



Election Day Observations

California Poll Observer Report for the November 6, 2012 Presidential Election

Background

Election Integrity Project, Inc. (“EIP”) is a non-partisan citizen volunteer organization whose mission is to advocate for fair and honest elections in California. EIP conducts workshops across the state to train poll observers in the election process consistent with state and federal election law and the peculiarities of each California county. Observers are trained to document incidents in an evidentiary manner to support quantification and accuracy of findings for disclosure to elections officials, legislators and the public.

Overview

On November 6, 2012, Election Integrity Project deployed Poll Observers to polling places throughout California. This report is an analysis of 1,740 incidents recorded that day by 469 of EIP’s Poll Observers who observed over 650 precincts in in the following 21 counties: Los Angeles, San Diego, Riverside, San Bernardino, Ventura, Orange, Santa Barbara, Fresno, Kern, Stanislaus, San Joaquin, Sacramento, Monterey, Placer, Shasta, Alameda, Contra Costa, Santa Clara, Solano, Tulare and Nevada.

Interestingly, in a state of over 100,000 poll workers, 25,000 precincts and over 13 million ballots cast, California’s Secretary of State Debra Bowen deployed just eight poll observers to seven counties. The report of their findings can be found [here](#). Its finding that, “... only a few problems were encountered by voters and poll workers on election

The SOS report states that 'only a few problems were encountered by voters and poll workers on election day,' while EIP recorded serious problems with poll worker training, non-compliance with election laws and a high frequency of equipment malfunctions.

day” conflicts with EIP’s general finding suggesting that there were “many” as opposed to “few” problems encountered by voters and poll workers.

EIP’s Poll Observers recorded serious problems with poll worker training, non-compliance with state and federal election laws and a disturbingly high frequency of voting equipment malfunctions as well as voter registration issues. These incidents occurred across all the counties monitored and are summarized in the table that follows. Note that this table is an aggregate at the state level.

Key Findings

1 Insufficient poll worker training: EIP Poll Observers documented a serious lack of poll worker knowledge of basic election laws and procedures across the counties they monitored. Specific areas include: voter check-in, provisional and vote-by-mail ('VBM') voting, voter assistance, privacy, polling place management and observer rights. It appeared efficiency of processing voters trumped "the letter of the law" in California poll worker training/implementation. [HAVA violation, EC §12309.5]

2a Failure to require and/or repeat voter's name and address at check-in: In a state with neither voter photo ID nor a statewide voter registration database, a poll worker asking for and audibly repeating the voter's name and address is California's only law that helps prevent voter impersonation. Nonetheless, it was the #1 individual violation, with 333 recorded incidents. Despite written complaints to Election Officials after the June 2012 Primary election, poll workers continued to ignore this statute, even when questioned about this practice by Poll Observers on Election Day. [EC § 14216]

2b Voters not writing address in check-in roster: After stating their name and address, voters are required to write their name and address on the roster. At least two counties (San Diego and Los Angeles) now pre-print the voter's address in the sign-in roster, removing an important deterrent to voter impersonation. [EC § 14216]

➤ Given lack of compliance with the check-in law, EIP believes that there is currently no effective practice deterring voter impersonation at California polling places.

3 Voting equipment malfunctions: This was the second most common individual incident with 72 recorded occurrences. Many malfunctions were not resolved in a timely manner. [EC §§ 19220, 19221]

➤ Given EIP's finding of a high incidence of equipment failure, EIP has concerns about the frequency and quality of the state's voting equipment inspection process. [EC §§ 19220, 19221]

4 Poll worker failure to follow laws after questions: EIP Observers documented 71 incidents where poll workers continued to ignore election statutes after being questioned by Poll Observers about their practice being inconsistent with the laws, or after being reminded of the proper practice

by a member of the election official's staff. [HAVA violation, EC § 12309.5]

5 Chaotic conditions: A high level of provisional ballot voting along with poor staging and management of voting areas led to chaotic conditions at many polling places. The chaos appeared partly due to poll worker training inadequacies. In addition, there was sometimes confusion about which polling place to attend. Some voters were directed by their sample ballot to one location, but were actually supposed to be present somewhere else. Crowding, confusion and long lines were reported, and sometimes there were not sufficient poll workers present. Some polling places were too small and some with multiple precincts did not differentiate the precincts well enough, causing voter confusion and frustration. Adding to the chaos, election officials sometimes sent insufficient, incomplete or incorrect materials to the polls. There were numerous reports of election officials' inaccessibility by phone. [EC §§ 14102, 14105, 14299]

6 Failure to update and/or post the street index: Under these circumstances, the required regular updating and posting of the street index appeared to have held a lower priority than processing voters. Failure to regularly update the index had 68 reported occurrences. [EC §§ 14294, 14297, 14298]

7 Voter registration problems: These included voters not on the roster, inaccurate and out-of-date voter lists, and poor communication about polling place locations. There were 12 reports of non-VBM voters whose voting method was changed to VBM without their consent, who did not receive a VBM ballot and who, as a consequence, were required to cast a Provisional ballot.

8 Excessive Provisionals issued: Overall, EIP found a high proportion of Provisional ballots were issued, primarily due to voter registration problems. Excessive Provisionals caused long lines and premature depletion of Provisional materials in several instances. When Provisional materials ran out, affected precincts conducted more Provisional voting on machines than normal. This caused long waits, especially (as noted in 3. above) when machines repeatedly broke down and required repair.

9 Provisionals issued in violation of federal and state statutes: EIP Poll Observers documented 23 cases of persons admitting they were either not registered anywhere or registered

outside the jurisdiction (another county, another state) yet they were offered Provisional ballots in violation of law. This was especially prevalent in college-area precincts. In addition to insufficient poll worker training on the matter, the Secretary of State's office had incorrectly communicated to the Registrars that "every person has a right to cast a provisional ballot for any reason" (rather than highlighting that the requirement applies only to a qualified voter registered in the jurisdiction). This may have led to the indiscriminate issuance of Provisionals ([click here](#) for the SOS October 26, 2012 Memorandum). [EC § 14310, HAVA SEC. 302]

➤ Unqualified voters encouraged to cast a Provisional ballot commit perjury when they attest in writing that they are registered in the jurisdiction. These voters may also be disenfranchised since they cast a worthless vote instead of being directed to their proper jurisdiction.

10 Failure to follow assisted voter law: The assisted voter oath helps protect vulnerable citizens from coercion, yet it was rarely applied consistently. There were 48 reported incidents of elderly, infirm or language-impaired voters given unfettered—possibly coercive-- assistance without completing the required oath and paperwork. [EC §§ 14282, 14283]

11 Third party-delivered VBMs not checked for required information: California's Elections Code requires that third party (aka authorized agent)-delivered VBM ballots contain certain information on the envelope. The voter is required to write the third party's name and relationship to the voter, authorizing the third party to deliver the ballot. In addition, the third party is required to sign the envelope. However, there were a substantial number of incidents where third-party delivered VBMs were not checked for these requirements before being deposited. Despite written complaints to Election Officials after the June 2012 Primary election, poll workers continued to ignore this process, even when the process was questioned by Poll Observers on Election Day. [EC §§ 3011(a) (9)(10)(11); 3017(a)(d)(e)]

12 Voter privacy violations: 100 total incidents were reported, including no privacy sleeves offered, insufficient booths and voting at open tables among crowds. [EC §§ 14110, 14275, 14276]

13 Electioneering violations: Since many voters are unaware of what "electioneering" means, some "accidental"

electioneering is to be expected. However, poll workers permitted numerous incidents of unauthorized electioneering conduct where voters were permitted to wear t-shirts or buttons after the workers were questioned by EIP Observers about their knowledge of the electioneering law. EIP Observers even recorded incidents of poll workers discussing politics in the voters' presence. [EC §§ 319.5, 18370]

14 Denial of observer rights: EIP Poll Observers experienced a high degree of inappropriate treatment from some poll workers, including hostility, verbal challenges and denial of access (64 total incidents). Poll workers' attempts to deny access to Observers underscores their lack of sufficient training in election law and proper polling place conduct. [EC §§ 2300 (9)(A)(B) (10); 14211]

15 Suspicious behavior: There were 36 reports of suspicious behavior, including the appearance of a person voting twice, election officials who wrote lists for GOTV workers, and a voter not knowing her own address. [EC § § 18500, 18502, 18540, 18541]

16 "Election Protection" issues: Members of a group called "Election Protection Project" were present at some polling places with the purported mission to protect voters from intimidation by Poll Observers. Instead, EIP documented that some Election Protection personnel disrupted polling places, sat at a poll worker table and were overly engaging with voters, poll workers and our Poll Observers. [EC §§ 18502, 18540, 18541]

Summary Table of Election Day Incidents - California

The table below summarizes 1,740 Incident Reports from 21 counties in the November 6, 2012 General Election. We have grouped them into major categories and are indicating, for each, the relevant 2012 Elections Codes.

Check-in Violations	# of Incident Reports
Poll worker not requiring and/or repeating voter's name and/or address* [EC§14216]	333
First-time voter not asked to show ID [CCR Title 2 § 20107 (d)(1) (d)(2)]	11
Voter not asked to sign the roster [EC § 14216]	3
Check-in Violations - other	3
<i># of Total Incident Reports</i>	350
<i>% of Total Incident Reports</i>	20%
Polling Place Management/Voting Equipment/Roster	# of Incident Reports
Voting equipment malfunctions [EC §§ 19220, 19221]	72
Street Index not updated and/or placed near entrance to polling place [EC §§ 14202, 14294, 14297, 14298]	68
Chaos, long lines at polling place [EC § 14110]	39
Registrar-caused supply problems/Registrar office inaccessible for questions [EC § 14102, 14299]	25
Poor management of voting area/crowding [EC § 14110]	19
Insufficient number of poll workers present [EC § 14220]	18
Food & beverages in the presence of voters	13
Poll workers not wearing identification badges [EC § 14105(I)]	13
Voters allowed to talk on cell phones	13
Polling place not opened at 7:00am [EC § 14212]	12
Required signs not posted [EC §§ 14105q, 14105.3, 14201]	9
Location signs not posted correctly/location hard to find [EC § 14105(f)]	7
Polling Place Issues - other	26
<i># of Total Incident Reports</i>	334
<i>% of Total Incident Reports</i>	19%

* Represents multiple violations at same polling place but not recorded separately.

Ballot Management Issues [HAVA Violations]	# of Incident Reports
Excessive number of Provisional ballots issued*	44
Dropped-off VBM's not checked for signatures/filled out properly [EC § 3017]	33
Provisional ballots given to out of county/out of state/unregistered voters [EC § 14279]	23
Regular/Provisional/VBM ballots left unattended/not properly secured/placed in vulnerable locations [EC §§ 14211, 14215]	19
Ballot boxes not shown to be empty, closed & sealed before opening [EC § 14215]	16
Ran out of ballots* [EC §§ 14102, 14103, 14299]	14
Provisional ballot fed directly into ballot reader or ballot box instead of being placed in envelope [EC § 14310 (b)]	12
Voter given Provisional ballot after surrendering VBM Ballot & envelope [EC § 3016]	12
Two poll workers did not accompany ballots to collection center [EC § 14434]	12
Provisional envelopes ran low/ran out/not available* [EC §§ 14102, 14103]	11
Ballots put in wrong box [EC §§ 12309.5, 14277]	11
Ballot not put into the machine or ballot box after voter voted [EC § 14277, 14293]	10
Count in the ballots at closing different than index count [EC § 14420(b)]	9
VBM voter given regular ballot without surrendering VBM ballot & envelope [EC §§ 3016, 12309.5(a)(8)]	8
Voter given incomplete ballot or extra ballot [EC § 14278]	7
Ballot box/voting booths not in plain view [EC §§ 14211, 19362]	7
Third party agent delivered one or more unsigned VBM ballots [EC § 3017]	7
Voter denied right to vote provisionally* [EC § 14310]	6
Poll worker failed to give voter ballot stub receipt [EC § 14277]	6
Poll worker accepts VBM ballot from another county [EC § 3020]	6
Failure to mark spoiled ballots [EC § 14290]	6
Poll worker not advising voter to go to assigned precinct so they can vote w/regular ballot [EC § 14279]	4
Poll worker not printing voter's name in Provisional roster	4
Regular ballot given to out of county/out of precinct voter [EC § 14279]	4

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Voters arriving after closing time (8pm) allowed to vote [EC § 14402]	2
Ballot Management - other	13
<i># of Total Incident Reports</i>	306
<i>% of Total Incident Reports</i>	18%

Poll Worker Training/Qualifications [HAVA Violations]	# of Incident Reports
Refusal to follow election codes after practices were questioned*	71
Unfamiliar with VBM & Provisional voting procedures* [EC §12309.5 (a)(8)]	67
Unfamiliar with operation of voting systems/voting process* [EC § 12309.5 (a)(3)]	50
Unqualified poll workers - confused, illiterate, disruptive, etc. [EC § 12316]	26
Unfamiliar with relevant election laws* [EC § 12309.5(a)(5)]	20
Poll worker leaves & does not return [EC § 12314]	4
Inspectors unwilling to follow election code because Registrar told them to allow everyone to vote*	3
PW Training/Qualifications - other	4
<i># of Total Incident Reports</i>	245
<i>% of Total Incident Reports</i>	14%

Voter Privacy	# of Incident Reports
Ballot secrecy jeopardized-no secrecy sleeves/voting on tables, etc.* [EC §§ 14110, 14275, 14276, 14277]	57
Insufficient or no voting booths available* [EC § 14110]	36
Voter Privacy - other	7
<i># of Total Incident Reports</i>	100
<i>% of Total Incident Reports</i>	6%

Voter Assistance/Disabled Voter Issues	# of Incident Reports
Failed to require assistance oath/failed to maintain assisted voter list [EC §§ 14107, 14282, 14283]	48
Assistance activity among voters	34
No audio booth for disabled [EC § 19227]	6

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Poor access for disabled voters [EC § 14282]	6
Workers lacked knowledge of disabled voter issues [EC § 12309.5(a)(7)]	3
No voters with disabilities booth [EC § 14282]	2
Voter Assistance/Disabled Voter issues - other	0
<i># of Total Incident Reports</i>	99
<i>% of Total Incident Reports</i>	6%

Voter Registration Issues [HAVA, NVRA Violations]	# of Incident Reports
Voter list not up to date/inaccurate* [EC § 2168, 14202; NVRA; HAVA]	20
Registered voter not on the roster/database and forced to vote provisionally [EC § 14217]	18
Voter not a VBM voter/preference changed without knowledge/forced to vote provisionally*	12
VBM voter did not receive VBM ballot and forced to vote provisionally*	9
Registrar sent voters to wrong polling place via card or sample ballot	7
Voter received more than one VBM or sample ballot in the mail	3
Voter registered to vote at DMV or govt. office but not on list/DMV or govt. office registration has errors	3
On-line registration errors*	3
Voter Registration Issues - other	20
<i># of Total Incident Reports</i>	95
<i>% of Total Incident Reports</i>	6%

Electioneering	# of Incident Reports
Political candidate buttons, T-shirts, signs on walls, etc. observed [EC §§ 319.5, 14105.5, 18370]	43
Poll workers permit electioneering [EC § § 319.5, 18370, 18546]	14
Illegal election discussion in voters presence [EC § 18370]	12
Did not post 100 foot “no electioneering zone” marker	4
Electioneering - other	2
<i># of Total Incident Reports</i>	75
<i>% of Total Incident Reports</i>	4%

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Denial Of Observer Rights	# of Incident Reports
Inappropriate behavior toward Poll Observer [EC § 2300]	25
Denied access at opening or closing the polls [EC § 2300 (9)(A)(B) (10)]	15
Right to observe election process denied other than at opening, closing [EC § 2300 (9)(A)(B) (10)]	11
'Election Protection' or other groups: treatment of Poll Observers*	4
Forced to stand where observing was made difficult [EC § 2300, 14211]	4
Denial of Observer Rights - other	5
<i># of Total Incident Reports</i>	64
<i>% of Total Incident Reports</i>	4%

Corruption Of The Process/Voter, Poll Worker Treatment	# of Incident Reports
Suspicious behavior: appearance of multiple voting, voter not knowing own address, clerks writing lists for GOTV workers, etc. [EC §§ 18500, 18502, 18540, 18541]	36
'Election Protection' or other groups: treatment of poll workers, voters* [EC §§ 18502, 18540, 18541]	7
Voter/Poll Worker treatment - other [EC § 18540, 18541]	3
Corruption of the Voting Process - other	12
<i># of Total Incident Reports</i>	58
<i>% of Total Incident Reports</i>	3%

All Other	# of Incident Reports
Other - unique issue not on list	14
<i># of Total Incident Reports</i>	14
<i>% of Total Incident Reports</i>	1%

Total Incidents	
<i># of Total Incident Reports</i>	1740
<i>% of Total Incident Reports</i>	100%

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