ELECTION PROTECTION

YOU HAVE THE RIGHT TO VOTE

Report on the Legal Program to Board of Directors and Trustees, Staff, and *Pro Bono* Partners

December 2006

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U N D E R   L A W

Table of Contents

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

Acknowledgements

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

Skilton of Heller Ehrman LLP; John Strasburger of Weil Gotshal & Manges LLP; Michael Tyler of Kilpatrick Stockton LLP; Herb Wachtell of Wachtell Lipton Rosen and Katz; and Brenda Wright of National Voting Rights Institute.

Election Protection's legal program has created a new paradigm in *pro bono* providing opportunities to attorneys, paralegals and support staff as well as the space and resources of law firms across the country. Many firms generously donated their office space, staff time, and other resources on and before Election Day. A law firm in Washington, DC hosted the National Command Center and DC Hotline Call Center, including administrative and technical support and food for nearly 400 people over two days. Kirkland & Ellis LLP and Simpson Thacher & Bartlett LLP hosted New York Hotline Call Centers, including administrative and technical support and food for nearly 150 people per call center over two days. Proskauer Rose LLP's New York office hosted the Ohio Hotline Call Center, including administrative and technical support and food for nearly 75 people over two days. The Kapor Foundation hosted the San Francisco Hotline Call Center; Bingham McCutchen LLP, Heller Ehrman LLP, and Morrison & Foerster LLP provided food and materials for San Francisco. The NAACP hosted the Baltimore area and Michigan Hotline Call Center at their Baltimore, Maryland headquarters. People For the American Way Foundation hosted the Allegheny County, Pennsylvania Hotline Call Center at their Washington, DC offices.

Firms across the country helped lead Local Legal Coordinating Committees, hosted Local Command Centers, and/or hosted a local hotline call center including: Akin Gump Strauss Hauer Feld LLP (Maryland); Burch Porter & Johnson PLLC (Tennessee); Carlton Fields (Miami-Dade County, Florida); DLA Piper LLP (Philadelphia, Pennsylvania and Montgomery and Prince George's County, Maryland/Northern, Virginia); Gordon Hargrove & James, P.A. (Broward County, Florida); Heller Ehrman LLP (Wisconsin); Jaffe Raitt Heuer & Weiss, P.C. (Michigan); Leppla Associates (Dayton, Ohio); Kilpatrick & Stockton LLP (Georgia); Nelson Mullins Riley & Scarborough LLP (South Carolina); Powell Goldstein LLP (Tennessee); Proskauer Rose LLP (Ohio, Palm Beach County, Florida and New Orleans, Louisiana); Spangenberg Shibley & Liber LLP (Cleveland, Ohio); Steptoe & Johnson LLP (Arizona); Sutherland Asbill & Brennan LLP (Georgia); and Weil Gotshal & Manges LLP (Houston, Texas).

Bingham McCutchen LLP, Cleary Gottlieb LLP, Debevoise & Plimpton, LLP, DLA Piper LLP, LeBoeuf Lamb Greene & MacRae LLP, Morrison & Foerster LLP, Orrick Herrington & Sutcliffe LLP, Proskauer Rose LLP, Sutherland Asbill & Brennan LLP, and Weil Gotshal & Manges LLP hosted trainings for National Hotline Call Center volunteers.

The following law firms helped create legal manuals, Bills of Rights, and Frequently Asked Questions for all 50 states: Ballard Spahr Andrews & Ingersoll LLP; DLA Piper LLP; Halleland Lewis Nilan & Johnson, PA; Howrey LLP; Morrison & Foerster LLP; Proskauer Rose LLP; Robins Kaplan Miller & Ciresi L.L.P.; Shearman & Sterling L.L.P.; Sutherland Asbill & Brennan LLP; Quarles & Brady LLP; Weil Gotshal & Manges LLP; and White & Case LLP. DLA Piper LLP created over half of all legal documents. In addition, Ballard Spahr Andrews & Ingersoll LLP, Bingham McCutchen LLP, DLA Piper LLP, Kirkland & Ellis LLP, Morrison & Foerster LLP, Simpson Thacher & Bartlett LLP, Sutherland Asbill & Brennan LLP, and Weil Gotshal & Manges LLP printed legal binders for volunteers.

Many people helped lead the National Command Center in Washington D.C. by contributing their time and expertise on Election Day to support volunteers and respond to complex voting

problems across the country, including our friends Debo Adegbile from NAACP Legal Defense & Education Fund, Terry Ao with the Asian American Justice Center, Steve Brown of Angel.com, John Davis Malloy, Virginia Davis with the National Congress of American Indians, Lowell Finley with the Electronic Frontier Foundation, Christina Galindo-Walsh with the National Disability Rights Network, Joe Guttentag, Tricia Jefferson from the Lawyers' Committee for Civil Rights Under Law, Jim Joseph from Arnold & Porter LLP, Bob Kengle, Bryan McPherson, Daria Neal from the Lawyers' Committee for Civil Rights Under Law, Mark Posner, Rob Randhava from the Leadership Conference on Civil Rights, Melysa Sperber, Heather Thompson with the National Congress of American Indians, Brenda Wright of National Voting Rights Institute; Tova Wang of The Century Foundation, and Rick Wiebe and Matt Zimmerman with the Electronic Frontier Foundation. Marjorie Press Lindblom led the National Hotline Call Center at Kirkland & Ellis LLP in New York, along with Matt Brennan of Sullivan & Cromwell LLP, Steve Carbo of Demos, Lisa Danetz of National Voting Rights Institute, Greg Heyman of Kirkland & Ellis LLP, Harmony Loube of Holland & Knight LLP, Scott Novakowski of Demos, and Sam Spital of Holland & Knight LLP. Victoria Bjorklund led the National Hotline Call Center at Simpson Thacher LLP, with the help of attorneys from the Brennan Center for Justice: Justin Levitt, Raj Nayak, Renee Paradis, and Wendy Weiser. Jennifer Scullion led the Proskauer Rose LLP Hotline Call Center for Ohio, with support from other Proskauer Rose LLP attorneys including Brian Schusterman, Bertrand Sellier, and Emily Stern. At the San Francisco National Hotline Call Center, Robert Rubin from Lawyers' Committee for Civil Rights Under Law of the San Francisco Bay Area and Zoe Segal-Reichlin from the Lawyers' Committee for Civil Rights Under Law led the effort, with the support of Cindy Cohn of the Electronic Frontier Foundation, Pamela Coukos, Sara Durkee from Morrison & Foerster LLP, Margie Gelb, Bree Hann of Bingham McCutchen LLP, Gail Jonas, and Wondie Russell of Heller Ehrman LLP.

Akin Gump Strauss Hauer Feld LLP, DLA Piper LLP, and Morrison & Forrester LLP have been ensuring that EIRS is a complete database by processing outstanding paper intake forms.

The Lawyers' Committee for Civil Rights Under Law partnered with Video the Vote, a coalition of filmmakers who document and report election irregularities and upload video footage to the internet, enabling the media and public to watch-dog the electoral process across our country. Adam Stofsky coordinated the program for the Lawyers' Committee, with Melissa Giraud, Ian Inaba, and James Rucker of Video the Vote.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

Democracy in Progress: The Lawyers' Committee's Overview of the 2006 Elections

In 2006, Election Protection really hit its stride. Although it was a substantially smaller program than in 2004, it was more efficient. As in years past, the Lawyers' Committee was proud to coordinate and facilitate the legal effort and share leadership of the coalition with our friends at the NAACP, the National Bar Association, and the People For the American Way Foundation. What started in 2001 as a small, targeted program focused on a single congressional district grew in 2004 to the nation's largest *pro bono* project and has matured in 2006 into a year round effort. Thanks to the generosity of the private bar, primarily through the unprecedented commitment of the Lawyers' Committee Board of Directors and Trustees and our partner law firms, Election Protection is our nation's most comprehensive and effective non-partisan effort to protect the rights of American voters.

As past Election Protection programs have uncovered, there are persistent problems with the way we conduct elections in this country that lead to voters being disenfranchised. Described below, and in even more depth in the detailed state reports that follow, are the most common problems reported to Election Protection in this past election cycle. More than any other single issue, voters complained about their interactions with election machines. The second most common complaint highlighted the shortcomings of voter registration systems across the country. Next, voters called about problems with the administration of their polling place and interactions with poll workers. What was so sobering and dramatic about this year's program was the number of calls reporting voter intimidation and deception. Calls to the hotline on and before Election Day reported vast problems with the absentee ballot process.

On November 7, 2006, millions of Americans went to the polls and dramatically shifted the political landscape in the United States Congress and in many legislatures and governors' mansions. Just like in 2004, commentators proclaimed that the election moved forward without any structural problems or dismissed the obstacles voters faced as insignificant because electoral catastrophe was limited to a few races. The data collected by Election Protection, however, demonstrates that if we expand the diagnostics of success from those that are purely partisan to those that form our fundamental democratic identity as Americans, it is wrong to anoint Election 2006 a resounding success. At all points of the process – from registration to tabulating ballots – Election Protection responded to problems that too often led to eligible voters being disenfranchised. Although the program was very successful in helping many of these citizens cast a ballot that was counted as intended, countless eligible voters were blocked from the ballot box because of our electoral system's structural deficiencies.

It is critical that as we immediately enter the 2008 presidential election cycle, we undertake a more honest assessment of what happened in this election. To accomplish the dual goal of faith in our electoral outcomes and the constitutional promise of free and equal access to the polling place for all eligible Americans, it is critical that we understand the problems that voters experienced in 2006 and the causes of those problems so we begin to craft meaningful solutions.

<u>Scope of Election Protection 2006</u>

Election Protection responded to problems and inquiries from voters in 48 states and the District of Columbia. Although the program was smaller than 2004, it was more dynamic. By incorporating new strategies and new partners, Election Protection has evolved into a year-round, one stop shop for voter support, information, and assistance. Lawyers' Committee staff worked with voter registration groups to understand new, burdensome restrictions on their efforts to reach out to voters. Before Election Day, our Election Protection *pro bono* network protected the rights of students to have a say in their own communities, kept polling places open in Baltimore, Maryland during the primary, met with hundreds of election officials, and distributed state specific voter registration guides to partners in more than 10 states. In 2006, we expanded our coalitions, developed more comprehensive and streamlined legal materials, and refined our training program and hotline structure to better respond to the needs of the electorate.

Over 2,000 lawyers, law students and paralegals dedicated their talents to make Election Protection 2006 a success. This year's program organized 27 Local Legal Coordinating Committees in 19 states and set up eight local call centers and six national call centers. As in 2004, the interaction between the legal field program, the hotline, and the Election Incident Reporting System (EIRS) database, creates the most comprehensive, independent picture of the American voting experience.

Beginning this April, our coalition sprang into action to protect voters in New Orleans in that city's historic first election after the devastating gulf hurricanes of 2005. Election Protection worked with voters to address problems unique to post-Katrina New Orleans as well as the problems that show up in precincts across the country during every election cycle. In the weeks before the election, we trained attorneys and law students specifically on the electoral complications presented by the hurricane. Those volunteers staffed a targeted hotline call center dedicated to facilitating and explaining the complex absentee ballot rules passed by the Louisiana legislature. Our efforts helped ensure that New Orleans voters had an equal opportunity to cast a ballot, regardless of if they had returned to their homes or were displaced elsewhere.

Election Protection was there during the Maryland primary in September to keep polling places open in the wake of a wholesale breakdown in election administration in Montgomery County and a confluence of factors in Baltimore that lead to countless eligible voters being turned away from the polls.

As we moved forward to Election Day, Election Protection Local Legal Coordinating Committees worked with hundreds of local and state election officials to clarify confusing rules, establish effective lines of communication, and resolve problems in preparation for the vote. As the report details, our LLCCs and coalition partners were forced to file litigation in Utah and on two issues in Maryland.

Of course, the backbone of the program is our *pro bono* network. This year, Election Protection worked with over 30 of the nation's largest law firms to develop manuals, recruit and train volunteers, house Local Legal Coordinating Committees, and host local and national 866-OUR-VOTE Hotline call centers. Calls to the hotline are the gas that drives the engine of Election Protection. Unlike 2004 and despite the importance of this year's election cycle, we had to

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

make due with a significantly limited stream of resources from our traditional supporters. We asked for help from our Board and *pro bono* partners and, again, the response was overwhelming. Our partner law firms and members of the Board of Directors and Trustees engaged public relations experts to alert local and national media about Election Protection, the 866-OUR-VOTE number, and the solutions the Coalition provides for voters.

Data Collection[1]

Over the past five years, Election Protection has identified a number of disturbing trends that frustrate eligible voters as they attempt to cast a ballot. In 2006, Election Protection uncovered a similar menu of obstacles that lead to disenfranchisement. We received more than 26,000 calls in October and November, including 17,964 on Election Day. Of the 21,143 calls that came in to the hotline on Election Day and the day before, 17,705 or 83% of callers communicated with an Election Protection volunteer. As of December 10, 2006 we have 8,566 incidents reported into EIRS.[2] The percentage of calls that resulted in EIRS reports – 40.1% of the calls from Election Day and the day before - is a dramatic improvement from 2004 where we had over 200,000 calls to the hotline, but recorded only 44,000 incidents, or about 21%.[3] This success is attributable to both updated volunteer training at the hotline call centers and the efficiency of our hotline infrastructure, as well as the experience and ingenuity of our volunteers and Hotline Commanders.

On Election Day, we received 2334 calls from Ohio, more than any other state. We also received high call volume from Georgia (1399 Calls), California (1236 Calls), Pennsylvania (1088 Calls), Florida (1008 Calls) and Maryland (768 Calls). The average caller was on the line for a little over 4 minutes and call volume was highest between 7:00 a.m. and 8:00 a.m. eastern time. Summaries of the Election Day data regarding the number of calls, how they were answered, and their state of origin can be found in the charts at the end of this report.

Where we received calls from depended on a number of interrelated factors including: where voters have an ongoing relationship with Election Protection through our continued presence on the ground; where there are significant problems that warrant our close attention; and, perhaps most importantly, where the number gets out through methods trusted by the community (either by direct contact with voters or by advertising in media outlets that reach Election Protection target voters). The Lawyers' Committee and many of our partners and supporters engaged in an ambitious media campaign that resulted in the 866-OUR-VOTE hotline number appearing in

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[1] The information contained in this report does not reflect a scientific analysis of election problems. Instead, it is a preliminary compilation of reports that came into the Election Protection Coalition. P percentages and statistics in this document are derived from compiling all of the reports that voters and volunteers logged with the Coalition. This is a preliminary document. No attempt has been made to analyze the individual reports outside of categorization of the reports and a thorough examination of a select, but small, group as reflected by the state reports.

[2] The statistics used in the executive summary reflect information derived from EIRS as of December 8, 2006. While the majority of information from the program has been entered, we continue to supplement the information in EIRS with additional intake forms. The information in the State Reports section is even more comprehensive. This information is drawn both from the reports contained in EIRS and the paper forms that are continually entered into the system.

[3] In 2006, Election Protection began regularly entering EIRS forms into the system the day before Election Day. In 2004, that process began earlier. These numbers and comparison reflect those realities.

multiple national media outlets (*USA Today*, the Tom Joyner Morning Show, *The New York Times*) and on radio and in newspapers in target locations across the country.

It is critical that readers understand the context of many of these calls. In the case of a voter who calls and asks for her polling place, our Election Protection volunteers are providing necessary assistance to help that individual voter; however, a single call to the hotline or report to the EIRS system often documents the problems of hundreds of voters. For example, where we log complaints about four hour lines in St. Louis from five callers, those complaints must be aggregated to reflect the hundreds, perhaps thousands, of voters who are standing in those lines in order to appreciate the true impact of that report. Likewise, when we receive four calls from voters registered in the same Phoenix precinct that were not on the voter registration rolls, further investigation often shows that as a symptom to a much bigger problem that affects many more voters.

Although we have been very successful in accumulating Election Protection 2006 data and entering it into EIRS, the platform itself has been very disappointing and will certainly be improved as we move forward towards 2008. Unfortunately, EIRS was totally unreliable on Election Day, collapsing under the weight of its own success. Luckily, our talented volunteers, including our experienced Election Protection Hotline Commanders, quickly adapted to this unfortunate reality and directed volunteers to continue collecting data the old fashion way – with paper and pen. Thanks to our pro bono partners and volunteers from partner organizations, nearly all EIRS forms have now been entered.

Obstacles to the Ballot Box

In 2006, EIRS divided all of the reports into two categories, voter inquiries and election problems. Of the 8566 entries in EIRS, 4472 or 52.2% reported inquiries from voters about the voting process, while 4092 or 47.7% reported problems that had an impact on citizens exercising their right to vote. Of the inquires in EIRS, 2382 or about 53% were from voters asking where to vote and 962 or 21% of inquiries were voters attempting to determine their registration status. In most of these cases, our volunteers were able to provide callers with this essential information, allowing them to exercise an effective ballot. Inquiry reports provide very useful information as we move forward with our reform efforts and future Election Protection programs. The frequency of these calls demonstrates both the importance of providing this necessary information to voters and the failures of many local jurisdictions to do so.

Of the 47.7% of entries that report problems, nearly 21% were callers reporting voting equipment problems. These problems came in from 39 states. As the state reports show, voters and poll workers had trouble using new electronic voting equipment. In a disturbing number of states, voters reported that machines either did not record their votes correctly or did not record their votes at all. These reports make clear that new electronic voting technology needs to improve in quality and be more user friendly.

The next most frequently reported problem derived from shortcomings in the voter registration system. Voter registration problems account for 16.3% of problems reported to EIRS. Election Protection received calls complaining of problems with the registration system from 38 states. Many of these calls were from voters eligible to register, who submitted a timely registration form, yet did not show up on the voter registration rolls. Many other calls concerned new voter registration technologies, including complaints about failures of new electronic poll books.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

While some of these problems are familiar to Election Protection, some seem to be derivative of the complications in implementing the part of the Help America Vote Act that requires all states to transition from local control of the voter registration system to state control.

The third most common problem reported by voters in 42 states to EIRS (13% of problems) highlights issues with polling place administration. These problems included long lines, either late poll openings or early poll closings, and problems related to identification. As the state reports illuminate, problems with identification ranged from voters not being able to produce ID in states where it is required or, in over a dozen states, reports of poll workers demanding identification from voters in violation of state law.

Possibly most disturbing was the frequency of calls reporting either deceptive practices or voter intimidation. These types of entries account for 8% of all problems reported to EIRS and came from 31 states. Election Protection received calls from voters in Virginia complaining of emails providing false and deceiving information about where to vote, calls from voters in Arizona reporting that armed gunmen were at heavily Latino precincts intimidating and mocking voters as they attempted to access the polling place, and calls from voters in Colorado who received phone calls providing deceptive information.

We received reports from 31 states about absentee voting problems, accounting for 5.6% of all entries into EIRS. While some of those calls were voters inquiring about how to apply for an absentee ballot, many of those voters reported they had requested an absentee ballot that was never received. Other voters received an absentee ballot too late for that ballot to be counted. These problems were particularly pronounced in Maryland and Ohio.

Conclusion

While the scope of this report is limited to preliminary findings of the legal component of the Election Protection Program, the Lawyers' Committee is eager to work with policy makers to craft real solutions to the issues illuminated in the following pages. The infrastructure that supports our voting system should be strong and responsive to the will of the voters. We must treat the issues that prevent eligible citizens from exercising their right to vote as a national problem that demands serious, apolitical policy solutions. Real reforms, together with providing necessary resources to our election administrators, will strengthen citizen confidence in the system and expand access to all eligible Americans making our democracy the model for the world.

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

Election Protection 2006: Components of the Legal Program

During the 2004 election cycle, Election Protection mobilized 25,000 trained volunteers, including 8,000 legal volunteers, who were recruited to monitor polling places, educate voters, facilitate a dialogue with local and state election officials, provide legal support to poll monitors, and answer the voter assistance hotline, which received over 200,000 calls from voters in all 50 states.

To build on that success, Election Protection 2006 focused more intensely on fewer locations to provide more effective, efficient assistance to voters throughout the voting process, from registration through Election Day. While the 866-OUR-VOTE hotline assists voters across the country, Election Protection's legal field program in 2006 supported state and local efforts in targeted locations. The program was designed to be scalable, depending on resources and priorities of our partners at the national and state level, and local leaders adapted the program to their needs.

In preparation for 2006 and future programs, Election Protection invested heavily in new technology for the hotline, our data collection system, and our internal website. We also developed new partnerships with other organizations, to help us test best practices for 2008 and beyond.

As in 2004, the flexibility of Election Protection 2006 allowed us to provide the guiding structure and support for partners on the ground to create successful programs, even in those locations where the Lawyers' Committee did not target. We expanded the reach of the program by providing these partners with legal materials, organizing and programmatic guidelines and the support of the Hotline and national Election Protection staff.

<u>Local Legal Coordinating Committees, Legal Materials, and Litigation</u>

Several elements make up the core of Election Protection's legal program: creation of legal documents; meetings with election officials; coordination of legal and field components; support for voter registration; voter education; and legal volunteer mobilization on and before Election Day. All of these elements were supported and coordinated through the national Election Protection hotline, 866-OUR-VOTE, and the national Legal Command Center, as well as our Local Legal Coordinating Committees (LLCCs) in each targeted location. Our program was tailored to fit the needs of our local field partners through the experience and capacity of our legal volunteers.

Comprehensive legal research was conducted by the Lawyers' Committee and its *pro bono* counsel on state election law, legislation, rules, and directives. This research was incorporated into several documents that are made available to co-sponsoring organizations. Updated legal manuals, Voter's Bills of Rights, and Frequently Asked Questions, were created for all 50 states, as well as Voter Registration Guides in select states.

Election Protection met with election officials in each targeted location and utilized an Election Officials Survey to gather key information. In meeting with election officials, we determined if they were a cooperative partner and evaluated the overall voting process as it relates to our program and frequent voter problems. These meetings also allowed local organizations to

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

develop important relationships with election officials, crucial to solving problems before and on Election Day.

The Lawyers' Committee worked to help coordinate the legal and field components in each state to provide for maximum efficiency and communication at both the national and local level. Each LLCC worked directly with local staff and volunteers for national partners as well as grassroots organizations in their area on all aspects of the program. Legal and field volunteers also worked together on voter registration, meetings with election officials, creation of voter education materials, media outreach, and targeting precincts for legal volunteer deployment.

Prior to Election Day, LLCCs supported education efforts to provide direct assistance to voter education efforts, absentee ballot drives, and early voting. LLCCs worked with field partners and election officials to track and solve problems throughout the voting process, providing support to organizations and their staff, members, and volunteers assisting voters with registration. Legal manuals and, in some states, Voter Registration Guides, provided updated information to volunteers and organizations.

Volunteers participated in a multi-faceted program on Election Day. Each targeted location carried out a legal field program through the LLCC with a Legal Command Center, staffed by experienced Election Protection attorneys and other key staff. The Legal Command Center then communicated with hotline call centers to report and respond to problems and deploy mobile field attorneys, who were dispatched to polling locations throughout the day. Some locations had a larger-scale program that also included poll monitors at targeted precincts and local hotline call centers that responded to calls in their area. We tested different targeting and deployment models in our targeted states, to learn best practices for 2007 and 2008. Programs with mobile field attorneys carved targeted precincts into geographic zones for easier monitoring; some locations found it more efficient to deploy attorneys from the Legal Command Center as needed; and other locations relied on an attorney with a team of grassroots volunteers.

Litigation played an important in Election Protection 2006. We filed three lawsuits, two in Maryland and one in Utah. The first resulted in an order by the Baltimore City Circuit Court that kept polls in Baltimore open for an extra hour in the September 12, 2006 primary. The lawsuit was instituted after dozens of voters from Baltimore called the hotline to complain because their polling place was not open on time. The second Maryland case, which we lost, sought to extend the deadline for the postmark for absentee ballots in the general election because the state mailed out thousands of absentee ballots late. In Provo, Utah, the court rejected our effort to keep the polls open later because of a massive breakdown of electronic voting machines. Additionally, Election Protection supported two ongoing lawsuits – our constitutional challenge to the grossly unequal and inadequate administration of elections in Ohio and our constitutional and statutory challenge to Arizona's voter identification law – by providing data and examples of the problems encountered by voters that relate to the issues in those lawsuits.

The Voter Assistance Hotline: 866-OUR-VOTE

The 866-OUR-VOTE hotline assists voters across the country during early voting as well as on Election Day. As the largest nonpartisan hotline to provide direct assistance to voters, 866-OUR-VOTE utilizes live volunteers to respond to voter's questions and input data for follow-up

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

and analysis. We are able to track problems at the national, state, and local level and by type of incident to look for patterns or persistent problems.

In response to our 2004 experience, we created a new hotline platform suited specifically to the needs of Election Protection, which greatly improved the hotline's efficiency and technology. The new technology, administered by Angel.com, allowed us to make real-time adjustments in the routing of calls and call answering options. It also enabled us to assist more voters in less time while also improving our data collection. For November 6 and 7, voters were automatically routed to the assigned call center based on the area code identified through caller ID (the voter was given the opportunity to inform us of the state he or she was calling from if it was a state different than that identified through caller identification, about 7% of callers utilized this option). When the hotline was not being answered live, voters could leave a voicemail and the voicemail file was sent to the proper call center based on where the caller lived. If a caller was an English-speaker (Spanish-speakers were directed to a parallel platform) and the caller ID properly reflected where they were calling from, the voter was connected to a volunteer without pressing a button.

The hotline was hosted at fourteen sites on Election Day. A law firm in Washington, DC hosted the National Command Center. Kirkland & Ellis LLP and Simpson Thacher & Bartlett LLP hosted New York Hotline Call Centers. Proskauer Rose LLP's New York office hosted the Ohio Hotline Call Center. The Kapor Foundation hosted the San Francisco Hotline Call Center. The NAACP hosted the Baltimore area and Michigan Hotline Call Center at their Baltimore, Maryland headquarters. People For the American Way Foundation hosted the Allegheny County, Pennsylvania Hotline Call Center at their Washington, DC offices. Additional local call centers were stationed in Broward County, Florida (hosted by Gordon Hargrove & James, P.A., in Miami-Dade County, Florida (hosted by Carlton Fields, P.A.), Palm Beach County, Florida (hosted by Proskauer Rose LLP); in Atlanta, GA (hosted by Kilpatrick Stockton LLP); in New Orleans, Louisiana (hosted by Proskauer Rose LLP on Monday and Loyola University on Tuesday); in Minneapolis, Minnesota (by Take Action Minnesota); and Chapel Hill, North Carolina (by the University of North Carolina Center for Civil Rights). In addition, the Lawyers' Committee began an exciting partnership with the National Association of Latino Elected and Appointed Officials (NALEO), which runs the other national hotline staffed by live, trained volunteers and targeted at the Latino Community. This partnership, which will lead to further coordination as the program moves into the 2008 cycle, brings the most efficient and effective voter protection service in the Latino Community into the Election Protection Coalition.

Volunteers began staffing the hotline during business hours on October 16 at the Lawyers' Committee. In addition, the local call center in Minnesota was open during business hours the weeks leading up to Election Day. During the weekend of November 4-5, the hotline was open from 1:00 p.m. to 5:00 p.m. On November 6, the day before the election, the hotline was expanded to the National Hotline Call Centers in Washington, DC (National Command Center); New York City (all 3 sites mentioned above), and San Francisco, and local call centers in Minnesota and Louisiana . The hotline answered calls live from 8:00 a.m. to 9:00 p.m. Eastern time.

On Election Day, all 14 call centers were operational. Calls were answered live from 6:00 a.m. to 9:00 p.m. Eastern time and from 6:00 a.m. to 9:00 p.m. Pacific time. The National Command Center and National Hotline Call Centers in New York handled calls from the Eastern and Central time zones that were not assigned to a local call center. The National Call Center in

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

San Francisco handled calls from the Mountain, Pacific, Alaskan, and Hawaiian time zones. On November 6 and 7, the National Command Center also handled "overflow" calls and answered calls before and after local call center hours.

Collecting Invaluable Data

Election Protection's unparalleled data collection provides invaluable support for potential litigation and prospective reform efforts and demonstrates the impact of provisions that disenfranchise voters (such as voter identification proposals). The Election Incident Reporting System (EIRS) allows us to monitor, track, record and respond to problems across the country in real time. EIRS is the first database of its kind and includes the most comprehensive reporting of election irregularities in the country. Calls to the national hotline and reports from the field were entered in to one database designed to be used for follow-up by our legal volunteers. Volunteers and staff can review data by location, type of incident, voter name, and other fields.

EIRS data from 2004 formed the basis for our special report, *Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections*, co-authored by the Lawyers' Committee with the NAACP and People For the American Way Foundation. Data from 2004 also helped locate plaintiffs for the historic lawsuit, *League of Women Voters of Ohio v. Blackwell*, where the Lawyers' Committee sued Ohio's Secretary of State for grossly unequal and inadequate election administration. EIRS data from the Orleans Parish primary election on April 22, 2006 was used to help improve election administration for the general election on May 20, 2006.

In 2006, significant changes were made to the EIRS with the intent of making it more effective and user friendly. Unfortunately, the system crashed on Election Day and was down for several hours because it could not handle the amount of traffic (which included public access to all data that did not identify callers). Volunteers adjusted by filling out reports on paper and communicating issues by telephone only. There will be a significant overhaul of EIRS in 2008 that is likely to include limited or no public access. Nonetheless, we have collected more than 8,000 reports that document the types of informational calls and problems we received through the hotline and also in the field.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

State Reports

American election administration is deficient and needs to improve. As the following detailed report of the problems voters reported to Election Protection in particular states demonstrates, voters anywhere in the country are at risk of being disenfranchised because of the deterioration of our democratic infrastructure. As these reports demonstrate, this is not a problem of politics; voters in swing districts and safe districts experienced problems as they attempted to cast a ballot.

These State Reports compile information from a sampling of the states that Election Protection 2006 conducted legal field programs as well as where the hotline received the most calls. The following information relies on two key components – data from the hotline platform itself (the number of calls, from where, etc.) and reports entered into EIRS. This is only a preliminary snapshot of the data collected by Election Protection. The Lawyers' Committee attempted to highlight examples from each of the states that demonstrate some of the problems that were experienced by voters on the ground. This is by no means an exhaustive list of problems; instead, it is an initial snapshot of the American voting experience. The data contained in EIRS and collected by the Election Protection Coalition must be reviewed closely and analyzed to provide the most complete picture of the barriers that citizens encounter as they attempt to exercise the fundamental right to vote.

Arizona

The Lawyers' Committee and other advocates have been particularly concerned with Arizona's new voter identification requirements contained in Proposition 200, an initiative that passed in 2004 which requires citizens to present documentary evidence of their citizenship status when registering to vote, and further requires registered voters to present additional identification at the polling place on Election Day. The Lawyers' Committee' and several other legal organizations filed a lawsuit in 2006 challenging the constitutionality Proposition 200, and that matter is currently pending in federal court.

The confusion generated by Proposition 200 was evident before and on Election Day, with voters being unsure about what type of identification was required at the polls. Additionally, as a state where the debate over immigration has been a central issue, voters in Arizona, especially minority voters, reported voter intimidation in several counties.

The Lawyers' Committee worked with Steptoe & Johnson LLP to form a Local Legal Coordinating Committee, and also partnered with the Arizona Advocacy Network on grassroots outreach and voter education programs in Maricopa and Pima counties.

Election Protection received 221 calls from Arizona, with 216 reported incidents, nearly 2/3 of which came from Maricopa County. Of the 156 EIRS reports, 81 were incidents and 75 were inquiries. An additional 60 reports were generated from volunteers in the field, mainly concerning problems with identification.

Problems at the Polls

Problems at the polls accounted for 58% of all reported problems in Arizona and we received reports from voters in 6 counties, primarily in Maricopa County. Problems ranged from disability access issues to faulty voting machines to a lack of signage at polling places.
- The assistive device for visually impaired voters was not working at a precinct in Maricopa County, and a voter was forced to vote by provisional ballot instead.
- At a polling place in Maricopa County, provisional ballots were being placed inside a Tupperware-type box with only a zip-tie to keep it securely closed.
- Multiple voters in Maricopa County reported that their names did not appear on the rolls although they were registered to vote.

Problems with Voting Machines

- In Tempe, in Maricopa County, ballots were getting stuck inside the voting machines and could not be scanned. A similar problem was reported from another precinct in Pima County, as well.
- In Yavapai County, a poll worker reported that candidate's names were missing from the ballot on machines in her precinct. The machines were still used and the names re-appeared later on in the day.
- At Monte Viste Elementary School in Pima County, all machines were down for over 20 minutes.
- In Coconino County, voters were not given sleeves to cover their voted ballot and were therefore unable to cast a secret ballot.
- At Mesquite Library in Maricopa County, the machines recorded 34 votes and then went blank.

Identification

Voters and poll workers faced confusion over Arizona's new identification requirements right up to and on Election Day. Eligible and registered voters were turned away because they did not have proper ID, while others were forced to vote by provisional ballot.
- A voter in Maricopa County reported that poll workers were selectively asking voters for ID and indicating on provisional ballots that no ID had been presented, even though voters had presented alternate identification.
- In Pima County, a voter reported that three voters ahead of him in line were turned away because they did not have proper ID.
- Also in Pima County, a voter was not allowed to use her Department of Defense photo ID, presumably because it did not contain her address.

Voter Intimidation and Deceptive Practices

The hotline received 10 (12 percent of reported incidents) reports of voter intimidation and deceptive practices, 3 from Maricopa County and 7 from Pima County.
- In Pima County, there were multiple reports of voters being videotaped as they went in to the polls and were being discouraged from voting. The police and the FBI were alerted to this on Election Day.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

- At other polling places in Pima County, voters reported men in brown or black shirts who were intimidating voters, saying they were there to prevent illegal immigrants from voting.
- On November 6, we received a report that 20 polling places in Tucson were going to be targeted on Election Day by groups seeking to challenge voters based on citizenship status.
- In Maricopa County, a voter received a phone call from a congressional campaign, erroneously telling her that her polling place had been changed to a location 30 miles away.
- At Trevor Brown High School in Phoenix, voters were told they could not park in the school parking lot but police officers were ticketing voters who parked on the street.

California

Leading up to Election Day, the 866-OUR-VOTE hotline received calls from voters across California requesting information on how to register, confirming their voter registration, or inquiring about their polling place location.

Election Protection worked with *pro bono* legal partners in San Francisco, including Bingham McCutchen LLP, Heller Ehrman LLP, Morrison & Foerster LLP, and the Lawyers' Committee of the San Francisco Bay Area to help staff a national hotline call center at the Kapor Foundation on Election Day. Election Protection also created a unique partnership with the National Association of Latino Elected and Appointed Officials (NALEO) to staff their Spanish-language hotline and the legal field program in Southern California.

On Election Day, we received 1236 calls from voters in California, with the majority of calls from Los Angeles and Orange counties, as well as the Bay Area. Election Protection volunteers recorded 622 incidents in EIRS, of which 247 were voter inquiries and 375 were reports of voter problems.

Registration

Over 10% of all reported problems on Election Day involved registration problems, primarily in Los Angeles County. Over a dozen Los Angeles County residents reported that although they had registered to vote, their names did not appear on the voting rolls on Election Day.
- A voter at Rio Vista Elementary School in Los Angeles County reported that when she attempted to vote her name was not on the registration list despite the fact that she had received registration confirmation including a voter registration card.
- Another voter at Hughes Learning Center, also in Los Angeles County, went to cast a ballot at the precinct at which he had voted for the last six years and was told that he was not on the list, although his wife was.

Problems at the Polls

Most Election Day calls were from voters reporting polling place problems, accounting for 61.6% of reported problems. Problems included polling places that opened late, ran out of ballots,

and/or failed to provide sufficient privacy for voters casting ballots. Many voters were erroneously forced to vote by provisional ballot.

- A Los Angeles County voter called at 7:45 a.m., reporting that his polling place had still not opened (polling hours begin at 7:00 a.m.); as a result he was unable to vote.
- In Orange County, voters at the UC-Irvine Campus Housing Authority polling place had to switch to using paper ballots as a result of machine malfunctions. By 8:30 a.m., the polling place had run out of English and Spanish ballots, with only ballots in Vietnamese and Chinese remaining. The caller, as well as other voters, was unable to vote.
- A Merced County voter reported that there were insufficient poll booths in her polling place which led to voters voting in the open with little or no privacy.
- A voter at Cochran Baptist Church in Los Angeles reported that poll workers only brought provisional ballots with them to the polling place and neglected to bring all other proper materials with them. As a result, all voters had to vote provisionally.

Problems with Voting Machines

Voters in Del Norte, Orange, Los Angeles, San Diego, San Francisco, San Luis Obispo, Santa Clara, and Ventura counties reported machine problems, accounting for 26.6% of all problems in California. The most widely reported problem was the failure of optical scan machines in Los Angeles and San Francisco counties. In addition, voters in Alameda, Los Angeles, San Diego, and Sonoma counties reported several problems with using the official ink blot pens requisite to the Ink-A-Vote system used in California. Malfunctioning machines caused long lines through out the state, as well as a shortage of paper ballots in many locations, especially Orange County.

- Several voters in Los Angeles and San Francisco counties reported a shortage of pens necessary to complete their ballots. One man in Los Angeles County reported that the ink pen he was given failed to scan properly leaving him with no way to know whether his votes would be considered undervotes or overvotes. Others reported that the scanners failed to record their votes for certain races.
- One San Diego radio station reported that machines were down all over the county, a report substantiated by voters' calls to the Election Protection hotline indicating that over a dozen San Diego polling places were affected.

Deceptive Practices and Voter Intimidation

Five percent of reported problems on Election Day involved reports of voter intimidation or deceptive practices. The hotline received reports from nine counties of poll workers asking for ID when none was required, of poll workers harassing voters, and of law enforcement intimidation.

- A voter in Los Angeles reported that a poll worker at Oakwood Apartments harassed voters who allegedly took too long to vote, although there were no lines to warrant the hurry. He also witnessed the same poll worker question an elderly man about whether he knew who he was going to vote for; when the voter replied that he did not, the poll worker said that the voter "might as well leave," and the voter left without voting. The same poll worker began closing down the polling place an hour early.
- Voters in both San Francisco and Los Angeles reported being asked for identification when not required. One poll worker explained that he was checking ID contrary to California law because he wanted to be sure no "foreign nationals" voted.

- Another San Francisco voter reported a deputy sheriff was inside the polling place; when asked, the deputy sheriff said he was there to "protect the voters."
- A woman in Los Angeles said poll workers were asking voters for their party affiliation and dividing the lines accordingly. Voters in one line were told they could leave before their ballots were put in the box, with the poll worker assuring them that she "would sign them later."

Absentee Ballot Problems

The Election Protection hotline received calls about absentee ballot problems from 10 California counties, making up 9% of reported problems.

- Several calls came from Alameda County where absentee ballots were returned due to insufficient postage. One voter reported that his ballot was returned "undeliverable" because of insufficient postage, despite the fact that he had returned his ballot in the prepaid envelope issued with the ballot.
- Voter in several counties reported receiving absentee ballots late, or not receiving their ballots at all. A poll worker at St. Clement's Church in Los Angeles reported that at least three people had come to vote provisionally at her polling place because they never received their absentee ballots.

Florida

The Lawyers' Committee created three Local Legal Coordinating Committees in Florida: Miami-Dade County, led by Carlton Fields; Broward County, led by Gordon Hargrove & James, P.A.; and Palm Beach County, led by Proskauer Rose LLP. Each LLCC staffed a local hotline call center and a Mobile Field Attorney program on Election Day. People For the American Way Foundation led a state-wide grassroots outreach program, with support from many other grassroots partners.

The hotline received 1008 calls from Florida. Election Protection volunteers recorded 529 incidents and, of the reports entered, 280 reported problems and 248 were inquiries.

Problems at the Polls

Problems at the polls accounted for 36% of all calls from Florida. As in most states, problems centered on voter's names not appearing on the rolls, voter's being given incorrect polling place information, and polls opening late or closing early.

- A voter in Duval County was not on the rolls at her precinct and was told to go to two other locations before finally being told to go back to original location. When she arrived, it was too late and she was not able to vote. The entire process took her nearly two hours.
- In Duval County, a voter had to go back and forth between two precincts several times before being allowed to vote; her voter information card said one precinct, but a poll worker told her to go to another.

- Another voter in Duval County was not on the rolls called Election Protection to find out how he could vote but the poll workers locked him out of the polling place when he called the hotline.
- EIRS received multiple reports from voters in Gadsden County who were in line when the polls closed complaining that they were not allowed to vote because the polls closed early.
- Voters were erroneously required to present photo ID in Broward, Miami-Dade, Seminole, St. John's, and St. Lucie counties. Additionally, there were several reports from Broward and Miami counties of voters being turned away entirely if they did not present ID. In St. John's County, a voter reported that he was asked for ID before entering the polling place.
- In Miami, there were three reports of no Spanish-language assistance at the polls, in violation of Section 203 of the Voting Rights Act.

Problems with Voting Machines

Voters in 12 counties called in problems with voting machines, with the overwhelming number of calls coming from Duval and Broward counties. Voting machine problems accounted for 22% of all problems and included: multiple machines being down in one polling place; voters placing ballots in unsealed boxes; chewed up ballots; vote switching (where a voter intended to vote for one candidate but their vote was registered for another candidate); and candidate's names not appearing on the ballot.

- Voters in Broward, Palm Beach, Broward, Pinellas, Hillsborough, Miami, and Sarasota reported vote switching.
- Several voters in Sarasota County reported that the names of the Congressional candidates were not on the ballot.
- At a polling place in Osceola County, voters were given the ballot for the wrong precinct for nearly an hour, until the problem was fixed at 7:45 a.m.

Voter Intimidation and Deceptive Practices

While Election Protection did not receive widespread reports of voter intimidation or deceptive practices in Florida (6% of all problems), we did receive reports that affected multiple voters or entire polling places.

- In Manatee County, voters reported robo-calls in the middle of the night that seemed to be from congressional candidate Christine Jennings but said paid for by the RNC at the end of the call.
- Police officers at a precinct in Miami were writing parking tickets at the polling place.
- A voter in Boca Raton in Palm Beach County said her employer was encouraging employees to vote a certain way on a ballot initiative because "their jobs depended on it."

Absentee Ballots

In addition to the normal inquiries about how to obtain an absentee ballot, the hotline received reports from multiple voters from across the state that were told they had already voted absentee. These voters were prevented from voting or had to vote provisionally.

- A voter in Orange County who has never voted absentee was told at the polls that she had to vote by provisional ballot because she had requested an absentee ballot.

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

- In Collier County, a voter was incorrectly told she had requested absentee ballot and would not be allowed to vote unless she presented her absentee ballot.
- A voter in Duval County was not allowed to vote because the poll book erroneously indicated she had already cast absentee ballot.

Georgia

Georgia had a strong Election Protection program in 2004, and, thanks to the hard work, outreach, and organization of the Local Legal Coordinating Committee, voters were aided by another excellent program in 2006. Led by attorneys from Sutherland Asbill & Brennan LLP and Kilpatrick & Stockton LLP, the LLCC recruited over 200 volunteers to staff a local hotline call center and serve as Mobile Field Attorneys.

Prior to Election Day, the Lawyers' Committee was particularly concerned with voters being asked for photo identification, in light of the legislative and legal battles over the past two years around this issue. A state court enjoined enforcement of Georgia's photo ID law for the November elections, and as a result, voters could show one of seventeen types of identification or if they lacked identification, could sign an affidavit attesting to their identity. Voters were indeed confused by the identification requirements, and poll workers across the state erroneously asked voters to show photo ID before allowing them to vote.

Election Protection received 1339 calls from Georgia, the second highest number of calls from any state. EIRS recorded a total of 612 reports, consisting of 325 problems and 287 inquiries. The hotline received calls from 57 counties in Georgia, with the majority of calls coming from the Atlanta metropolitan area. The reports include problems ranging from poll workers erroneously telling voters they had already voted, to broken voting machines, to voters being asked for photo ID.

Problems at the Polls

Voters in 29 counties reported problems at the polls, accounting for 47% of all problems in Georgia. Across the state, voters (including those who had voted in previous elections, even as recently as the 2006 primary) were not listed on the rolls, were not given provisional ballots, and encountered long lines and other obstacles when voting.
- A voter in Atlanta (Fulton County) reported that his name was not on the rolls when he went to vote and he was not offered a provisional ballot. Multiple voters in Cobb, DeKalb, Fulton, Gwinnett, and Worth counties also reported that they were not offered provisional ballots when their names did not appear on the rolls.
- Inexplicably, a van of senior citizens was turned away from the polls in DeKalb County.
- In Columbia County, a voter was at her polling place when polls opened at 7:00 a.m. but was told by the poll worker that she had already voted absentee, although the voter had neither requested nor received an absentee ballot. The voter also said she encountered a similar problem when voting in the last election.
- A voter reported long lines at Flint River Center, a predominantly African-American polling place in Clayton County. Other voters in Clayton County reported long lines, as well.
- A voter at the Youth Education Town Building in Fulton County went to vote at 7:00 p.m. The poll workers told her she was too late and locked the doors to the polling place.

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

- In Fulton County, a voter was told she could not vote by provisional ballot because provisional ballots could only be given out by the Secretary of State.
- Also in Fulton County, a voter reported that her polling location, Capital View Elementary School, was inaccessible. The voter said several elderly voters could not access the polling place and, for those who were able to, there were not enough chairs for voters to sit in while waiting.
- In Clayton and Cobb counties, several voters reported early poll closings.

Problems with Voting Machines

Over 16% of reported problems involved problems with voting machines. Reports came in from 20 counties including Burke, Chatham, Clayton, Cobb, Columbia, DeKalb, Douglas Effingham, Fayette, Forsyth, Fulton, Gwinnett, Henry, Houston, Lamar, Mitchell, Newton, Richmond, Rockdale, and Paulding.
- In multiple polling places in DeKalb County, voters reported that they were not able to view the summary screen. At 5:15 p.m., all machines in DeKalb were recalibrated because of the numerous problems reported to the Board of Elections.
- In Fulton County, a voter reported that a poll worker was holding completed ballots in her hand because they did not have a secure box. A voter in Clayton County reported that completed ballots were being kept in the poll worker's shirt pocket.
- At a polling place in Marietta in Cobb County, a voter tried to review her votes several times, all unsuccessfully, and before she could confirm her vote, her voting card popped out of the machine. The poll worker was not sure if her vote would be counted.
- At Welcome All Park in Fulton County, all machines were down and voters were forced to vote by provisional ballot
- In Paulding County, the Libertarian candidate's name kept popping up when a voter selected a candidate from another party.
- In Burke County, a voter reported that she had problems switching her vote for Congress and the poll worker gave her incorrect instructions; the voter believes her vote was cast for the wrong candidate.

Identification

As anticipated, Election Protection expected widespread confusion over identification requirements in Georgia and voters were erroneously asked for photo ID in Bullock, Carroll, Clarke, Clayton, Cobb, DeKalb, Douglas, Fulton, Gwinnett, Henry, Monroe, Muscogee, and Thomas counties (13 total).
- A voter in Thomas County reported that poll workers were asking all voters to present a driver's license before voting.
- In Cobb County, at Russell Elementary School, voters were asked for photo ID and were also asked to sign an affidavit confirming their identity.
- At Briscoe Park in Gwinnett County, voters were asked to present photo ID.
- Also in Gwinnett County, at Shorty Howell Community Center, a voter was asked for photo ID. When the voter informed the poll worker that photo ID was not required, the poll worker implied that the voter was not a U.S. citizen.
- At Powell Park Art Center in Carroll County, there was a sign outside of the polling place that said, "Have ID Ready." Voters in Gwinnett, Henry, and Muscogee counties reported similar signs.
- In Clayton County, a voter was told her birth certificate was not sufficient ID.

- At Midvale Elementary School in DeKalb County, a voter said he and other African-American voters were asked to present identification but white voters were not asked for ID.
- A homeless voter in DeKalb County was disenfranchised because he could not list an address.

Voter Intimidation and Deceptive Practices

- Voters at two precincts in Clayton County reported armed police officers inside the polls. When one voter asked a police officer why he was at the polls, the officer responded that he was there in case people got "rowdy."
- In Fulton County, a voter reported a police officer was at Pointe South Middle School; the officer was rotating between three polling places throughout the day. The voter was informed by the poll worker that police were in most polling places.
- Police were parked in front of Briar Cliff Baptist Church in DeKalb County.
- In Walker County, a poll worker told a voter to "Do this for Bush."

Other

- Three voters in Fulton and Cobb counties reported that their employers would not let them take time off from work to go vote.

Illinois

The hotline received 724 calls from Illinois, due in large part to the successful poll monitoring operation spearheaded by People For the American Way Foundation. EIRS logged 306 reports, of which 124 were voter inquiries and 182 were reports of voter problems. Cook County (including the City of Chicago) accounted for 212 reports.

Polling Place Problems

Counties across the state, especially Cook County, reported numerous problems at the polls including long lines, late poll openings, early poll closings, disability access issues, and voters missing from the registration rolls.
- Multiple voters in Cook County reported long lines at the polls, some in excess of two hours, mainly resulting from broken voting machines.
- Voters in 10 polling places (7 in Cook County) reported late poll openings.
- In Will County, a voter reported that her polling place did not have any of the supplies necessary to operate the machines, nor did they have back-up paper ballots.
- In Cook County, five voters with disabilities reported problems voting. At a polling place on Dunde Avenue, a voter in a wheelchair had problems getting up a flight of stairs to cast her ballot. At another location, a voter who is blind reported that the audio machine was not working.
- Multiple voters in Cook County reported receiving literature from campaigns and third party organizations that listed incorrect polling locations,
- At the Ray School polling location in Cook County, several voters were missing from the rolls and were not given provisional ballots.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

- In Johnson County, a voter reported that police were outside of a polling place in Vienna.

Problems with Voting Machines

EIRS logged 81 reports of problems with voting machines from 11 counties; 55 reports came from Cook County alone.
- Voters across Cook County reported broken machines, scanners that were not working, vote flipping (where a voter's attempt to vote for one candidate is actually recorded for a different candidate), and machines that would only display federal candidates. Some precincts also ran out of back-up paper ballots, and many voters left without casting a ballot.
- In Kane County, a voter reported that her machine only displayed federal candidates and her polling location did not have paper ballots.
- A voter in Rock Island County said that the machine she voted on had not recorded any votes since the polls opened.

Identification

Voters in Cook, DuPage, McHenry, Rock Island, and Will Counties reported being asked for photo identification.
- In Cook County, a voter reported that he was asked for photo ID and when he presented his driver's license, the poll worker told him he needed to show additional identification.
- At the #12 Fire Station polling place in DuPage County, all voters were asked to show photo ID; those who could not present photo ID were turned away.

Voter Intimidation and Deceptive Practices

There were reports of voter intimidation and deceptive practices from Johnson and Cook Counties.
- In Johnson County, police were outside of a polling place in Vienna.
- Multiple voters in Cook County reported receiving literature from campaigns and third party organizations that listed incorrect polling locations.

Maryland

In the chaotic aftermath of the September 12, 2006 primary, Maryland became a top priority for Election Protection. Because of numerous problems on the day of the primary election, the Lawyers' Committee filed suit against the Baltimore City Board of Elections and were successful in extending polling place hours in Baltimore to 9:00 p.m. The primary election gave a preview of potential problems to be faced as a result of poor election administration, inadequately trained poll workers, machine malfunctions, and deceptive practices.

In the days leading up to Election Day, the hotline received numerous reports from voters who had not yet received their absentee ballots. To address these problems, the Lawyers' Committee (with the assistance of Akin Gump Strauss Hauer Feld LLP) and a coalition of civil rights groups (including the ACLU of Maryland) filed a lawsuit in Maryland state court. Filed on

November 6, *Fritzsche v. State Board of Elections* sought to extend by one day the deadline for returning absentee ballots. Although thousands of absentee ballots were mailed to voters too late to permit them to meet the absentee ballot return deadline, the Anne Arundel County Circuit Court and Maryland Supreme Court denied the requested relief.

Local Legal Coordinating Committees were created in Maryland for Montgomery and Prince George's counties, as well as for the Baltimore metropolitan area. The NAACP, the ACLU of Maryland, the law firms of DLA Piper and Akin Gump Strauss Hauer Feld LLP, and other organizations provided key legal and grassroots assistance for Election Protection. Mobile field attorneys and poll monitors provided direct assistance to voters at the polls and relayed information to call centers at the NAACP's offices in Baltimore and the Washington, DC hotline.

On Election Day, we received 768 calls from voters in Maryland, with the majority of calls from Prince George's County. Election Protection volunteers recorded 448 incidents into EIRS, of which 105 were voter inquiries and 343 were reports of voter problems.

Problems at the Polls

More than half of our reports from Maryland, 223 reports total, involved polling place problems. We received 28 reports of excessively long lines at their precincts, primarily in Prince George's County and Baltimore, because of machine malfunction and mismanagement by election officials (12% of polling place problems). While some voters were able to withstand waiting periods in excess of an hour to cast a ballot, many left without voting.
- The Lawyers' Committee's Executive Director, Barbara Arnwine, experienced problems at the polls first-hand when she went to cast her ballot at Evangel Cathedral in Upper Marlboro, Prince George's County. There, she waited along with fellow voters in line for more than two and one-half hours before she was able to cast her ballot.
- A voter at Bishop McNamara High School in Prince George's County reported long lines because voting machines were without memory cards. The voter was unable to come back later to vote and she reported that other voters were turned away as a result of the machine problems.
- At the University of Maryland at College Park, lines averaged three hours for the entire day due to a shortage of machines. Although additional machines had been promised by election officials because of similar problems in the past, none were ever delivered and students continued to wait to vote on the four machines provided for a campus with over 35,000 students.
- In another precinct in Prince George's County, poor election administration resulted one polling place, James Madison, having over 500 people in line at 8:00 a.m.,

In addition to long lines and problems with accurate voting rolls, voters encountered problems with registration, provisional ballots, finding their polling place, and being asked for identification inconsistent with Maryland law.
- Several voters reported that they received notice only a week before the election that their registration forms were incomplete; as a result, they had to vote provisionally on Election Day.
- A poll worker in Montgomery County reported that at 7:00 a.m., when polls opened on Election Day, the poll book showed he had already voted even though he had not yet cast a ballot.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

- In Prince George's County, a voter was told that she had already voted absentee although she had never requested nor received an absentee ballot. She was not allowed to vote.
- Only half of the referenda were on the provisional ballots given to voters in Prince George's County. One voter in Prince George's County reported that at her precinct, Hyattsville Middle School, her name was not on the rolls even though she had a voting card with both her name and current address. As a result, she was given a provisional ballot that she realized was incomplete because it contained only the first page of the referenda that were supposed to be on the ballot.
- We received over 80 polling place inquiries and reports from all over the state from voters confused as to where to vote because polling places were changed at the last minute without notification or signs at their old polling place directing them where to vote.

Many Maryland residents had questions about what identification was necessary to present to poll workers, and poll workers also were confused about what identification to request. While the law in Maryland only requires identification from first-time voters and in other limited circumstances, we received numerous reports of voters who were erroneously asked for ID before being allowed to cast a ballot.

- Poll workers at Potomac High School in Prince George's county were requesting photo identification from all voters before allowing them to cast a ballot.
- Several voters in Baltimore in multiple precincts were asked for ID before being allowed to vote.

Problems with Voting Machines

Twenty-two percent of all problems involved voting machine problems, with reports from Prince George's, Baltimore, Montgomery, Anne Arundel, and Howard counties, as well as Baltimore City. Reports included machines not being functional when polls opened and additional problems with machines throughout the day. There were accounts of poll workers having to continually reboot machines, votes being flipped, and machines that became completely inoperable.

- Voters in at least three precincts in Montgomery County reported incidents of vote flipping on the summary page of their electronic ballots, so that the vote they had cast for one candidate registered for another. A voter in Montgomery who reported vote flipping also reported that poll workers were "too busy to help" her cast a correct ballot.
- A voting machine technician called into the hotline to report that he had traveled all over the state to repair machines the day before Election Day and was unable to calibrate several machines as required.
- Machine problems also impeded voters with disabilities from casting a meaningful ballot in Maryland. One visually impaired voter in Cecil County was unable to read the voting machine screen. When she asked to use a machine she could listen to, she was told by the presiding election official that they had already put in the voting card and could not take it out. Attempts to enlarge the print were not successful in helping her cast her ballot.

Voter Intimidation and Deceptive Practices

Approximately 12 percent of reports (56 calls) we received from Maryland were from voters who encountered or witnessed voter intimidation and deceptive practices. We received reports from

six counties that ranged from deceptive flyers in Prince George's County to robo-calls in Potomac to voters being rushed when casting their ballots in Baltimore City.

- In Prince George's County, we received over 30 calls from voters who had received a flier claiming to be a "Democratic Sample Ballot" with boxes checked for Robert Ehrlich and Michael Steele without identifying them as Republicans. Their names were followed by a long list of Democratic candidates.
- In Baltimore City, a poll worker harassed voters by hurrying them to cast their ballots, claiming that the machines would shut off if they did not hurry their voting.
- A voter in Baltimore City at the Dumbarton Middle School precinct reported Ehrlich campaign volunteers were in the parking lot of her precinct discouraging people from voting by telling voters that there were long lines inside.
- At Evangel Temple in Prince George's County, a voter reported blatant electioneering inside the polling place. Flyers from the Steele campaign were on a poll worker's table and said that Ben Cardin, the opposing candidate, "promised to attack Jesus Christ and Christians" and would take away black people's freedom if elected; the flyer also had pictures of men kissing men as well as aborted babies.

Absentee Ballots

A combination of a high demand for absentee ballots by voters and poor election administration resulted in widespread absentee problems for voters in Maryland. We received 29 calls from voters in seven counties who received absentee ballots after the deadline for submitting ballots and from voters who never received their absentee ballot at all even though they submitted a timely request. In addition, in Prince George's County, the return envelope provided for absentee ballots was too small for the ballot, creating more hardship and confusion for voters.

- A married couple in Montgomery County requested absentee ballots several weeks before the election but did not receive them. The wife is bed-bound and could not travel to the polling place to vote, and her husband is 90 years old.
- A voter in Baltimore County said she, her daughter, and her son all requested absentee ballots in mid-October. While she and her daughter both received their ballots, her son's ballot never arrived.

Michigan

The Lawyers' Committee worked closely with the NAACP, the National Bar Association, and the law firm of Jaffe Raitt Heuer & Weiss, P.C to create a Local Legal Coordinating Committee in the Detroit metropolitan area.

On Election Day, the hotline received 584 calls from voters in Michigan, with the majority of calls from Wayne County. Election Protection volunteers recorded 257 incidents in EIRS, of which 155 were voter inquiries and 102 were reports of voter problems.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

Registration

Voters in six counties reported 20 voter registration problems. Most reports were from registered voters who were not on the rolls at their polling place.

- A Genesee County voter's name did not appear on the voting rolls. She was only allowed to vote after calling the County Clerk's office.
- A voter in Wayne County who had registered at the DMV last spring was not on the voter registration rolls and was not able to vote, despite having received a voter registration card a month before the election.
- A Macomb County voter received a voter registration card directing her to a polling location that did not exist at the given address.

Problems at the Polls

EIRS recorded 54 reports (35 percent of all reported incidents) of polling place problems from twelve Michigan counties. Nearly two-thirds of all polling place reports came from Wayne County. Voters reported incidents of long lines, lack of privacy when casting ballots, incorrect identification procedures, and machine malfunctions.

- At McDowell Middle School in Wayne County, a voter reported that the wait to vote was more than one and one-half hours and many people were leaving without voting.
- Only one voting booth was available at Inkster Recreation Complex in Wayne County. Voters were casting ballots on chairs and people were talking to voters while they were attempting to vote, preventing voters from casting their ballots in privacy.
- A voter reported long lines at the polls in Van Buren County at 8:30 a.m.
- At the DARE Center in Wayne County, one voter reported that poll workers were requiring all voters to present identification. Another Wayne County voter was not permitted to vote because she did not have her voter registration card with her, even though she had other forms of identification.

Problems with Voting Machines

Voting equipment problems were the most widely-reported polling place problem in Michigan. Incidents, consisting mainly of problems with optical scanning machines, were reported from Macomb, Oakland, Saginaw, Washtenaw, and Wayne counties.

- At the Beth Eaton polling location in Wayne County, one voter reported that at least five of the available voting machines were not working, causing voters to wait over 90 minutes to cast a ballot.
- One voter at the St. Paul AME Zion Church in Wayne County reported that the optical scanning machine at his polling place had failed and the precinct was close to running out of back-up paper ballots.
- An Oakland County voter reported that there was a discrepancy in the number of voters reported by the ESS voting system and the number of votes cast.
- At the Free Methodist Church in Washtenaw, completed paper ballots were being placed on top of the broken machine.

Voter Intimidation and Deceptive Practices

The hotline received 10 reported incidents (10 percent of total reports) of voter intimidation and deceptive practices from Genesee, Ingham, Jackson, Macomb, and Wayne counties.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

- One voter reported that police were blocking the entrance to a Barry County polling place.
- A Republican poll challenger at Ingham County Fire Station #3 challenged every African American attempting to vote.
- At the Indianapolis Church of Christ in Wayne County, one voter reported that challengers were preventing voters from waiting in approved areas prior to voting. The voter also said that the challengers were intimidating the poll workers.
- A person outside Van Buren Township Middle School in Wayne County was reportedly telling voters that the polls were closing at 7:00 p.m., an hour earlier than the actual 8:00 p.m. closing time.

Minnesota

Election Protection received 272 calls from voters in Minnesota. Because of the strong Mobile Field Attorney and poll monitoring program created by Take Action Minnesota, Election Protection volunteers in the field and hotline volunteers recorded 317 incidents in EIRS, of which 219 were voter inquiries and 98 were reports of voter problems.

Problems at the Polls

The hotline received reports of polling place problems from 18 counties. Calls included voting equipment malfunction (particularly with optical scanning machines), late poll openings, problems with language-minority assistance,
- A voter in Pine County reported that as of 9:45 a.m. her poll in Chengwatana had not yet opened.
- Voters throughout Hennepin County reported that the optical scanning machines at their polling places were not working throughout the day.
- Although Minnesota is not covered under language provisions of Section 203 of the Voting Rights Act, EIRS noted 22 reports from language-minority voters in Hennepin and Ramsey counties who had problems receiving assistance at the polls. Calls came from voters in the Hispanic, Hmong, and Somali communities.

Identification

Over 20% of all reports involved questions or problems about necessary identification for voting and Election Day registration. Although Minnesota only requires identification for voters who registered by mail and are voting for the first time since registering, poll workers asked other voters for ID as well and, in some cases, asked voters for photo ID. Additionally, poll workers were confused about the procedures for voters registering on Election Day, preventing many eligible voters, especially students, from casting a ballot.
- At several polling sites on and near the University of Minnesota, students encountered problems when attempting to register and vote on Election Day. A list of students living in residence halls was not sent to the county and students who would normally need only a student ID to register, had to present additional proof of identification. Many students did not have additional ID and other students left without voting because of the long lines caused by this problem.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

- In Dakota County at St. Stephen's Lutheran Church, a polling place in a heavily Hispanic area, all voters were being asked to provide photo ID.
- A voter at St. Gerard Church in Hennepin County reported that voters were being turned away if they did not have ID.

Voter Intimidation and Deceptive Practices

Reports of voter intimidation and deceptive practices came in from 6 counties, accounting for nearly 11% of reported problems. Voters reported being given misinformation, disruptive election officials, and electioneering.

- A man in Anoka County received a call the night before Election Day from "Alliance for a Better Minnesota" telling him an incorrect polling place, one that was 20 blocks away from his actual polling location.
- A voter at the Mt. Olivet Lutheran Church reported that the election Judge was interrupting voters while voting making it difficult to concentrate on casting a meaningful ballot.

Missouri

The Lawyers' Committee worked closely with the National Bar Association to create Local Legal Coordinating Committees in St. Louis and Kansas City, with the help of attorneys from the Advancement Project.

On Election Day, the hotline received 666 calls from voters in Missouri, with the majority of calls from St. Louis County, St. Louis City, and Jackson County. Election Protection volunteers recorded 209 incidents in EIRS, of which 105 were voter inquiries and 104 were reports of voter problems.

Problems at the Polls

Election Protection received 64 reports of problems at the polls from 10 Missouri counties, 61.5% of all reported problems. Long lines in St. Louis and Kansas City accounted for many incidents, but voters encountered other problems as well.

- Lines of 1-3 hours were reported at Maplewood City Hall, First United Methodist Church, Craig Elementary School, Parkview Apartment Towers, and other polling locations in St. Louis.
- Several voters in St. Louis County were told they were not on the registration list and poll workers were not able to contact election officials. Many voters had to vote by provisional ballot because their registration status could not be confirmed, while some voters attempted to vote at the Board of Elections.
- Although the Cedar Hill Lutheran Church polling location in Jefferson County has a large number of registered voters, very few ballots were available and the polling place ran out of ballots at noon.
- At Mellow Memorial Methodist Church in St. Louis, poll workers only had voting rolls for the latter half of alphabet, preventing people from voting because poll workers could not verify that they were registered.

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

- A visually impaired voter in Jasper County was unable to cast a secret ballot as entitled under the Help American Vote Act at the Cecil Floyd Elementary School polling location because the audio accessible machine was not functioning.

Problems with Voting Machines

The over 40 reported problems with voting equipment included poll workers who did not have access codes to start machines, machines that were not tabulating votes, and lack of security for paper ballots. Voters in Christian, Clay, Franklin, Jackson, Jefferson, St. Charles, St. Louis, and Randolph counties and in the city of St. Louis reported voting machine problems.
- Many voters in Jackson County reported problems with machines throughout the day. Some machines were completely inoperable, resulting in shortages of paper ballots and long lines, and multiple voters reported tabulation problems.
- Voters across St. Louis also reported long lines at the polls because of broken machines.
- Voters in multiple counties reported that they received inconsistent information about how to complete optical scan ballots. While some where told that any marks outside of the oval would void their vote, others were told to only outline the ovals.

Identification

On October 16, 2006, Missouri's photo identification law was struck down by the State Supreme Court. On Election Day, however, poll workers (mainly in St. Louis) erroneously asked voters for photo ID or imposed other improper identification requirements. Also, many voters were also unsure of the identification requirements and called the hotline for guidance.
- A voter in St. Louis County was not allowed to vote because he did not have photo ID and he reported that other voters were turned away for the same reason.
- In St. Louis, a poll worker rejected a voter's government-issued photo ID because it did not have her signature on it but did allow the voter to cast a ballot after she presented a phone bill.
- A voter reported a sign outside of Nathaniel Hawthorne Elementary School in St. Louis, indicating that voters need identification with their signature on it. The voter also reported that poll workers told her they were trained to ask for photo ID.
- A voter was told she needed identification with her signature on it at St. Martin Episcopal Church in St. Louis.
- Poll workers at Normandy City Hall in St. Louis were requiring voters to present photo IDs to vote.
- Another voter in St. Louis married and changed her name after she received her voter registration card and was unsure if she would still be allowed to vote, given that her card still had her maiden name on it.
- At St. James Church in Buchanan, a voter was instructed to go to the Courthouse to vote because the address on her photo ID did not match the address on the rolls.

Ohio

The Lawyers' Committee has been working on election reform issues in Ohio since 2004, fighting voter-hostile legislation with People For the American Way Foundation and other

partners in the Ohio Voter Coalition, and filing lawsuits to improve the administration of Ohio's elections.

The Lawyers' Committee, with substantial *pro bono* support from Proskauer Rose LLP, created a legal field program in Ohio with five Local Legal Coordinating Committees (LLCCs) in Cincinnati, Cleveland, Columbus, Dayton, and Toledo and housed a hotline call center specifically for Ohio out of Proskauer's New York offices. Legal organizations such as the National Bar Association, Advocates for Basic Legal Equality, Ohio Legal Assistance Foundation, and Ohio Academy of Trial Lawyers contributed to the formation of LLCCs in targeted cities. Grassroots organizations across the state, including the Cleveland NAACP, Cleveland Voter Coalition, Coalition on Homelessness and Housing in Ohio, Common Cause Ohio, League of Women Voters of Ohio, Ohio Citizen Action, and People For the American Way Foundation helped publicize the 866-OUR-VOTE hotline number to help assist citizens with the voting process.

Prior to Election Day, voters called the Election Protection hotline with questions about registration, new and changing identification requirements, and other questions about where and how to vote. On Election Day, Ohio's longstanding record of poor election administration was again evident. Voters complained of widespread problems at the polls such as long lines, registered voters not showing up on the rolls, malfunctioning voting machines, continued confusion and misapplication of identification requirements, and, in many cases, improper implementation of Ohio election laws; and deceptive practices and voter intimidation.

Election Protection received 2334 calls from Ohio, more than from any other state. Hotline volunteers recorded 2139 reports into EIRS. Of those reports, 1037 were from voters reporting problems while 1102 were voter inquiries.

Registration

Over 24% of all reports came from voters in 23 counties with questions about registration. Many voters simply called to confirm that they were registered and others inquired about where and how to vote if they had moved since the last election. On Election Day, however, voters across the state were told their names were not on the rolls and were either turned away entirely or had to vote by provisional ballot.
- A poll worker in Franklin County reported that nearly 90% of the voters in her precinct were not on the rolls. Many were long-time residents and had voted in the primary.
- A voter in Hamilton County went to vote at her regular polling place but her name did not appear on the rolls. Poll workers told her she could not vote provisionally because they did not have any provisional ballots but she could see if her name was on the rolls at another polling place. Her name was not on the rolls at the second location and she went home without voting.
- A voter in Montgomery County reported that he and approximately 15 other voters at the United Methodist Church did not appear on the rolls. He had to vote provisionally.
- A voter in Cuyahoga County changed her address several months ago and received confirmation of her address change from the Board of Elections but her name was not in the poll book at her new polling location
- A voter in Cuyahoga County had voted in the same precinct for 9 years. Her name did not appear on the rolls and the poll worker refused to call the Board of Elections to confirm her registration. She voted provisionally.

- In Franklin County, the hotline received multiple reports of voters being told their name were not on the rolls. Voters were directed to another polling place. Once at the second polling place, their names were still not on the list. Many voters gave up and voted provisionally, knowing that their vote would likely not be counted, rather than attempt to find their name on the rolls at a third polling place. Provisional ballots are only counted in Ohio if the voter is in the correct precinct.
- In a likely administrative error, many voters with last names that started with "A" were missing from the rolls at a polling place in Hamilton County.

Problems at the Polls

Problems at the polls accounted for 53% of all problems and reports came from 37 counties across Ohio. Voters were disenfranchised by inadequate distribution of election resources, poor poll worker training, long lines, late poll openings, and voters being erroneously told to vote by provisional ballot.
- The hotline received reports of long lines from over 30 polling places in Cuyahoga County, including a 2-3 hour wait in Bedford Heights. Seniors had to wait over an hour with nowhere to sit down at Glacemount School. In at least 10 precincts, voters left without voting because of long lines, including at Lonnie Burton Recreation Center, Oxford Elementary, and Shaker Heights Community Center.
- In Columbus, a polling place with two precincts, one predominantly African-American and the other predominantly white, only had long lines at the predominantly African-American precinct.
- In Montgomery County, a voter and his wife were not able to vote; four machines were broken and the wait to vote was over an hour.
- A voter in Highland County went to his usual polling place but the location had been moved. He was not notified, nor were the two other voters in his house. He reported that about 75 people had the same problem.
- Late poll openings were reported across the state.

Problems with Voting Machines

Nearly 25% of reported problems involved problems with voting machines, and nearly half of those reports came from Franklin and Cuyahoga counties alone. Many voters, especially in Franklin County, reported multiple machine failures in the same polling place. Poll workers were unsure how to use machines or solve errors, voters reported vote switching (where they voted for one candidate but another candidate's name appeared on the confirmation screen), and many precincts did not have an adequate supply of paper ballots, meaning voters had to leave without voting, vote by provisional ballot, or vote on a piece of paper.
- In Cuyahoga, Montgomery, and Hamilton counties, many voters walked out without voting when machines broke down.
- The hotline received reports of vote flipping from all over the state. A voter at a senior center in Franklin County had problems with the machine in his precinct; he received two error messages and the screen flipped his vote. The poll worker was uncooperative when he asked for assistance. He was finally told the machine was broken and they would call him when it was fixed. He never got a call and therefore never voted.
- Voters also reported candidate's names or certain ballot initiatives were missing from their ballots. The wrong ballot initiative was displayed on a machine in Hamilton County and no ballot initiatives were shown at all on a machine in Cuyahoga County. Several

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

Franklin County voters reported that they were not given the option of voting in their congressional race.

- In many precincts, poll workers did not know what to do if something went wrong or did not have the resources to respond to problems. A voter in Summit County reported that machines were not working and voters in his precinct were forced to vote on a piece of plain white paper because the polling place did not have paper ballots. In Cuyahoga County, numerous voters reported that many polling sites did not have enough machines. A voter with a disability in Cuyahoga County called the hotline because he tried to vote curbside but the machines at his polling place did not work; he was not offered a paper ballot and was told to come back later.

Identification

Identification problems accounted for 7% of all reports and reports came in from 16 counties. Across the state, voters and poll workers were confused by the ID requirements. Voters were turned away for not having ID, even when they presented a form of ID accepted by the state. Contrary to Ohio law, voters were also forced to vote provisional ballots when the address on their driver's license differed from the address on their registration; we received 61 reports from voters who encountered this problem.

- Seniors at a nursing home in Cuyahoga called the hotline to complain because they were forced to vote by provisional ballot because they did not have drivers' license that matched their address.
- As allowed by state law, a police officer in Toledo listed a P.O. Box on his license and poll workers demanded another form of identification because they did not know to accept his ID even though it did not display his home address.
- A voter in Fairfield County was not allowed to vote because his ID did not have his current address; he moved on September 1, filed a change of address with the Board of Elections, and received a notice informing him of his polling place at new address.
- Voters in Delaware, Hamilton, Lucas, and Montgomery Counties reported being turned away from the polls (not offered even a provisional ballot) because the poll workers implemented a stricter identification requirement than Ohio law mandates.
- A poll worker in Hamilton County told a voter to go home because she did not have proper ID.
- A voter in Butler County did not have photo ID but brought a check stub, which is sufficient under Ohio election law; she was not allowed to vote at all, even provisionally, and said others were also denied for similar reasons. .

Voter Intimidation and Deceptive Practices

Five percent of all problems involved voter intimidation and deceptive practices. While some reports were isolated incidents, many stories from voters implied widespread voter intimidation because of lack of privacy at polling places or inappropriate questioning from poll workers. Voters reported intimidation due to the lack of privacy when voting from across the state. In several counties, voters also complained about being asked their party affiliation; they had to state their affiliation publicly, which made many voters uncomfortable.

- Voters from all over the state reported that they had been told the wrong polling place from third party sources.
- Voters said polling places did not have enough space between machines or did not have curtains around machines, leaving screens visible to others when voting.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

- Others reported that when machines broke down or if voters were using provisional ballots, voters had to cast their ballot in the open on a table.
- A voter in Montgomery County was not allowed to declare herself an independent.
- Also in Montgomery County, a voter was not allowed to vote unless she declared her party affiliation.
- In Franklin County, a voter was told there were separate poll books for Democrats.

Pennsylvania

Since 2004, the Lawyers' Committee and People For the American Way Foundation have worked on election reform issues and with our grassroots partners in the Pennsylvania Voter Coalition. In addition to People For and other PVC members, we worked with the Committee of Seventy to help publicize the hotline number and educate voters about their rights. Through our affiliate, the Public Interest Law Center of Philadelphia, the Lawyers' Committee created a strong Local Legal Coordinating Committee in Philadelphia, led by DLA Piper LLP. People For the American Way Foundation led efforts in Allegheny County.

The Election Protection hotline received 1088 calls from Pennsylvania, before and on Election Day. EIRS has 769 reports from Pennsylvania – 372 inquiries, 397 reports of problems.

Registration

Nearly 20% of all reports from Pennsylvania involved problems or questions about voter registration and came from voters in 11 counties, primarily Philadelphia and Allegheny.
- In Philadelphia, 20 voters reported they were not on the rolls; many said they had voted in previous elections or had received a confirmation card or notice of their polling location from the Board of Elections.
- One voter in Philadelphia reported that he had to go to 5 different polling locations before being allowed to cast a provisional ballot.

Problems at the Polls

Over 22% of hotline calls involved problems at the polls, and nearly ¾ of the problems were from Philadelphia and Allegheny counties. Problems included long lines, late poll openings and early poll closings, access problems for voters with disabilities, and voters erroneously being asked for identification.
- The hotline received 40 reports of late poll openings or early poll closings; late poll opening reports indicated that voting machines were not yet operable.
- Numerous complaints were logged from voters in Philadelphia regarding poll locations that were moved without proper notification to voters and lack of signage at polling places.
- Voters in Philadelphia reported long lines due to a lack of poll workers at many precincts.
- Twenty-four voters reported that polling places were inaccessible to voters with disabilities; 13 reports were from Philadelphia.
- A voter in Allegheny County said "ID required" was stamped by her name in the poll book, and several others had the same stamp by their name.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

- Tamara in Philadelphia was told she could not vote because she did not have her voter registration card, even though she was able to present photo ID.
- One voter said she was asked to show ID even though she was not first time voter

Problems with Voting Machines

Voters from 18 counties reported problems with voting machines, accounting for 13% of all problems from Pennsylvania. EIRS includes reports of machine problems in Allegheny, Philadelphia, Bucks, Clearfield, Chester, Columbia, Cumberland, Dauphin, Delaware, Erie, Jefferson, Lawrence, Mercer, Montgomery, Northampton, Pike, Westmoreland, and York counties.

- The hotline received widespread reports of machine problems in Allegheny. Poll workers told voters the polls were closed because machines were broken and many voters were not allowed to vote at all, even by paper ballot.
- A voter in Delaware County reported they were turning the machines off after every voter cast a vote.
- In Bucks County, a voter said that when she voted, an alarm went off and the poll worker unplugged the machine. The poll worker did not know she was supposed to offer the voter a paper ballot.
- Bloomsburg University in Columbia County had only one voting machine even though it is the largest precinct in the county; the Board of Elections promised 2 additional machines but they were never delivered.
- In Philadelphia, multiple machines would not allow split ticket voting.

Voter Intimidation and Deceptive Practices

Voters from 13 counties reported incidents of electioneering inside the polls by candidates, campaign workers, or poll workers (8% of all problems). The hotline received additional reports of voter intimidation and deceptive practices (5% of all problems).

- One voter called on behalf of a Spanish-speaking voter at a senior center in Allegheny County. A poll worker yelled at the voter, said it was his job to stop her from voting, and pulled her ballot from the machine.
- One report said African American voters at a large, private company in Philadelphia were not allowed to leave their shift to vote but white voters were allowed to leave.
- A voter in Allegheny County was told he is only allowed to vote in Presidential elections because he is an independent.
- Reports of electioneering inside polling places included: candidates pointing out their preferred candidate's name on the ballot; campaign workers saying to vote for specific candidates, passing out literature, or hanging signs within the polling place; and poll workers passing out only Democratic ticket or Republican ticket sample ballots.
- In Philadelphia, a voter reported a Republican Committeeman was blocking the door to the polling place and handing out political flyers; he was also saying "red" while holding the curtain for voters as they went in to vote.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

Tennessee

Attorneys with Powell Goldstein LLP helped lead the Local Legal Command Center, with the assistance of Baker Donelson Bearman Caldwell & Berkowitz PC and Burch Porter & Johnson PLLC. On Election Day, the hotline received 372 calls from voters in Tennessee, with the majority of calls from Shelby and Davidson counties. Election Protection volunteers recorded 232 incidents in EIRS, of which 148 were voter inquiries and 86 were reports of voter problems.

Problems at the Polls

Over 45 percent of recorded problems involved polling place problems, and reports came from 10 counties. Voters reported long lines at polling places that were not allocated enough machines, confusion about polling place hours, and voters missing from the registration rolls.
- Several Davidson County voters reported a shortage of machines at their precincts. At the Cora Howe School, a voter said people waited in line to vote until 12:30 a.m., five and a half hours after polls closed, because the polling location only had two machines.
- Another Davidson voter reported that many elderly voters did not vote because they were unable to stand and wait in the long lines.
- Voters from Shelby, Hamilton, and Giles counties reported that their names were not on the registration rolls. At Labelle Church in Shelby County, a voter's name was not on the rolls, although she had voted in the August primary.

Problems with Voting Machines

Voters reported equipment failure and resulting long lines from five Tennessee counties, with the majority of reports coming from Shelby and Davidson Counties.
- One voter reported that, at Mitchell Road Community Center in Shelby County, five of the seven machines were down and 100 people were turned away without being offered paper ballots.
- At Hazelwood Elementary School in Montgomery County, one voter reported that there were 500 people in line waiting to vote and the estimated wait time was over two hours.
- A caller from Davidson County reported that only two voting machines were working at his polling place. Voters had been waiting as long as six hours and were still in line at 11:30 p.m.

Voter Intimidation and Deceptive Practices

There were reports of voter intimidation and deceptive practices from Shelby, Davidson, and Madison Counties.
- A voter at Union Grove Baptist Church in Shelby County witnessed a police officer ask an African American driver, who was bringing his mother to vote, for his license and registration in a polling place parking lot, even though he had not violated any traffic laws.
- At Cypress Junior High School, also in Shelby County, a voter reported that a poll worker gave erroneous information about a ballot initiative to multiple voters.

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

Texas

The Lawyers' Committee has worked on Election Protection in Texas since filing a lawsuit in February 2004 to protect student voting rights in Waller County. In 2004, Election Protection concentrated in programs in Houston and Dallas. For Election Protection 2006, the focus was again on Houston, although calls to the hotline came in from across the state. Weil Gotshal & Manges led the Local Legal Coordinating Committee. In addition, over 70 law students helped monitor polls to determine compliance with the language-minority assistance provisions of the Voting Rights Act.

On Election Day, the hotline received 695 calls with 334 EIRS reports from Texas, of which 170 were voter inquiries and 164 were reports of voter problems. Also, 132 edit poll surveys regarding language-minority assistance were completed in Travis and Harris counties.

<u>Registration</u>

Nineteen percent of reported problems involved voter registration, with reports from voters in 14 counties. Harris, Dallas, and Tarrant county voters reported the most problems with registration, with a large number of calls being from voters who, although registered, were not on the rolls.
- Voters from Bexar, Fort Bend, Galveston, Harris, Llano, and Williamson counties reported that they had been dropped from the voting rolls.
- One voter in Harris County, who has lived in the same location for eight years and voted in the previous election, was told that he was not on the voting rolls. The voter was not given the option of casting a provisional ballot and he left without voting.

<u>Problems at the Polls</u>

Polling place problems accounted for 55% of all problems. Most reports came in from Harris County but voters in 13 additional counties also reported problems.
- Voters in seven counties reported long lines. There were multiple reports from Burton Elementary School in Fort Bend County, where between 200 and 300 people waited in line to vote. Sunset Canyon Baptist Church in Hays County, a voter reported that the line to vote was two blocks long; there were not enough machines and only one election official was on hand to provide instructions.
- Four counties reported late poll openings. A voter at Julia W. Kahla Middle School in Harris County reported that her polling place did not open until 7:45 a.m. (45 minutes late) because only one poll worker was at the site.
- Voters in Collin, Dallas, Harris, and Travis counties reported that they were asked to present identification at the polls. One voter at Newman Smith High School in Dallas was asked to show her driver's license. Despite the fact that the voter had multiple alternative forms of identification, she was not allowed to vote.
- In Travis County, 63 voters reported problems with language assistance and 23 voters in Harris County reported similar problems.

<u>Problems with Voting Machines</u>

Voters from 13 counties reported problems with voting machines, 23% of all reported problems. Problems included machines that incorrectly registered votes, poll workers without the proper

access codes to operate machines, and precincts without any operable machines and no paper ballots to use as back-up.

- At a Harris County precinct, a handicapped accessible e-voting machine broke down twice. In order to fix the machine, half of the other voting machines also had to be taken offline. Long lines resulted and no paper ballots were available.
- At Thompson Elementary School, another Harris County precinct, all voting machines were down as a result of a power outage at the polling place. Again, no back up paper ballots were made available.
- An El Paso voter reported that his vote for state senator was flipped to a different candidate. A local radio station broadcasted a report of similar incidents throughout the area.
- One voter reported that all voting machines at John H. Wood Jr. Middle School, a polling place in Bexar County, were not functioning and voters were told to come back later. No paper ballots were made available.

Voter Intimidation and Deceptive Practices

Reports of voter intimidation and deceptive practices accounted for 7% of all problems and came from voters in seven counties.

- In Dallas, voters received intimidating flyers in their mailboxes advising them that police officers would be at voting locations to prevent voter fraud.
- One voter in Bastrop County reported that poll workers were demanding that some voters point to where they lived on a map (that did not include street names) before they were able to vote. The caller said this behavior discouraged many people from voting, particularly elderly voters.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

Index to Charts

Chart 1: The Hourly Call Volume chart reflects the number of calls per hour to the hotline on Election Day. Calls were answered live between 6:00 a.m. Eastern time and 9:00 p.m. Pacific time and the remainder of the time they went to voicemails.

Chart 2: Calls by State indicates Election Day call volume for all 50 states in descending order. As noted in the report, we received the most calls from Ohio, followed by Georgia, California, Pennsylvania, Florida, and Maryland.

Chart 3: The Call Result chart shows how calls were handled after connecting to the hotline. A remarkable 70% of all calls were transferred to a live volunteer. Fourteen percent of calls went to voicemail. Voicemail messages were returned by live volunteers. The remaining calls were abandoned by callers.

Chart 4: Calls by Call Center reflects how many calls came in to each National Hotline Call Center and local call center. For the National Call Centers, NCC refers to the National Command Center in Washington, DC.; NYS refers to Simpson Thacher & Bartlett LLP; NYK refers to Kirkland & Ellis LLP; SF refers to the San Francisco hotline at the Kapor Foundation; NAACP refers to the Baltimore, Maryland and Michigan call center at the NAACP's offices in Baltimore; and PFAW refers to the Allegheny, Pennsylvania call center at People For the American Way Foundation's offices in Washington, DC. Local hotline call centers included Proskauer Rose LLP's hotline for Ohio (NYP); Georgia (GA); North Carolina (NC); Louisiana (LA); Minnesota; Broward County, Florida; Miami-Dade County, Florida; and Palm Beach County, Florida (PB).

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

Chart 1

Date	11/7/2006
CC_Code	(Multiple Items)

Count of HH	
HH	Total
0	27
1	11
2	13
3	8
4	2
5	37
6	282
7	2228
8	1517
9	1821
10	1365
11	1156
12	1036
13	916
14	765
15	796
16	867
17	1072
18	986
19	531
20	235
21	145
22	82
23	57
Grand Total	15955

ELECTION PROTECTION
YOU HAVE THE RIGHT TO VOTE
1-866-OUR-VOTE

Hourly Call Volume
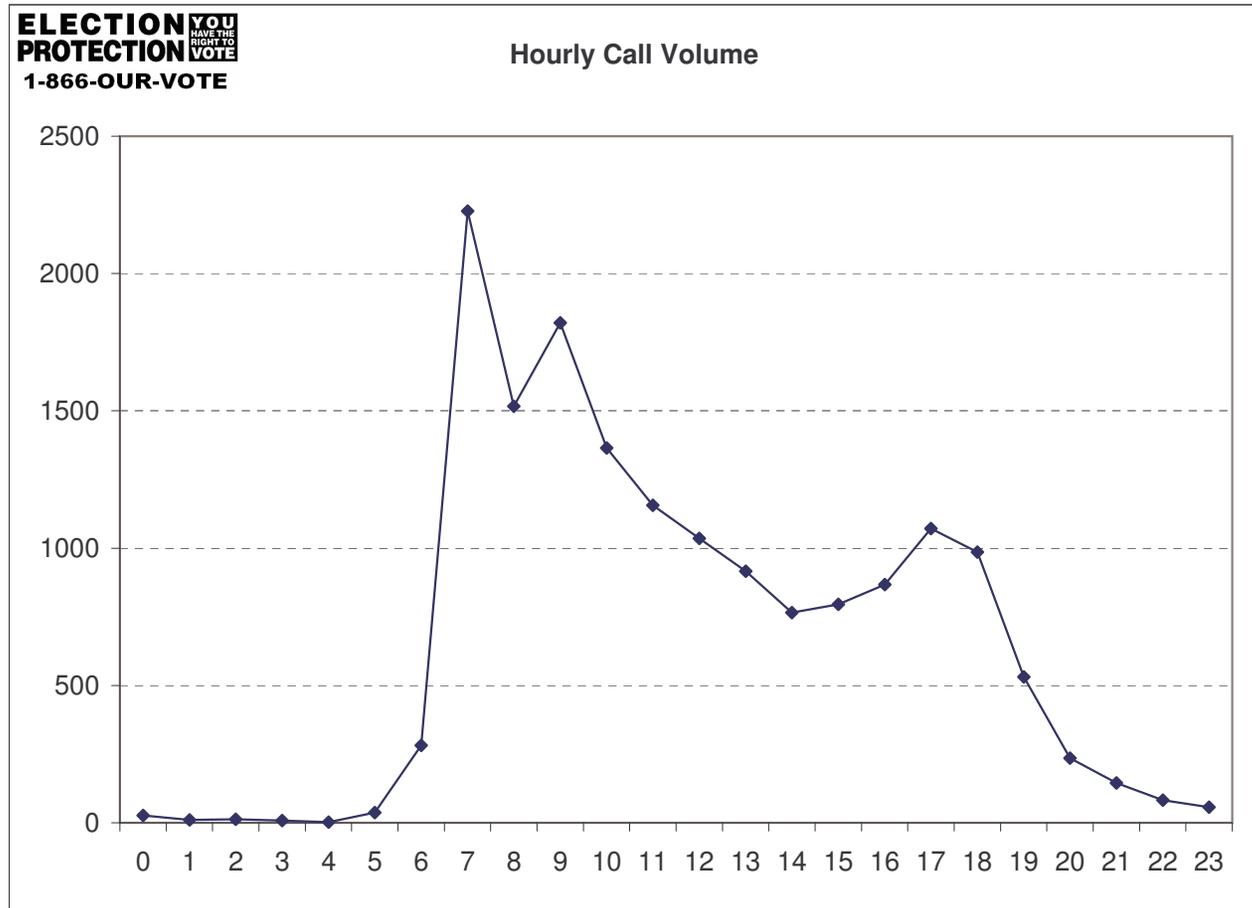
Chart 2

Date	11/7/2006

Count of State	
State	Total
OH	2334
GA	1399
CA	1236
PA	1088
FL	1008
MD	768
IL	724
TX	695
NY	688
NC	687
MO	666
MI	584
VA	439
SC	434
LA	426
TN	372
WI	369
NJ	313
MN	272
AZ	221
IN	186
DC	126
CO	100
AL	96
KY	89
MA	76
MS	74
NM	73
CT	61
WA	60
AR	41
KS	39
DE	32
UT	25
IA	21
OR	21
RI	16
OK	15
NV	13
WV	12
ID	10
MT	10
ME	10
SD	6
VT	6
NH	4
WY	3
HI	2
NE	2
Grand Total	15952

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Calls by State
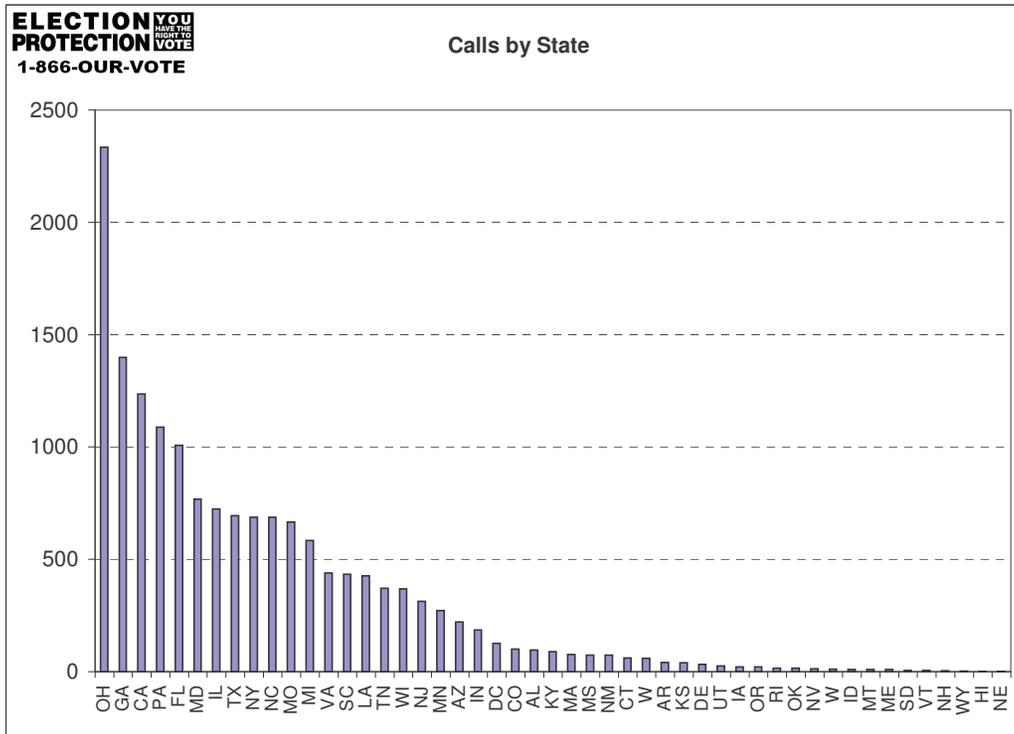
Chart 3

Date	11/7/2006
CC_Code	(All)

Count of HangUp Type	
HangUp Type	Total
Abandon	1032
Abandon/Check-In	1851
Transfer	12543
VM	2459
Grand Total	17885

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Call Result

6%
10%
14%
70%

- Abandon
- Abandon/Check-In
- Transfer
- VM
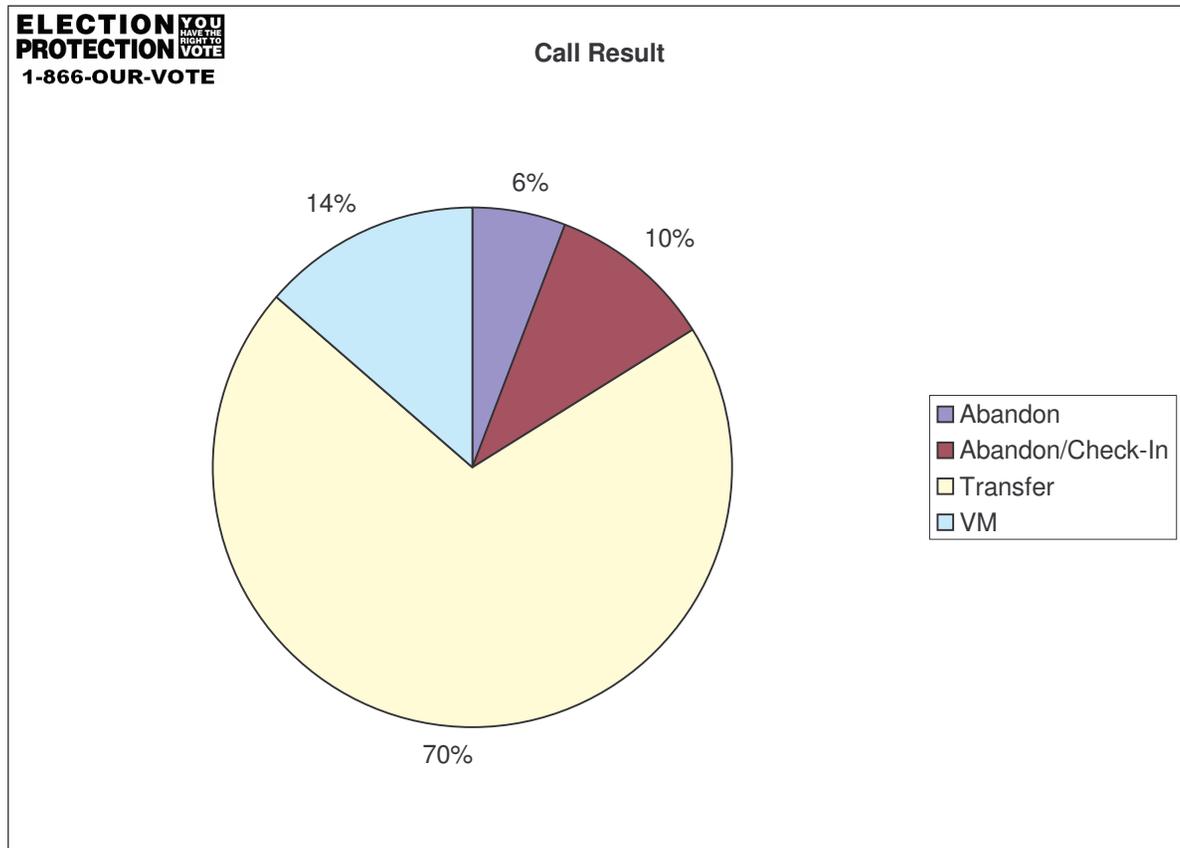
Chart 4

Date	11/7/2006

Count of CC_Code	
CC_Code	Total
NCC	3291
NYP	2334
NYS	2200
NYK	1903
SF	1671
GA	1399
NAACP	920
NC	687
LA	426
PFAW	288
Minnesota	272
Broward	196
Miami	184
SF	105
PB	79
Grand Total	15955

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Calls by Call Center