

Election Day Observation Program Report June and November 2006 Elections



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The June 6, 2006 Primary Election was the first statewide election in California in which counties were expected to be in compliance with all of the requirements of the Help America Vote Act (HAVA), passed by Congress in 2002. Portions of HAVA had been instituted in previous elections. Punch card voting systems were replaced prior to the 2004 elections. Accessible facilities, language options, and voter information signs were also required to be in compliance with federal law for the 2004 elections.

In the 2006 Primary Election, certain other requirements of HAVA were to be implemented for the first time nationwide. These included accessible voting equipment, and a statewide voter registration database, which was accompanied by updated identification requirements for newly-registered voters. It was also important that counties comply completely with requirements that had been implemented previously.

In order to assess how these challenges were being met during the Primary Election and how the Office of the Secretary of State (SOS) could best support counties in successfully implementing these changes, Secretary of State Bruce McPherson sent a team of 31 election observers to 23 counties across the State. The observers (all employees of the SOS) were to report on how the county election officials, poll workers, and voters responded to these changes and what they found to be the biggest challenges or frustrations in meeting the new requirements. They were also instructed to look for innovative solutions and solicit poll worker suggestions.

The Secretary of State continued this effort during the November General Election. During the November 7, 2006 General Election, 33 election observers went to 31 counties across the state. Some of these counties had been visited during the June primary, and some counties were new to the program. As in the June Primary Election, all observers were employees of the Secretary of State. All observers participated in training sessions both in the counties and at the Secretary of State's Office. Many of the observers participated in both the June and November programs. In both elections, observers visited an average of 13 polling places (fewer in rural counties, more in urban counties).

Much was learned from the observations made in June. Because of the low voter turnout and the increasing percentage of absentee voters statewide, polling place issues were easier to deal with than they might have been had the polling places been busier. These circumstances, more than anything else, allowed both poll workers and voters more time to familiarize themselves with the new equipment and other changes – perfect conditions for assessing the strengths and weaknesses of newly-implemented HAVA requirements.

Overall, the observers were very impressed with the professionalism, friendliness and helpfulness of the poll workers. They praised the county training programs and the level

of knowledge of the poll workers. However, because so much new material was introduced in June as a result of changes under HAVA and state law, the SOS and the counties wanted to assess areas that needed more emphasis in preparing for the November election.

To help each county identify how they needed to strengthen their poll worker training and/or voter education programs, SOS elections staff members called election officials in each county observed in order to share the June Primary Election Day observations specific to that county. County officials also were invited to suggest how the SOS might provide better support or guidance in areas of concern.

The effectiveness of this approach was clear to observers who visited the counties during the November election. The incidence of issues that had been observed in June were either drastically reduced in frequency or had been resolved by November. Poll workers were more comfortable with the equipment and the new procedures, and the voters also appeared more at ease, despite an increased turnout. Voters who had not cast ballots at the polls in the June election seemed more aware of how the equipment was supposed to work and what to expect at the polls than voters had in June. That observation implies that the massive voter education efforts by the counties and the SOS had been effective.

Also, voting system vendors responded to county and SOS concerns with modifications that reduced some of the most common equipment issues (paper jams, etc.) that occurred in June. Poll workers had more hands-on training and experience and were better able to resolve minor equipment issues. Voters were more interested in trying the new equipment and seemed to be more comfortable using it. Poll workers showed more confidence in the opening and closing procedures and equipment security protocol. Again, the observers commented on the professionalism, dedication and helpfulness of the county elections staff and the volunteer poll workers.

In both the June and November elections, observers were impressed with how well the elections were run and how few problems there were. The focus of this report on issues of concern should not be misconstrued to indicate that these were frequent occurrences. These were the exceptions, nibbling at the edges of an otherwise seamless process. Their discussion herein is intended to assist both county and state officials to improve the elections process and maximize opportunities for voters to express their choices.

Counties Participating in Election Day Observer Program June 2006 Primary Election:

Alameda*	Butte*	Calaveras	El Dorado
Glenn	Kings	Lake	Los Angeles*
Merced	Monterey	Orange	Riverside*
San Benito	San Bernardino	San Diego*	San Francisco
Santa Cruz	Sonoma	Sutter	Tehama

* Also visited in November 2006 General Election

The Secretary of State asked the counties to provide a list of 20 or more polling places in their county that observers could visit. Because the goal was for observers to visit as many sites as possible, somewhat geographically concentrated polling sites were sought. Some counties sent a list of all polling sites, while others sent a list of selected sites in one or more cities.

Counties were asked to allow observers to attend one of their poll worker training sessions to learn what was required of the poll workers, and how they were instructed to deal with issues or problems. Counties also submitted copies of the training manuals and polling place reference materials that were provided to the poll workers.

Observer Training:

In addition to attending the county poll worker training, observers attended training sessions led by senior elections staff in the Secretary of State's Office. They also received a training manual and were instructed to observe listed procedures and summarize their observations in an overview report. Each observer was instructed that they were expected to attend a poll opening, a poll closing, and to observe the election process at several polling sites during the day. They were then to return to the county election offices to observe the ballot counting and reporting process.

Observers were instructed to look for posted signs and flags to determine whether or not polling places were easy to find, and if the signs offered voters information on voters' rights, sample ballots, language options, complaint procedures, and other postings as required by HAVA and the California Elections Code. They were to observe accessibility of facilities and voting systems; how the poll workers performed their assigned duties; the security measures in place for ballots, ballot boxes, and voting systems; and whether there appeared to be electioneering or voter intimidation taking place at or near any polls. If it was possible to do so without disrupting the voting process, observers were instructed to ask poll workers for their opinions about how things were going and if they had experienced any difficulties with the new equipment or procedures.

Observers were told to call in reports of any problems or challenges that they felt needed attention from either county officials or the Secretary of State's elections staff. They were also asked to provide an overview on common issues and any apparent underlying causes and/or possible remedies.

Overview:

Overall, the election went very smoothly, especially in contrast to issues that had been anticipated and publicized nationwide. Observers were very impressed by the dedication of the poll workers and local election officials and their professionalism,

friendliness and efficiency. When issues occurred, they were promptly addressed by local elections officials and had little or no impact on the voting process or the ability of voters to exercise their franchise.

Also, because the observers had attended poll worker training with some of the same people they would later encounter at polling places, there was a sense of rapport and shared mission that allowed the observers and poll workers to be more candid in their discussions.

Some issues that were observed occurred at sites throughout the county. Others were isolated incidents. Common challenges shared by many counties included: posting of all required signs, facility problems, poll worker shortages, voters wanting a receipt from the VVPAT printer, and VVPAT paper jams.

Signs and Flags:

The most common issue noted was the poor visibility or lack of some required signs. Many polling places did not have signs indicating the 100-foot perimeter inside of which no electioneering is allowed. Some that did post those signs had used them as directional signs for polling places that were not easily visible, so they were at varying distances from the polls. Because some polling places did not have a way to post the flag outside the polling place, the workers used the flag as a decoration inside the polling place. Often, physical barriers or prohibitions relating to posting of signs on buildings or private property made it impossible to post the signs at exactly 100 feet.

Facilities:

The most common complaints about the facilities being used were:

- Not easily visible from the street or difficult to find.
- Area was too small to set up equipment properly.
- Located in highly trafficked area (lobby) or noisy place (e.g. next to a school auditorium or general purpose room).
- Located in a garage or other out-building where there was no cooling, heating or air circulation available.
- The configuration of some sites required the voting booths to be set up behind poll workers, not allowing the workers to easily monitor voting equipment to prevent tampering.
- Inadequate lighting was a common complaint, especially serious in areas where paper ballots were being used, and where most in-person voters were more elderly and had diminished visual acuity.
- Some sites were not visible from the street and had no line of sight for poll workers to see if someone needed curbside voting or other types of assistance.
- Some sites were accessible to special needs voters only during normal business hours. Voters needing ramp or elevator access who arrived in early morning or evening hours had to summon help to gain access.

Staffing:

Due to the timing of the June Primary (which coincided with high school summer vacation and college finals), most urban counties could not rely on the pool of students to serve as poll workers and had trouble recruiting enough alternate poll workers. San Diego County reported a loss of 1,000 young volunteers due to vacations and finals. All counties had problems with poll workers arriving to work late or not at all.

Many poll workers are senior citizens. Most were happy and proud to serve, but many shared common complaints:

- Shifts were too long, More people might volunteer if shifts could be split.
- Voting equipment is getting heavier and more complicated to set up. Some seniors were finding it more difficult to do the job.
- Fonts used on registration lists seem to be getting smaller as new election management systems are designed to use less paper to print their lists. Even with magnification, some seniors had difficulty working with the rosters.
- Outbuildings without heating or air conditioning are difficult settings for older people to spend an entire day.
- Many poll workers are anxious for an opportunity to share ideas that might make things easier, and were frustrated that there was no mechanism for sharing this feedback.

All poll workers expressed gratitude for prompt support from county election personnel – especially the county rovers who stopped by regularly to check if help was needed or who appeared quickly when summoned to solve a problem. Only a very few experienced problems in contacting county officials or getting assistance when needed.

Voting Systems:

Some polling sites had accessible equipment available that was used by only a few voters or not at all. Most sites with the new, accessible equipment reported that people asked to use it and were very happy with the experience. Seniors were happy with the ability to choose larger font sizes for easier ballot reading. Many were surprised at how easy it was to use the new machines, and how much faster they were able to vote.

However, the new technology had its problems, usually common to all brands of systems. The most frequently reported challenges were:

- Paper jams in the Voter Verified Paper Audit Trail (VVPAT) printer, including when zero tapes were being printed at the start of the day. Most counties swapped out the printer or shut down the machine, because the polling site had back-up printers available. Voting was not affected.
- Many voters using electronic equipment wanted a receipt. They were accustomed to getting a stub from a paper ballot and wanted some type of receipt from the electronic machine. Once the purpose of the VVPAT was explained, most were satisfied. There is a statewide need for voter education on the purpose of the VVPAT, as well as emphasizing the importance of the voter verifying that the machine recorded his/her votes correctly. This is just one of the

many safeguards against DRE tampering that the state requires. Voters need to know how important this is.

- Some voters were uncertain about how to determine if they had correctly completed the voting process. Because one of the features of the DRE is the ability to recall screens and review voting, some voters were not sure when it was OK to quit. There needs to be more voter education on this as well.
- For those counties using paper ballots, optical scanning equipment often jammed or rejected ballots requiring that the ballot be reinserted. .

In many counties, it appeared that poll workers need more training on equipment set-up and calibration, and on the new security routines. This was as true for optical scan equipment as it was for DREs. While workers were adept at ensuring printed ballot security (securing unvoted ballots, counting and voiding unused ballots, checking security of ballot boxes, etc.), workers had to remind themselves and each other to go through the checklist of security procedures on the new equipment, as it was not yet ingrained as second-nature. This lengthened the time needed for set-up and closing of the polls. Many poll workers felt frustrated at times, but grew more comfortable with the equipment and their ability to assist in its use as the day progressed.

Voter Education Issues:

By far the biggest voter education problem dealt with polling place locations.

- When voters were assigned to a new location, many did not notice the change on their sample ballot and did not know where to go. Counties may need to make this information more visible, especially if a change is made for a precinct that has been in the same location for years.
- Voters switched to all-mail precincts did not understand the change and discarded their mail ballots. They went to the nearest open polling place and complained of the inconvenience.
- Declined-to-State voters did not understand their ballot choice options in a primary election.
- Many voters did not understand how to use non-DRE voting systems correctly or did not take time to follow posted directions (e.g. fill out the bubble completely, use provided pen, etc.).
- Voters need more training on the new equipment, especially regarding the role of the VVPAT. (Noted above).

Innovative Ideas:

Some poll workers provided creative solutions to what they perceived were problems they needed to overcome:

One poll worker made his own directional signs with arrows, larger than those provided by the county, to help voters spot the polling place from the street and to follow the signs from the street to the polling site.

- One poll worker used miniature flags placed alongside a long, curved walkway to guide voters to the polling place entrance in a hard-to-find location at the back of a building.

These observations were discussed with county officials. Prior to both elections, a memo was sent to all counties reminding them of the requirements for posting voter information signs and listing the signs that should be posted. Ideas used by counties to resolve problems were shared with other counties. Voter education campaigns were modified to help voters better understand the new equipment and procedures. Poll worker training concentrated on areas that needed attention. As a result, the election observers for the General Election saw a dramatic reduction in the number of incidents observed during the Primary.

Counties Participating in Election Day Observer Program November 2006 General Election:

Alameda*	Butte*	Contra Costa	Del Norte
Fresno	Humboldt	Imperial	Inyo
Kern	Lassen	Los Angeles*	Madera
Marin	Mendocino	Nevada	Placer
Plumas	Riverside*	San Diego*	San Joaquin
San Luis Obispo	Santa Barbara	Santa Clara	Shasta
Siskiyou	Solano	Stanislaus	Trinity
Tulare	Tuolumne	Yolo*	

*Also visited in June 2006 Primary Election

Overview:

Observer training was substantially the same for the General Election as it was for the Primary, with some modifications to give observers enhanced information about the various voting systems they would encounter and the use procedures required as part of the voting system certification. Observers also went to county poll worker training in their assigned county. Procedures and lists of what to observe were modified for ease of use and clarity, but were consistent in elements to observe. Half of the observers in November had served as observers in June and some were new to the experience. None were assigned to a county where they had previously served as an observer.

As during the June Primary, November's observers were very impressed with how smoothly the election ran. They commented on the professionalism, sensitivity and knowledge level of the volunteers. They noticed improvements in many areas. Both voters and poll workers were more comfortable with equipment and procedures, and despite the longer ballot and increased turnout (33.6% of registered voters in June; 56% in November), there were very few reports of long lines or extensive waiting to vote.

There was a noticeable improvement in posting the required signs, although some challenges in this area still exist. Finding suitable facilities to use as polling places has

always been a problem, and will continue to be one. Many counties consolidated several precincts in larger voting sites to address the issues of accessibility, ease of location, and adequate space for proper set-up. High school and college student poll workers participated in greater numbers than they had in June. Changes made to VVPAT printers and increased hands-on equipment training for poll workers reduced the number of paper jams. Fewer voters asked for “receipts” from the VVPAT printer.

Signs and Flags:

Many counties have adopted the freestanding easel or fold-out board for posting signs. Instead of having to post each of several required signs individually, all required indoor signs are pre-printed or mounted on a single folding board to stand on the floor or on a table in the entrance area to the polling place. This has worked well insofar as many facilities do not have suitable wall space for posting signs, and taping signs to the front of the poll worker tables blocks the signs from view as voters stand in front of them while signing the roster. It also ensures that poll workers do not forget to post all of the required signs.

Signs intended to be posted outside the polling place are still a challenge in some areas. These signs include a Polling Place sign, the 100-foot perimeter signs for “No Electioneering Beyond This Point,” and the American flag. Many counties still use one small sign for posting in front of the polling place. This can be difficult to see from the street, and does not help the voter find the polling place that may be located away from the street within a campus or at the back of a property. In some areas, it is virtually impossible to post the 100-foot perimeter signs. So many public buildings (schools, churches, government buildings, libraries, etc.) are surrounded by concrete or other hard surfaces used as sidewalks or parking lots that signs cannot be anchored in the ground. Also, some polling place entrances are close to a street or parking lot, and the signs would have to be located in the path of vehicular traffic. With more building facades being surfaced with concrete, and more doors being made of hard-surface synthetic materials, flags must be taped to the door or the front of the building, usually resulting in the flag falling to the ground. Poll workers will often move the flag indoors rather than dealing with the precarious posting.

Innovative solutions to outside signage were noted in San Diego and Kern counties in particular. At each site, San Diego County used several large bright yellow signs with black lettering and arrows to lead voters to the polling place entrance. The signs were approximately the same size (18” X 24”) and used the same type of metal spikes as a typical real estate open house sign. Each polling place had three or four signs and included information in all required languages. If one drove anywhere near a polling place in San Diego, they could easily find the entrance without having to look at street numbers. The bright yellow color improved their visibility at night. Because so many polling places in the City of San Diego are close to the street, the 100-foot limit sign is posted on the indoor signboard. The design of the sign draws the reader’s eye. The words “No Electioneering Within 100 Feet,” written in several languages, are accompanied by a graphic of large arrows pointing outward. There were no

electioneering incidents reported to the Secretary of State or observed in San Diego County.

Kern County posted large signs in several places outside each facility. The signs were either posted on a surface (chain link fence next to a sidewalk is one example) or mounted on a wooden stick anchored in the center of a tall traffic cone. The signs were printed in red, white and blue and showed an American flag at the top. Beneath the flag was “VOTE HERE” in dark blue letters above a bright red arrow that pointed toward the poll entrance.

Facilities:

Finding sufficient suitable, accessible facilities is always a problem for county voting officials. One practice that appears to be becoming more prevalent as the number of permanent absentee voters increases is that counties are consolidating several polling places at one facility. Large (usually public) facilities chosen for this purpose tend to be more accessible than smaller or private facilities. Also, having fewer polling places relieves some of the pressure to include unsuitable sites simply in order to have enough places.

This trend does not mean that all facilities that counties use for polling places meet the required standards. Sometimes counties have no choice but to include sites that are crowded, noisy, too hot or cold, or are inaccessible. In some counties, polling places that had been located in one suitable site for years were relocated when that site was no longer available. If the new site proved unsuitable for the next election, the precinct could be moved yet again. This happened in several counties, where voters appeared at the wrong place because they could not find the new location. In addition, some polling sites were relocated some distance away from the voters they served. In most instances, the county included information of the location change on the sample ballot, but voters did not pay attention, assuming that the place where they had voted for years would not be changed. In a very few instances, the change was made after the sample ballots had been mailed – too late for the county to notify the voters. This led to voter confusion. Fortunately, poll workers were adequately trained on the use of provisional ballots and were able to offer that option to voters who were unable to find the new polling place.

Unfortunately, problems related to the availability of appropriate polling place facilities will continue to exist, despite the best efforts of county elections officials. Curbside voting, precinct consolidation, absentee voting, accessibility modifications, and other creative solutions will remain as possible responses to facility-related shortcomings.

Staffing:

The ability of the counties to use high school or college students as poll workers was a big help during the November election. Several county officials expressed the hope that future Primary Elections could be held in March, April or May to avoid the manpower

shortage experienced in June. Using students to supplement the adult poll worker roster is also helpful in working with the new technology and with the heavier equipment.

San Joaquin County had serious staffing problems during the June Primary. Many polling places were understaffed, and the problem became severe and a public concern when some workers did not show up due to illness, traffic accidents, etc. For November, the Registrar of Voters succeeded in gaining approval of the Board of Supervisors to double the pay of poll workers in an attempt to attract more volunteers. Despite a threatened strike by San Joaquin County's workers in November (which was avoided when a judge issued a restraining order), the County did not experience those problems during the General Election.

Other counties reported better staffing levels in November and were very grateful to have the students to augment their poll worker pool. The students were generally reported to be hard workers and appeared to enjoy the experience.

Voting Systems:

There were even fewer voting system issues during the General Election. VVPAT printer jams were greatly reduced, due to some modifications made to the printers by some of the voting system vendors. There were still some paper jams, but most were the result of improperly loading the paper during set-up. The occurrence of this problem diminished as the day progressed and poll workers gained more experience and more confidence.

Similarly, ballot jams in the optical scanners were dealt with more easily as workers learned the techniques to clear the jams and ways to prevent jamming. In both types of equipment, the jams occurred less frequently than they had in June and were handled more quickly by the workers with fewer instances of needing assistance from the county rovers.

Voter Education:

Increased voter education paid off as well. Voters needed less assistance in many counties and seemed more willing to try the new equipment. There were fewer requests for receipts from the VVPAT printers than there were in June.

An area that still needs attention is the relocation of polling places, especially from one that has been used for years. Printing "Attention: New Polling Place" in large letters above the voter's address or in another prominent location on the sample ballot might be a possible solution, and would not be too difficult to do with existing mail processing technology.

There is still confusion about which voters need to show identification at the polls. Some voters were insistent that poll workers check their ID, even when it was not legally necessary. A few new voters failed to bring ID and had to vote a provisional ballot.

More can be done in voter education efforts about the use of the new equipment. Because the machines give the voter the ability to review previous screens, some voters were uncertain as to when they were finished casting ballots, even though all DRE's have a final confirmation screen.

An emerging problem is the use of cell phones in the polling place. Some voters used the phones to take pictures of the voting equipment. Others used the phones while they were voting. Reaction of poll workers varied. Some were able to tactfully tell the voter to turn off the phone and put it away. Others seemed uncertain as to how they should handle such situations.

Innovative ideas:

Creative answers to signage issues were very evident in the General Election, as described above. Other ideas included:

- One precinct used a wireless doorbell mounted on a post for disabled voters to use to notify poll workers of the need for curbside voting assistance.
- Poll workers suggested that having area maps available would be helpful in redirecting voters to their correct polling place.
- San Joaquin County had a polling place "lookup" volume at each site. Voters could look up their correct polling place address, if they had come to the wrong place.
- Some counties offered chairs to frail elderly voters to use when waiting in line to vote.
- Some counties allowed frail elderly to sit in chairs and vote at wheel chair booths, or they lowered the voting machine to chair level.
- Some counties posted "No Cell Phones" signs, thus removing the problem of photography, privacy/confidentiality, distractions, loud noises, and confusion over policies relating to the matter.

Conclusions:

Both the Primary and General Elections were very well run elections, especially in light of the new state and federal requirements. Despite the higher turnout and longer ballot, the General Election ran more smoothly and with fewer issues than did the Primary.

There are several explanations for this, all of which played a part:

- County poll workers and voters were more comfortable with the changes in equipment and procedures due to experience and increased education.
- More student workers were available, relieving some of the staffing recruitment pressures.
- More counties had more equipment. Some counties experienced some equipment shortages during the Primary due to vendors' inability to deliver complete orders (a problem caused by nationwide demand). The additional equipment allowed workers to swap out machines that had problems, as there were sufficient back-up machines.

- Counties profited from the experiences during and feedback from the primary. They were able to assess the challenging areas and to share their experiences and solutions with other counties.

Issues Needing Exploration and Resolution:

Many things have changed since some of the provisions of the California Elections Code were enacted. Issues needing consideration and exploration include:

- Cell phones were not a problem in the past, but are emerging as an item that needs attention, either in terms of legislation or statewide policy direction.
- Building materials have changed. Tacks and nails are no longer an option for posting an American Flag outside the polling place, if no pole is available. Tape does not work on the new hard surfaces, especially if hit by the full sun.
- In some areas, it simply is not possible to post the “No electioneering beyond this point” at exactly 100 feet from the polling place because of concrete or restrictions on the property. Freestanding signs should be considered for use by all counties.
- As the need for more polling places in crowded urban areas grows, some less desirable facilities may have to be utilized. More flexible options for facilities and precinct sizes may need to be evaluated.
- In smaller rural areas, many facilities are not accessible for voters with disabilities, and counties do not have the option to choose facilities that are. The existing California HAVA funding formulas do not provide sufficient funding allocations to those counties to help them overcome this problem by performing modifications and enhancement tools to bring facilities into compliance.

In conclusion, while areas emerged in which there should be improvement, mostly in terms of training, education and facility use/availability, no significant deficiencies were identified by the unprecedented observation of the 2006 election cycle. California’s more than 15 million registered voters were well served by elections professionals in fifty-eight counties and tens of thousands of essential volunteer poll workers.