasey v. Perry*, 2014 WL 5090258 (S.D. Tex. Oct. 9, 2014).
11. *Veasey v. Perry*, No. 14-41127 (5th Cir. Oct. 14, 2014).
12. *Veasey v. Perry*, 574 U. S. \_\_\_\_ (2014).
13. “Status of Wisconsin Voter ID Lawsuits,” League of Women Voters Wisconsin. Updated 13 October 2014. <http://www.lwvwi.org/Home/StatusofWisconsinVoterIDLawsuits.aspx> (21 January 2015).
14. *League of Women Voters of Wisconsin Education Network, Inc, et al. v. Scott Walker, et al.*, No. 11-CV-4669 (Wis. Cir. Ct. Dane County March 5, 2012).
15. *Milwaukee Branch of the NAACP, et al. v. Scott Walker, et al.*, No. 11-CV-5492 (Wis. Cir. Ct. Dane County March 12, 2012).
16. Terkel, Amanda. “Wisconsin Voters Reportedly Asked to Show Photo ID, Despite Suspension of Law,” Huffington Post. 3 April 2012, [http://www.huffingtonpost.com/2012/04/03/wisconsin-voters-id-photo-suspension\\_n\\_1401476.html](http://www.huffingtonpost.com/2012/04/03/wisconsin-voters-id-photo-suspension_n_1401476.html) (7 January 2015).
17. *Frank. et al. v. Walker et al.*, No. 11-CV-01128 (E.D. Wis. Apr. 29, 2014) rev’d, 768 F.3d 744 (7th Cir. 2014).
18. Marley, Patrick, Stein, Jason and Vielmetti, Bruce. “Divided Court Upholds Wisconsin’s Voter ID Law,” Milwaukee Wisconsin Journal Sentinel. 1 Aug 2014, <http://www.jsonline.com/news/statepolitics/divided-court-upholds-wisconsins-voter-id-law-b99321108z1-269363811.html> (21 January 2015).
19. *Frank, et al. v. Walker, et al.*, 574 U.S. \_\_ (Oct. 9, 2014).
20. *Ohio State Conference of the NAACP, et. al, v. Husted, et. al.*, No. 2:14-cv-404 (S.D. Ohio Eastern Div. Sept. 4, 2014).
21. *Ohio State Conference of N.A.A.C.P. v. Husted*, No. 2:14-CV-404 (S.D. Ohio Sept. 4, 2014) *aff’d* 768 F.3d 524 (6th Cir. 2014).
22. *Ohio State Conference of N.A.A.C.P. v. Husted*, 768 F.3d 524 (6th Cir. 2014).
23. *Husted v. NAACP*, 573 U.S. \_\_\_\_ (2014).

24. *N.C. State Conf. of the NAACP v. McCrory*, 997 F. Supp. 2d 322 (M.D.N.C. 2014).
25. *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224 (4th Cir. N.C. 2014).
26. *North Carolina v. League of Women Voters of N. Carolina*, 574 U. S. \_\_\_\_ (2014).
27. OVL Report #28521
28. OVL Report #21531.
29. OVL Report #21531.
30. OVL Report #21449.
31. OVL Report #31549.
32. 2010 U.S. Census Bureau Redistricting Data (PL 94-171) Table P3 and Table P4.
33. OVL Report #16185.
34. OVL Report #18405 and field report from legal volunteer on Election Day.
35. OVL Report #24171.
36. Rosenblatt, Joel. "Connecticut Governor Wins Court Order Extending Voting," Bloomberg Business. 4 Nov 2014, <http://www.bloomberg.com/news/2014-11-04/connecticut-governor-wins-court-order-extending-voting.html> (3 Dec 2014).
37. OVL Report #15263.
38. OVL Report #15393.
39. OVL Report #26835.
40. OVL Report #1297.
41. 2010 U.S. Census Bureau Redistricting Data (PL 94-171) Table P3.
42. 2010 U.S. Census Bureau Redistricting Data (PL 94-171) Table P3.
43. OVL Report #15425.
44. OVL Report #15329.
45. OVL Report #16875.
46. Brecher, Erica and Benson, Nathan. "Buffalo Polling Location Opens Late, Voters Turned Away," WGRZ. 4 Nov 2014, <http://www.wgrz.com/story/news/politics/2014/11/04/polling-location-opens-late-turns-away-voters/18455341/> (15 Dec 2014).
47. 2010 U.S. Census Bureau Redistricting Data (PL 94-171) Table P3 and Table P4.
48. OVL Report #26649.
49. OVL Report #14807.
50. OVL Report #42013.
51. McDonald, Michael P. 2014. "2014 Preliminary United States Voter Turnout Rates" *United States Elections Project*. December 5, 2014. For more information, see: <http://www.electproject.org/2014g>
52. "Voter Identification Requirements | Voter ID Laws," National Conference of State Legislatures. Last updated 31 Oct 2014. <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx#Laws in Effect> (3 Dec 2014).
53. Arkansas Code § 7-5-305 (8)(A) 2010.
54. OVL Report #33323.
55. OVL Report #7451.
56. OVL Report #1417.

57. 2010 U.S. Census Bureau Redistricting Data (PL 94-171) Table P3.
58. OVL Report #34291.
59. Name concealed to protect identity.
60. OVL Report #2347.
61. OVL Report #19303.
62. OVL Report #19801.
63. OVL Report #12233.
64. OVL Report #19285.
65. OVL Report #28939.
66. OVL Report #4821.
67. OVL Report #22021.
68. OVL Report #37115.
69. OVL Report #42565.
70. OVL Report #42796.
71. Rose, Alex and Mengers, Patti. "Problems Reported at Chester and Parkside Polling Places," The Delaware County Daily Times. 5 Nov 2014. <http://www.delcotimes.com/government-and-politics/20141105/problems-reported-at-chester-and-parkside-polling-sites> (8 Dec 2014).
72. OVL Report #41359.
73. OVL Report # 30775.
74. OVL Report #26297.
75. Indiana, New York, Tennessee and Texas. McDonald, Michael P. 2014. "2014 Preliminary United States Voter Turnout Rates" *United States Elections Project*. December 5, 2014.
76. *Supra*. For more information, see: <http://www.electproject.org/2014g>.
77. Alaska, Colorado, Maine and Wisconsin. McDonald, Michael P. 2014. "2014 Preliminary United States Voter Turnout Rates" *United States Elections Project*. December 5, 2014.
78. Indiana, New York, Tennessee and Texas. *Supra*.
79. "Remarks by the President in State of the Union Address | January 20, 2015," The White House Office of the Press Secretary. 20 Jan 2015, <http://www.whitehouse.gov/the-press-office/2015/01/20/remarks-president-state-union-address-january-20-2015> (23 Jan 2015).
80. OVL Reports #4527; 5531; 13801; 29647; and others.
81. OVL Reports #13335; 13491; 13509; 13567; 13709; 13717; 18929; 20403; 21011; 22309; 24209; 24389; 26739; 26895; 27087; 27693; 27801; 28999; 29783; and others.
82. OVL Report #40497.
83. *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. \_\_\_ (2013).
84. Christie, Bob. "Only 21 Arizona Voters Used New Two-Tier System," Arizona Capitol Times. 9 Sept 2014. <http://azcapitoltimes.com/news/2014/09/09/only-21-arizona-voters-used-new-two-tier-system/> (30 Jan 2015).
85. OVL Report #43697.
86. OVL Report #43697.
87. OVL Report #27065.

88. OVL Reports #24373; 24739; 28759; 29569; 30951; 31365; 33505; 40897.
89. OVL Reports #40343; 28939; 40629; and 39271.
90. OVL Report #19285.
91. OVL Reports #15739; 1966; 27767; and 35203.
92. OVL Reports #2150 and 34959.
93. OVL Reports #194; 199; 208; 213; 215; 219; 221; 225; 226; 227; 230; 254; 265; 371; 445; 448; 451; 589; 865; 865; 881; 1177; 1189; 1191; 1274; 1277; 1455; 1461; 1571; 1613; 1638; 2230; 2262; 6371; 8253; and others.
94. Available at <http://mvp.sos.state.ga.us/>.
95. *Third Sector Development v. Kemp*; 2014CV252546 (Fulton County Superior Court).
96. *Third Sector Development v. Kemp*; 2014CV252546 (Fulton County Superior Court).
97. *Third Sector Development v. Kemp*; 2014CV252546 (Fulton County Superior Court).
98. OVL Reports #14637; 14671; 14831; 15047; 15367; 15653; 15635; 15763; 15803; 16419; 16523; 16595; 16599; 16705; 16811; 16899; 16971; 17025; 17069; 17139; 17571; 18823; 19399; 20099; 20213; 20549; 20675; 20753; 21101; 21141; 21339; 21445; 21607; 22505; 32211; 34767; and others.
99. OVL Reports #26657; 28579; 26743; and others.
100. OVL Report #26657.
101. Chicago Sun-Times Editorial Board. "Keep Same Day Voter Registration," Chicago Sun-Times. 9 Nov 2014. <http://www.suntimes.com/opinions/30940630-474/keep-same-day-voter-registration.html#.VHNInlelQW8> (12 Dec 2014).
102. Greenwood, Ruth and Race, Devin. "Illinois Embraces EDR: A Review of the Election Day Pilot Program for the 2014 General Election," Chicago Lawyers' Committee for Civil Rights Under Law. 2 Dec 2014. <http://www.clccrul.org/content/illinois-embraces-election-day-registration-2014> (9 Jan 2015); Chicago Sun-Times Editorial Board. "Keep Same Day Voter Registration," Chicago Sun-Times 9 Nov 2014. <http://www.suntimes.com/opinions/30940630-474/keep-same-day-voter-registration.html#.VHNInlelQW8> (12 Dec 2014); OVL Reports # 28857; 25083; 32853; 23993; 35809; 36453; 31499; and 33759.
103. Brown, Mark. "Election Judge Robocaller ID'd, but Case Still Full of Mystery," Chicago Sun-Times. 9 Nov 2014. <http://politics.suntimes.com/article/chicago/election-judge-robocaller-idd-case-still-full-mystery/fri-11072014-830pm> (30 Jan 2015).
104. Zekman, Pam. "'Malicious' Robocalls Leave Chicago Short of Thousands of Election Judges," CBS Chicago. 4 Nov 2014. <http://chicago.cbslocal.com/2014/11/04/malicious-robocalls-leave-chicago-short-of-election-judges/> (30 Jan 2015).
105. Zekman, Pam. "'Malicious' Robocalls Leave Chicago Short of Thousands of Election Judges," CBS Chicago. 4 Nov 2014. <http://chicago.cbslocal.com/2014/11/04/malicious-robocalls-leave-chicago-short-of-election-judges/> (30 Jan 2015).
106. Brown, Mark. "Election Judge Robocaller ID'd, but Case Still Full of Mystery," Chicago Sun-Times. 9 Nov 2014. <http://politics.suntimes.com/article/chicago/election-judge-robocaller-idd-case-still-full-mystery/fri-11072014-830pm> (30 Jan 2015).
107. OVL Reports #1622; 1919; 1626; 3665; 4879; 6939; 7777; 10883; 10977; 12125; 15387; 20851; and 26347.
108. OVL Reports #1417; 1823; 1824; 17077; 34073; and 36231.
109. OVL Report #38161.
110. OVL Reports #2552; 18335; and 38855.
111. OVL Report #2552.
112. OVL Report #1434.
113. OVL Report #1464.

114. OVL Report #1411.
115. OVL Report #37115.
116. OVL Report #1370.
117. *Valdez v. Herrera*, No. 1:09-cv-668 (D.N.M. Dec. 21, 2010) aff'd *Valdez v. Squier*, 676 F.3d 935 (10th Cir. 2012).
118. Moore, Martha T. "Motor Voter Problems Mean Delays at Polls," *USA Today*. 29 July 2014. <http://www.usatoday.com/story/news/politics/2014/07/29/motor-voter-states-dmv/12752595/> (2 Feb 2015).
119. OVL Report #42898.
120. *Husted v. NAACP*, 573 U.S. \_\_\_\_ (2014).
121. Getachew, DeNora. "Voting 2014: Stories from Ohio," Brennan Center for Justice. 5 Dec 2014. <http://www.brennancenter.org/analysis/voting-2014-stories-ohio> (3 Feb 2015). Borchardt, Jackie. "Supreme Court Blocks Early Voting in Ohio," *Cleveland.com*. 29 Sept 2014. [http://www.cleveland.com/open/index.ssf/2014/09/supreme\\_court\\_blocks\\_early\\_vot.html](http://www.cleveland.com/open/index.ssf/2014/09/supreme_court_blocks_early_vot.html) (3 Feb 2015).
122. OVL Report #26947.
123. OVL Report #17361.
124. OVL Report #39093.
125. OVL Report #37615.
126. OVL Report #1601.
127. *Veasey v. Perry*, 2014 WL 5090258 (S.D. Tex. Oct. 9, 2014).
128. *Veasey v. Perry*, No. 14-41127 (5th Cir. Oct. 14, 2014).
129. *Veasey v. Perry*, 574 U. S. \_\_\_\_ (2014).
130. OVL Reports #18405 and 18509.
131. OVL Report #16185.
132. OVL Report #14149.
133. OVL Report #24699.
134. OVL Report #13447.
135. "The Verifier – Polling Place Equipment in Virginia – November 2014," Verified Voting. 2014. <https://www.verifiedvoting.org/verifier2014/#-year/2014/state/51> (29 Jan 2015).
136. OVL Reports #32033; 42836; 39351; 30915; and 31243.
137. OVL Report #32033.
138. OVL Reports #7145; 9335; 14091; 14453; 14471; 14533; 15189; 17095; 17431; 18001; 20315; 25591; 26495; 27039; 27829; 31431; 31847; 32823; 32911; 33475; 34221; 36373; 36673; 36963; 36985; 37137; 37591; and 39509.
139. OVL Report #39509.
140. Portnoy, Jenna. "Va. Elections Office Mistakenly Told 125,000 Residents They May Not Be Registered to Vote," *The Washington Post*. 30 Jul 2014. [http://www.washingtonpost.com/local/virginia-politics/va-elections-office-mistakenly-told-125000-residents-they-may-not-be-registered-to-vote/2014/07/30/ec5ba36a-181f-11e4-85b6-c1451e622637\\_story.html](http://www.washingtonpost.com/local/virginia-politics/va-elections-office-mistakenly-told-125000-residents-they-may-not-be-registered-to-vote/2014/07/30/ec5ba36a-181f-11e4-85b6-c1451e622637_story.html) (29 Jan 2015).
141. Schmidt, Markus. "125,000 Receive Erroneous Notification Regarding Voting Status," *Richmond Times-Dispatch*. 30 Jul 2014, [http://www.timesdispatch.com/news/state-regional/virginia-politics/virginians-mistakenly-notified-that-they-cannot-vote/article\\_6a908c80-1822-11e4-](http://www.timesdispatch.com/news/state-regional/virginia-politics/virginians-mistakenly-notified-that-they-cannot-vote/article_6a908c80-1822-11e4-)

be1e-001a4bcf6878.html (29 Jan 2015).

142. OVL Report #41219.

143. OVL Report #17307.

144. OVL Report #41917.

## Photos:

- page 12: Photo credit the Chicago Lawyers' Committee for Civil Rights Under Law
- page 14: Photo credit Donn Young, taken at a University of North Carolina Election Protection training
- page 16: Photo credit Donn Young, taken at the University of North Carolina Election Protection call center
- page 20: "2008 voting line in Brooklyn" by April Sikorski from Brooklyn, USA - vote here. Licensed under CC BY-SA 2.0 via Wikimedia Commons - [http://commons.wikimedia.org/wiki/File:2008\\_voting\\_line\\_in\\_Brooklyn.jpg#mediaviewer/File:2008\\_voting\\_line\\_in\\_Brooklyn.jpg](http://commons.wikimedia.org/wiki/File:2008_voting_line_in_Brooklyn.jpg#mediaviewer/File:2008_voting_line_in_Brooklyn.jpg)
- page 21: public domain
- page 23: The U.S. Supreme Court on Monday granted a last-minute stay requested by Ohio Secretary of State Jon Husted, delaying a federal court order restoring early voting cuts in Ohio. Photography credit: Mark Duncan/Associated Press. Available at: Borchardt, Jackie (Northeast Ohio Media Group). "Supreme Court Blocks Early Voting in Ohio," Cleveland.com. 29 Sept 2014. [http://www.cleveland.com/open/index.ssf/2014/09/supreme\\_court\\_blocks\\_early\\_vot.html](http://www.cleveland.com/open/index.ssf/2014/09/supreme_court_blocks_early_vot.html) (11 Feb 2015).
- page 27: "Division of Riverina polling place at Sturt Public School" by Bidgee - Own work. Licensed under CC BY-SA 2.5 au via Wikimedia Commons - [http://commons.wikimedia.org/wiki/File:Division\\_of\\_Riverina\\_polling\\_place\\_at\\_Sturt\\_Public\\_School.jpg#mediaviewer/File:Division\\_of\\_Riverina\\_polling\\_place\\_at\\_Sturt\\_Public\\_School.jpg](http://commons.wikimedia.org/wiki/File:Division_of_Riverina_polling_place_at_Sturt_Public_School.jpg#mediaviewer/File:Division_of_Riverina_polling_place_at_Sturt_Public_School.jpg)
- page 30: "Desi accuvote-tsx vvpap" by Original uploader was Joebeone at en.wikipedia - Transferred from en.wikipedia. Licensed under CC BY 2.5 via Wikimedia Commons - [http://commons.wikimedia.org/wiki/File:Desi\\_accuvote-tsx\\_vvpap.jpg#mediaviewer/File:Desi\\_accuvote-tsx\\_vvpap.jpg](http://commons.wikimedia.org/wiki/File:Desi_accuvote-tsx_vvpap.jpg#mediaviewer/File:Desi_accuvote-tsx_vvpap.jpg)
- page 34: Eric Lyndell Kennie, of Austin, with a current voter registration certificate and an expired photo ID card. Photography credit: Kambiz Shabanakare//Corbis. Available at: Pilkington, Ed. "'Born and Raised' Texans Forced to Prove Identities Under New Voter ID Law," The Guardian. 27 Oct 2014. <http://www.theguardian.com/us-news/2014/oct/27/texas-vote-id-proof-certificate-minority-law> (11 Feb 2015).
- page 35: "Early voting at Bauer Drive Community Recreation Center" by Ben Schumin - Own work. Licensed under CC BY-SA 3.0 via Wikimedia Commons - [http://commons.wikimedia.org/wiki/File:Early\\_voting\\_at\\_Bauer\\_Drive\\_Community\\_Recreation\\_Center.jpg#mediaviewer/File:Early\\_voting\\_at\\_Bauer\\_Drive\\_Community\\_Recreation\\_Center.jpg](http://commons.wikimedia.org/wiki/File:Early_voting_at_Bauer_Drive_Community_Recreation_Center.jpg#mediaviewer/File:Early_voting_at_Bauer_Drive_Community_Recreation_Center.jpg)
- page 40: "Voting United States" by Tom Arthur from Orange, CA, United States - vote for better tapeUploaded by Petronas. Licensed under CC BY-SA 2.0 via Wikimedia Commons - [http://commons.wikimedia.org/wiki/File:Voting\\_United\\_States.jpg#mediaviewer/File:Voting\\_United\\_States.jpg](http://commons.wikimedia.org/wiki/File:Voting_United_States.jpg#mediaviewer/File:Voting_United_States.jpg)

All other images in this report are owned by the Lawyers' Committee for Civil Rights and covered under the Creative Commons "Attribution" license (see <http://creativecommons.org>) which applies to the rest of the report. Images may be reproduced in their entirety or modified as long as the Lawyers' Committee for Civil Rights Under Law is credited, a link to the license is included, and if changes were made to the original document, notification that changes were made.

